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Tuesday  
September 5, 1989

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# Tejshigra Ishtakari

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Tuesday  
September 5, 1989

# Federal Register

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  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
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### ATLANTA, GA

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- WHEN:** September 25; at 9:00 a.m.  
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 First Floor Conference Room  
 1100 L Street NW., Washington, DC
- RESERVATIONS:** 202-523-5240



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## DEPARTMENT OF AGRICULTURE

### Federal Grain Inspection Service

#### 7 CFR Part 801

#### Official Performance Requirements for Grain Inspection Equipment

**AGENCY:** Federal Grain Inspection Service, USDA.

**ACTION:** Interim final rule.

**SUMMARY:** To maintain accuracy of field instruments in performing official inspection services, the Federal Grain Inspection Service (FGIS) is amending the regulations under the United States Grain Standards Act, as amended (USGSA) to include maintenance tolerances for near-infrared spectroscopy (NIRS) instruments used in testing soybeans for oil and protein content.

**DATES:** Effective September 4, 1989; written comments must be submitted on or before November 6, 1989.

**ADDRESSES:** Comments must be submitted in writing to Lewis Lebakken, Jr., Resources Management Division, USDA, FGIS, Room 0628 South Building, P.O. Box 96454, Washington, DC, 20090-6454. Telemail users may respond to [IRSTAFF/FGIS/USDA] telemail. Telex users may respond as follows: to Lewis Lebakken Jr., TLX:7607351, ANS:FGIS UC. Telecopy users may respond to the automatic telecopier machine at (202) 447-4628.

All comments received will be made available for public inspection at Room 0628 South Building, 1400 Independence Avenue, SW., Washington, DC, 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:

#### Executive Order 12291

This interim 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 interim rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of the official inspection and weighing services and those entities that perform those services do not meet the requirements for small entities.

#### Action

In the Federal Register of August 16, 1989 (54 FR 33702) FGIS announced that soybean oil and protein testing would be included as official criteria under the USGSA (7 U.S.C. 71 *et seq.*) effective September 4, 1989. In providing official service upon a request basis, approved near-infrared spectroscopy (NIRS) equipment, including both near-infrared reflectance and near-infrared transmittance equipment, would be used in performing these tests.

Accordingly, FGIS is amending § 801.7 of the regulations (7 CFR 801.7) under the USGSA to include maintenance tolerances for the NIRS equipment used in the testing of soybeans for oil and protein content. Maintenance tolerances allow FGIS to maintain consistent accuracy of field instruments in performing official inspection services. The maintenance tolerance for the NIRS instruments used in performing official inspections for determination of soybean oil shall be  $+/-0.20$  percent, mean deviation from standard solvent extraction; and for determination of protein content shall be  $+/-0.20$  percent, mean deviation from standard Kjeldahl. The appropriateness of these values was verified in field testing by FGIS.

Presently, § 801.7 of the regulations includes maintenance tolerances for the instruments used in the analysis of wheat for protein content, which is an official criteria under the USGSA. As a result, § 801.7 of the regulations will be renamed and the text expanded to

include instrument maintenance tolerances for both the wheat protein instruments and the soybean oil and protein instruments. In addition, the provision for NIRS wheat protein analyzers would be revised to correspond to language that appears in the provision for NIRS soybean oil and protein analyzers.

Pursuant to 5 U.S.C. 553, it is found and determined that, upon good cause, it is impracticable, unnecessary, and contrary to the public interest to give notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) FGIS has determined as announced in the August 16, 1989, Federal Register (54 FR 33702) that soybean oil and protein content testing should be available as official criteria under the USGSA, upon a request basis, beginning September 4, 1989; (2) the maintenance tolerances for NIRS equipment also should be made effective on that date; (3) the soybean harvest is expected to begin in early to mid-September; and (4) a comment period until November 6, 1989, is provided.

#### List of Subjects in 7 CFR Part 801

Exports, Grains.

For reasons set out in the preamble, 7 CFR part 801 is amended as follows:

#### PART 801—OFFICIAL PERFORMANCE REQUIREMENTS FOR GRAIN INSPECTION EQUIPMENT

1. The authority citation for part 801 continues to read as follows:

Authority: Pub. L. 94-582, 90 Stat. 2967, as amended (7 U.S.C. 71 *et seq.*).

2. Section 801.7 is revised to read as follows:

#### § 801.7 Tolerances for near-infrared spectroscopy (NIRS) analyzers and Kjeldahl analyzers.

(a) *NIRS Wheat Protein Analyzers.* The maintenance tolerance for the NIRS analyzers used in performing official inspection for determination of wheat protein content shall be  $+/-0.15$  percent, mean deviation from standard Kjeldahl.

(b) *NIRS Soybean Oil and Protein Analyzers.* The maintenance tolerance for the NIRS instruments used in performing official inspections for



determination of soybean oil shall be  $\pm 0.20$  percent, mean deviation from standard solvent extraction; and for determination of protein content shall be  $\pm 0.20$  percent, mean deviation from standard Kjeldahl.

(c) *Kjeldahl*. The maintenance tolerance for Kjeldahl analyzers used in performing official inspection services shall be  $\pm 0.15$  percent, standard deviation.

Dated: August 25, 1989.

D. R. Galliard,

Acting Administrator.

[FR Doc. 89-20871 Filed 9-1-89; 8:45 am]

BILLING CODE 3410-EN-M

## Agricultural Marketing Service

### 7 CFR Part 910

[Lemon Reg. 681]

#### Lemons Grown in California and Arizona, Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** Regulation 681 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 300,000 cartons during the period September 3 through September 9, 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 681 (7 CFR Part 910) is effective for the period September 3 through September 9, 1989.

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

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

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

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

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

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

This regulation is consistent with the California-Arizona lemon marketing policy for 1989-90. The Committee met publicly on August 29, 1989, in Los Angeles, California, to consider the current 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 provision 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:** Sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 910.981 is added to read as follows:

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

#### § 910.981 Lemon Regulation 681.

The quantity of lemons grown in California and Arizona which may be handled during the period September 3, 1989, through September 9, 1989, is established at 300,000 cartons.

Dated: August 30, 1989.

Charles R. Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 89-20771 Filed 8-31-89; 8:45 am]

BILLING CODE 3410-02-M

### 7 CFR Part 1036

[Docket No. AO-179-A52; DA-88-113]

#### Milk in the Eastern Ohio-Western Pennsylvania Marketing Area; Order Amending Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This action changes the classification provisions of the Eastern Ohio-Western Pennsylvania milk order based on industry proposals considered at a public hearing held November 1, 1988. The classification of milk used to make buttermilk biscuit and pancake mixes is changed from Class I to Class III, eliminating raw product cost differences for milk so used between the Eastern Ohio-Western Pennsylvania order and surrounding Federal order markets. The requirement that handlers obtain prior approval from the market administrator if milk dumped at the plant is to be classified as Class III is eliminated. These changes are necessary to reflect current marketing conditions and maintain orderly



marketing in the Eastern Ohio-Western Pennsylvania marketing area.

More than two-thirds of the producers whose milk was pooled under the Eastern Ohio-Western Pennsylvania order in April 1989 and who voted in a referendum approved the issuance of the amended order.

**EFFECTIVE DATE:** October 1, 1989.

**FOR FURTHER INFORMATION CONTACT:**

Constance M. Brenner, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 447-7183.

**SUPPLEMENTARY INFORMATION:** Prior documents in this proceeding:

Notice of Hearing: Issued October 13, 1988; published October 18, 1988 (53 FR 40733).

Recommended Decision: Issued April 13, 1989; published April 18, 1989 (54 FR 15413).

Final Decision: Issued July 20, 1989; published July 25, 1989 (54 FR 30898).

**Findings and Determinations**

The findings and determinations hereinafter set forth supplement those that were made when the Eastern Ohio-Western Pennsylvania order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

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

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area; and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid

factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

**List of Subjects in 7 CFR Part 1036**

Dairy products, Milk, Milk marketing orders.

**Order Relative to Handling**

It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

**PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA**

1. The authority citation for 7 CFR part 1036 continues to read as follows:

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

2. Section 1036.40 is amended by revising paragraphs (c) (1) and (3) to read as follows:

**§ 1036.40 Classes of utilization.**

\* \* \* \* \*

(c) \* \* \*

(1) Skim milk and butterfat used to produce butter, cheese (excluding cottage cheese and cottage cheese curd), evaporated or condensed milk or skim milk (plain or sweetened) in a

consumer-type package, any concentrated milk product in bulk, fluid form used to produce Class III products, nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, buttermilk biscuit and pancake mixes, any product containing six percent or more nonmilk fat (or oil) and sterilized products (except fluid cream products and those products listed in paragraph (b)(3) of this section) in hermetically sealed glass or metal containers;

\* \* \* \* \*

(3) Skim milk and butterfat in fluid milk products, fluid cream products and products listed in paragraph (b)(3) of this section that are dumped by a handler who maintains adequate records of such use and notifies the market administrator of such use on the next business day following such use.

Signed at Washington, DC, on: August 30, 1989.

Jo Ann R. Smith,  
Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 89-20772 Filed 9-1-89; 8:45 am]

BILLING CODE 3410-02-M

**DEPARTMENT OF JUSTICE**

**Immigration and Naturalization Service**

**8 CFR Part 204**

[INS No. 1049-89]

RIN 1115-AA76

**Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant**

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule implements section 101(b)(1)(D) of the Immigration and Nationality Act as amended by the Immigration Reform and Control Act of 1986 (Pub. L. 99-603), which recognizes the relationship between a biological father and his illegitimate child for immediate relative and preference petitioning purposes. It also establishes procedures for filing for immigration benefits based on this relationship. This will assist Service administration and public understanding on the documentary evidence necessary to establish that a bona-fide parent/child relationship exists or existed between a natural father and his illegitimate child.

**EFFECTIVE DATE:** September 5, 1989.

**FOR FURTHER INFORMATION CONTACT:** Yolanda Sanchez-K., Senior



Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536, (202) 633-5014.

**SUPPLEMENTARY INFORMATION:** On March 17, 1989, the Immigration and Naturalization Service published in the *Federal Register* (54 FR 11160) an interim rule to amend 8 CFR 204.2(c)(3), (4), and (5) to provide guidance on eligibility criteria under this section, as well as identify acceptable documentary evidence to support one's claim to eligibility.

Under prior regulation and statute, fathers of out-of-wedlock children were not eligible to petition for or be petitioned by their children. With the passage of Public Law 99-603, the Immigration Reform and Control Act of 1986, fathers may now petition for or be petitioned by their illegitimate children if they establish that a bona-fide parent-child relationship exists or existed and if otherwise eligible. To implement this provision under IRCA, the Service has promulgated this rule which provides guidelines on identification of a natural father and procedures for filing for immigration benefits under this section.

During the comment period, the Service received two comments. Both commentators recommended technical changes to the interim rule which have been considered and incorporated into the final rule.

One commentator pointed out that the interim rule does not address cases in which a father legitimates a child. It was recommended that the final rule distinguish between the filing of a petition on behalf of an illegitimate child and a legitimated child. The Service agrees that a distinction is necessary and has amended the final rule accordingly.

The second commentator requested that, for brother/sister relationships, the final rule be amended to require evidence which evinces or evinced an active parental concern only where the "common parent" is the father who "fathered" the out of wedlock child. The interim rule appears to omit qualified brothers and sisters where the "common parent" is the mother; and, consequently evidence that an active concern for the child's support is/has been evinced is not required under the Act as amended. The final rule is amended to reflect this recommendation.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule does not have a significant economic impact on a substantial number of small entities. This is not a major rule within the meaning of section

1(b) of E.O. 12291, nor does this rule have federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

This amendment is a substantive rule that recognizes and implements the amendment to INA section 101(b)(1)(D) that removed the restriction on approval of alien relative visa petitions based on the relationship between a man and his out-of-wedlock child. Therefore, it is not necessary to delay the effective date until at least 30 days after publication in the *Federal Register* (5 U.S.C. 553(d)(1)).

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act under control number #1115-0054.

#### List of Subjects in 8 CFR Part 204

Administrative practice and procedures, Petition, Reporting and recordkeeping requirements.

Accordingly, part 204 of chapter 1 of title 8, Code of Federal Regulations, is amended as follows:

#### PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

1. The authority citation for part 204 continues to read as follows:

Authority: 66 Stat. 166, 173, 175, 178, 179, 182, 217, 100 Stat. 3537; 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1186a, 1255, and 8 CFR part 2.

2. In § 204.2 paragraphs (c)(3) through (5) are revised to read as follows:

#### § 204.2 Documents.

\* \* \* \* \*

(c) \* \* \*

(3) *Petition for child.* (i) If a Form I-130, "Petition for Alien Relative", is submitted to the Service by a mother in behalf of a child, regardless of the child's age, the birth certificate of the child showing the name of the mother must accompany the petition. If a petition is submitted by a father in behalf of a legitimate child or by a stepparent in behalf of a stepchild, regardless of the child's age, a certificate of marriage of the parents, proof of legal termination of their prior marriages, and the birth certificate of the child must accompany the petition. If the petition is submitted by a father in behalf of a legitimated child, regardless of the child's age, evidence of the legitimation which must have occurred prior to the child's eighteenth birthday, proof of legal termination of parent's prior marriages if legitimation resulted from the natural parents' marriage to each

other, and the birth certificate of the child must accompany the petition. If the petition is submitted by the purported father of a child born out-of-wedlock, regardless of the child's age, the father must establish that he is the natural father and that a bona fide parent-child relationship exists or has existed. Such a relationship exists or has existed where the father evinces or has evinced an active concern for the child's support, instruction, and general welfare. Furthermore, the parent-child relationship must be or have been established while the child is or was unmarried and under twenty-one (21) years of age. Once established, benefits may be sought at a later date pursuant to section 201(b) or 203(a) of the Act, provided that all other eligibility criteria under the appropriate section have been met and that a parent-child relationship exists or has existed. Evidence to establish that the petition is the child's natural parent may include, but is not limited to the following:

(A) The beneficiary's birth certificate or religious documents relating to birth or baptism of the beneficiary;

(B) Local civil records;

(C) Affidavits from knowledgeable witnesses, and/or;

(D) Evidence of financial support of the child by the putative father.

(ii) The district director may require a specific Blood Group Antigen Test to be conducted of the petitioner, beneficiary and beneficiary's mother on Form G-620. If the Specific Blood Group Antigen Test does not exclude paternity and the district director determines additional evidence is needed, a Human Leucocyte Antigen (HLA) test may be required. Such blood tests will be conducted, at the expense of the petitioner or beneficiary, by the United States Public Health Service or by a qualified medical specialist designated by the District Director. Refusal to submit to a Specific Blood Group or HLA blood test when required may constitute a basis for denial of the petition.

(4) *Petition for a brother or sister.* If a sibling relationship is claimed through a common mother, the petition shall be supported by a birth certificate of the petitioner and a birth certificate of the beneficiary showing a common mother. If the petition is on behalf of a brother or sister having a common father and different mothers, the birth certificate of the petitioner and the birth certificate of the beneficiary showing a common father along with the marriage certificate (if applicable) of the petitioner's parents, the marriage certificate (if applicable) of the beneficiary's parents, and proof of the



legal termination of the parents' prior marriages, if any, must accompany the petition. If either the petitioner or the beneficiary is a child born out-of-wedlock and the common parent is the father, evidence to establish legitimation prior to the child's eighteenth birthday or evidence that the father and child have or had a bona fide parent-child relationship as described in paragraph (c)(3) of this section for a child born out-of-wedlock must accompany the petition.

(5) *Petition in behalf of a parent.* If a petition is submitted in behalf of a mother, the petitioner's birth certificate showing the name of the mother must accompany the petition. If a petition is submitted in behalf of a father of a legitimate child or a stepparent, the petitioner's birth certificate and the marriage certificate of his or her parent (if applicable) and stepparent must accompany the petition, as well as proof of the legal termination of their prior marriages, if any. If a petition is submitted in behalf of a father of a legitimated child, the petitioner's birth certificate and evidence of the petitioner's legitimation which must have occurred prior to his or her eighteenth birthday must accompany the petition. If legitimation was based on the natural parents' marriage to each other, evidence of the legal termination of the parents' prior marriages, if any, must also accompany the petition. If a petition is submitted by a petitioner born out-of-wedlock on behalf of his or her natural father, evidence to establish that the beneficiary is the petitioner's natural parent as described in paragraph (c)(3) of this section for a child born out-of-wedlock, and evidence that a parent-child relationship exists or has existed, must accompany the petition.

\* \* \* \* \*

Dated: August 18, 1989.

Richard E. Norton,

Associate Commissioner, Examinations,  
Immigration and Naturalization Service.

[FR Doc. 89-20722 Filed 9-1-89; 8:45 am]

BILLING CODE 4410-10-M

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

#### 9 CFR Part 310

[Docket No. 86-012-F]

RIN 0583-AA48

#### Use of Air During Slaughter Operations

AGENCY: Food Safety and Inspection Service, USDA.

#### ACTION: Final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to provide for the approval of several procedures which have been field tested and found acceptable for the inflation of carcasses and parts of carcasses with compressed air injected during dressing operations to facilitate head skinning and the removal of hides and foot hair. Two comments were received in response to the proposal. After careful consideration of the comments received, FSIS is adopting the proposal as published. This action will permit the use of these voluntary alternate procedures for use during slaughter operations in official establishments without requiring further testing or additional written approval.

**EFFECTIVE DATE:** October 5, 1989.

**FOR FURTHER INFORMATION CONTACT:** Dr. Jill Hollingsworth, Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3219.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12291

The Administrator has determined in accordance with Executive Order 12291 that this rule is not a "major rule." It will not result in an annual effect on the economy of \$100 million or more. There will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and it will not have a significant effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule will provide official slaughtering establishments with voluntary alternate procedures for use during slaughter operations, by permitting approved methods of injecting compressed air to facilitate head skinning and the removal of hides and foot hair.

##### Effect on Small Entities

The Administrator has determined that this rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Public Law 96-354 (5 U.S.C. 601). The rule will relieve a current regulatory restriction with respect to the use of air injection into carcasses and parts of carcasses; and, it will provide all official

slaughtering establishments with voluntary alternate procedures for use during slaughter operations, by permitting approved methods of compressed air injection without imposing additional requirements.

#### Paperwork Requirements

This rule will require that establishment which would like to test new procedures for the use of air, submit a request to FSIS for approval. (This paperwork requirement will be submitted to the Office of Management and Budget for approval under control number 0583-0015).

#### Background

Section 310.13 of the Federal meat inspection regulations (9 CFR 310.13) provides, in part, that carcasses or parts of carcasses shall not be inflated with air. The original intent in disallowing the use of air was to aid in the prevention of adulterated carcasses or parts of carcasses. In particular, the insanitary use of injected air may contaminate the carcass or part or mask abnormal conditions. Section 1(m)(4) of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601(m)(4)) provides that any carcass, part thereof, meat or meat food product is adulterated "if it has been prepared \* \* \* under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; \* \* \* If the air were unclean or if there were a contaminated injection procedure, the carcass might become contaminated. Additionally, it was believed that the presence of air in subcutaneous tissues could mask an abnormal condition such as a gas-producing bacterial infection. Section 1(m)(8) of the FMIA (21 U.S.C. 601(m)(8)) provides that any carcass, part thereof, meat or meat food product is adulterated " \* \* \* if damage or inferiority has been concealed in any manner; \* \* \* " Such adulteration could occur by filling out hollows in the animal carcass to make the animal appear of better quality. Thus, FSIS prohibited the use of air to inflate carcasses or parts of carcasses on the basis that the air may be used in an insanitary manner or may mask abnormal conditions, resulting in product adulteration under the FMIA.

Recently, several establishments requested permission to use injected air for hide removal. FSIS determined, at that time, that if establishments could demonstrate that the use of air would result in wholesome, unadulterated meat products, such additional procedures could allow more efficient dressing



operations for slaughter establishments. Therefore, FSIS has permitted, on an experimental basis and under close FSIS monitoring, various uses of air during the dressing operations at several establishments. These uses included:

(1) Compressed air injected into cattle feet to facilitate the removal of hair from feet intended for human consumption.

(2) Compressed air injected into the skull of an animal in conjunction with a captive bolt stunner to aid in holding the animal still during the bleeding operation so that fewer injuries to establishment employees would occur.

(3) Compressed air injected under the skin of cattle heads to facilitate head skinning prior to the use of a down hide-puller.

(4) Compressed air injected into the abdominal cavity of swine to facilitate the skinning operation and to minimize the loss of body fat.

Many cattle slaughter establishments are currently requesting authorization to use air injection for hide removal. These establishments wish to accomplish three things: First, reduce equipment and carcass damage by reducing the amount of tension which must be applied to remove the hide from the head and neck with a down hide-puller; second, prevent damage to the hide in the removal process; and third, reduce contamination of the head when the hide is removed intact.

The above described uses, after field testing, were found to be acceptable. The sanitary injection of air did not mask abnormal carcass conditions and did not contaminate carcasses or parts. Microbiological testing has proven that air injection can be sanitary. The Agency now believes that air injection can be performed in a sanitary manner by a procedure that includes air filtration and injection needle disinfection. Air filtration would consist of not less than two stages. An initial stage of filtration would occur at or near the use point and would consist of an aerosol or coalescing filter, capable of filtration to not more than 0.75 micron, for the removal of oil and water. A subsequent stage of filtration would occur at or near the point of needle hose attachment to the air line and would be a particulate filter, capable of filtration to not more than 0.3 micron. The filters would be maintained by inspecting regularly to assure they are working properly, and cleaned or replaced when necessary. The injection needle would be disinfected by placement in water that is not less than 180 °F. for at least 10 seconds immediately prior to each injection. Therefore, the Administrator believes it is now appropriate to amend the Federal meat inspection regulations

to allow certain uses of air. On January 13, 1989, FSIS published a proposed rule (54 FR 1370) to approve the use of injected air as listed in the cited examples.

This final rule will allow permanent approval of only the compressed air injection activities in the examples listed above. Any official establishment interested in the use of air for other than these approved methods will be required to submit a request for experimental testing of any unapproved procedure to FSIS for approval, prior to its use. These requests must state the purpose of the use of air, a detailed description of the procedure, and evidence that the procedure can be performed in a sanitary manner. Final approval of an acceptable new proposed method can be obtained by modifying, through rulemaking procedures, the Federal regulations to include the new method.

#### Comments on the Proposed Rule

On January 13, 1989, a proposed rule was published. FSIS received two comments in response to the proposal (54 FR 1370): One from a professional association and one from private industry. Both commenters were in support of the proposed rule. The reasons cited were that slaughter "processing" would be more cost effective, and that the reduced tension in hide removal would lower the potential for employee injury.

#### Final Rule

##### List of Subjects in 9 CFR Part 310

Meat inspection; Post-mortem inspection.

For reasons discussed in the preamble, FSIS is amending 9 CFR part 310 of the Federal meat inspection regulations as follows:

#### PART 310—POST-MORTEM INSPECTION

1. The authority citation for 9 CFR part 310 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254(b).

2. Section 310.13 would be revised in its entirety to read as follows:

##### § 310.13 Inflating carcasses or parts thereof; transferring caul or other fat.

(a)(1) Establishments shall not inflate carcasses or parts of carcasses with air, except as set forth in paragraph (a)(2) of this section.

(2)(i) Any establishment slaughtering livestock that wishes to inflate carcasses or parts thereof with air, using

procedures other than the approved methods listed below, shall submit a request for approval for experimental testing to the Administrator. Such a request shall include the purpose of the use of air, a detailed description of the procedure for injecting the air and evidence that the procedure can be performed in a sanitary manner.

(ii) The Administrator shall evaluate newly submitted procedures for the use of air. If the Administrator determines that any such procedure will likely result in wholesome, unadulterated meat product, then the Administrator shall approve experimental testing of the new procedure. In any situation where the Administrator finds a submitted procedure to be unlikely to result in wholesome, unadulterated meat product, the Administrator shall send written notification to the establishment of the denial of such approval. The establishment may re-submit for evaluation a testing procedure that has been denied, provided that modifications have been made to address the original reason for denial. The establishment also shall be afforded an opportunity to submit a written statement in response to the notification of denial. In those instances where there is a conflict of facts, a hearing, under applicable rules of practice, will be held to resolve the conflict.

(iii) Final approval of an acceptable new proposed method shall be effectuated by modifying, through rulemaking procedures, the Federal regulations to include the new method.

(iv) Uses for which approval is granted are:

(A) Compressed air injection of cattle feet to facilitate removal of hair from feet intended for human consumption;

(B) Compressed air injection under the skin of cattle heads to facilitate head skinning; or

(C) Compressed air injection into the skull in conjunction with a captive bolt stunner to hold the animal still for dressing operations.

The method of compressed air injection shall be a sanitary procedure that includes air filtration and injection needle disinfection. Air filtration shall consist of not less than two stages. An initial stage of filtration shall occur at or near the use point and shall consist of an aerosol or coalescing filter, capable of filtration to not more than 0.75 micron, for the removal of oil and water. A subsequent stage of filtration shall occur at or near the point of needle hose attachment to the air line and shall be a particulate filter, capable of filtration to not more than 0.3 micron. The filters shall be maintained by inspecting



regularly to assure they are working properly, and cleaned or replaced when necessary. The injection needle shall be disinfected by placement in water that is not less than 180 °F. for at least 10 seconds immediately prior to each injection.

(b) Transferring the caul or other fat from a fat to a lean carcass is prohibited.

(Approved by the Office of Management and Budget under control number 0583-0015).

Done at Washington, DC, on August 30, 1989.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 89-20773 Filed 9-1-89; 8:45 am]

BILLING CODE 3410-DM-M

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 9

RIN 3150-AD29

#### Duplication Fees

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is amending its regulations by revising the charges for copying records publicly available at the NRC Public Document Room in Washington, DC. The amendment is necessary in order to reflect the change in copying charges resulting from the Commission's award of a new contract for the copying of records.

**EFFECTIVE DATE:** September 5, 1989.

**FOR FURTHER INFORMATION CONTACT:** Kathleen E. Ruhlman, Public Document Room Branch, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 202-634-3366.

**SUPPLEMENTARY INFORMATION:** The NRC maintains a Public Document Room (PDR) at its headquarters at 2120 L Street NW., Lower Level, Washington, DC. The PDR contains an extensive collection of publicly available technical and administrative records that the NRC receives or generates. Requests by the public for the duplication of records at the PDR have traditionally been accommodated by a duplicating service contractor selected by the NRC. The schedule of duplication charges to the public established in the duplicating service contract is set forth in 10 CFR 9.35 of the Commission's regulations. The NRC has recently awarded a new duplicating service contract. The revised

fee schedule reflects the changes in copying charges to the public that have resulted from the awarding of the new contract for the duplication of records at the PDR.

Because this is an amendment dealing with agency practice and procedures, the notice provisions of the Administrative Procedures Act do not apply pursuant to 5 U.S.C. 553(b)(A). In addition, the PDR users were notified on June 30, 1989, that the new contract was being awarded and that the new prices would go into effect on July 10, 1989. The amendment is effective upon publication in the *Federal Register*. Good cause exists to dispense the usual 30-day delay in the effective date because the amendment is of a minor and administrative nature dealing with agency procedures.

#### Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1).

Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

#### Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget approval number 3150-0043.

#### Backfit Analysis

This final rule pertains solely to minor administrative procedures of the NRC; therefore, no backfit analysis has been prepared.

#### List of Subjects in 10 CFR Part 9

Freedom of information, Penalty, Privacy, Reporting and recordkeeping requirements, Sunshine Act.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR part 9.

#### PART 9—PUBLIC RECORDS

1. The authority citation for part 9 continues to read in part as follows:

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

2. In § 9.35, paragraph (a)(1) is revised to read as follows:

#### § 9.35 Duplication fees.

(a)(1) Charges for the duplication of records made available under § 9.21 at the NRC Public Document Room (PDR), 2120 L Street, Lower Level, NW., Washington, DC by the duplicating service contractor are as follows:

(i) 5.8 cents per page for paper copy to paper copy, except for engineering drawings and any other records larger than 17 x 11 inches for which the charges vary as follows depending on the reproduction process that is used:

(A) Xerographic process—\$1.50 per square foot for large documents or engineering drawings (random size up to 24 inches in width and with variable length) reduced or full size;

(B) Photographic process—\$6.75 per square foot for large documents or engineering drawings (random size exceeding 24 inches in width up to a maximum size of 42 inches in length) full size only.

(ii) 5.8 cents per page for microform to paper copy, except for engineering drawings and any other records larger than 17 x 11 inches for which the charge is \$1.35 per square foot or \$2.95 for a reduced size print which the charge is \$1.35 per square foot or \$2.95 for a reduced size print (18 x 24 inches).

(iii) 85 cents per microfiche to microfiche.

(iv) 85 cents per aperture card to aperture card.

\* \* \* \* \*

Dated at Rockville, Maryland, this 29th day of August 1989.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 89-20792 Filed 9-1-89; 8:45 am]

BILLING CODE 7590-01-M

## FEDERAL HOUSING FINANCE BOARD

### 12 CFR Chapters V and IX

[No. FHFB 89-1]

#### Establishment of Chapter IX and Redesignation of Regulations From Chapter V

Dated: August 28, 1989.

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Final rule.

**SUMMARY:** By this document the Federal Housing Finance Board ("FHFB" or "Board") establishes chapter IX in title 12 of the Code of Federal Regulations for publication of its rules, regulations, and policy statements. The Board is an independent agency in the Executive



Branch of the Government, established by the Federal Home Loan Bank Act, as amended by Public Law 101-73. The Board is also redesignating certain regulations concerning the Federal Home Loan Bank System and the Financing Corporation which formerly appeared at chapter V of title 12, Code of Federal Regulations.

**EFFECTIVE DATE:** September 5, 1989.

**FOR FURTHER INFORMATION CONTACT:** James H. Gray, Jr., Attorney, (202) 906-6161; or Charles J. Szlenker, Attorney, (202) 906-6664, Federal Housing Finance Board Task Force.

**SUPPLEMENTARY INFORMATION:**

**A. General**

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law No. 101-73, abolished the Federal Home Loan Bank Board and established the FHFB as an independent agency in the executive branch of the Government responsible for overseeing the Federal home loan banks. Regulations concerning the Federal Home Loan Bank System were contained in title 12 CFR parts 521-35, while regulations concerning the Financing Corporation were contained in part 592 of title 12. These regulations were issued under the authority of the former Federal Home Loan Bank Board. Section 402(h) of Public Law No. 101-73 preserves the authority of Federal Home Loan Bank Board regulations unless terminated or superseded by the appropriate successor agency.

This document establishes the FHFB regulations in title 12, chapter IX of the Code of Federal Regulations. The table of contents for chapter IX set forth below includes regulations which are issued in this final rule, as well as the part titles of other materials which the FHFB intends to issue in the near future and reserved part titles. The regulations are being transferred from parts 521-35 and 592 without any change in substantive or technical matters or nomenclature in order to accomplish an expedient transfer of authority from the defunct Federal Home Loan Bank Board to the FHFB. Where the transferred regulations refer to the "Board" (defined in the regulations being transferred as the Federal Home Loan Bank Board (12 CFR 521.3)) it is intended that this term "Board" apply to the FHFB, until the definition is corrected in a later technical amendment.

**B. Directors**

Section 707 of Public Law No. 101-73 amends the Federal Home Loan Bank Act provisions concerning the election or appointment of Federal home loan

bank directors. Sections 522.20-522.27 of the transferred regulations deal with the election and appointment of Federal home loan bank directors under provisions of the Federal Home Loan Bank Act prior to its amendment by Public Law 101-73. Where these transferred sections have been superseded by the Federal Home Loan Bank Act amendments, they are inoperative and will be amended as soon as practical.

**C. Indemnification**

Section 707(k) of Public Law No. 101-73 provides that the directors of a Federal home loan bank will determine the conditions under which a director or officer of the Federal home loan bank will be indemnified. Until such time as this provision is implemented by the Federal home loan banks under the oversight of the FHFB, § 522.72 of the transferred regulations continues to be in force.

**D. Miscellaneous**

Public Law No. 101-73 amends Federal Home Loan Bank Act section 2b(b)(2) and abolishes all joint offices of the Federal home loan banks except the Office of Finance. Sections 522.80 through 522.90 are transferred in their entirety until the FHFB can implement section 2b, as amended, and repeal these sections as appropriate.

In general, the transferred regulations include provisions addressing liquidity requirements for savings associations which are members of a Federal Home Loan Bank System as well as collateral required of a member institution receiving an advance from a Federal home loan bank. Some of the transferred provisions have been superseded by changes to the Federal Home Loan Bank Act. The regulations are being transferred in their entirety and the FHFB will promulgate appropriate amendments as soon as practical.

Sections 506.1 through 506.6 and §§ 506a.1 through 506a.8 of title 12, Code of Federal Regulations, dealing with issuance of Federal home loan bank consolidated bonds or debenture and book entry issuance of consolidated bonds, respectively, are being transferred to chapter IX of title 12.

The FHFB is transferring these regulations, even where the provisions have been superseded by statute, to effect an efficient and convenient transfer of authority from the defunct Federal Home Loan Bank Board to the FHFB. Where appropriate or required, the FHFB will amend the transferred regulations or promulgate new regulations in order to comply with the sweeping changes to the Federal Home

Loan Bank System mandated by Public Law No. 101-73.

**E. Administrative Procedure Act**

The transferred regulations were previously promulgated by the former Federal Home Loan Bank Board after notice and an opportunity for public comment where required. Therefore, a notice of proposed rulemaking and a comment period in this case is unnecessary. Moreover, the Board finds that the interest of the public and the Federal Home Loan Bank System are served if these regulations are transferred to the auspices of the Board, as mandated by Public Law No. 101-73, as soon as possible. Consequently these rules will be effective immediately and without prior notice and opportunity for public comment. The FHFB is empowered to take this action pursuant to 12 CFR 508.11 and 508.14 which continue in effect despite the termination of the Federal Home Loan Bank Board, under provision by Public Law 101-73.

**F. Regulatory Flexibility Act**

Because no notice of proposed rulemaking is required for this regulation, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

**Authority:** Secs. 2A, 2B, as added by sec. 702, 103 Stat. 413, 414 (12 U.S.C. 1422a, 1422b).

Accordingly, the Federal Housing Finance Board hereby amends chapter V and establishes a new chapter IX, title 12, Code of Federal Regulations, as set forth below.

1. Title 12 is amended by adding a chapter IX (consisting of subchapters A through D) to read as follows:

**CHAPTER IX—FEDERAL HOUSING FINANCE BOARD**

**SUBCHAPTER A—GENERAL**

| Part |  |
|------|--|
| 900  | Organization and channeling of functions [Reserved].   |
| 902  | Operations [Reserved].   |
| 904  | Availability and Character of Records [Reserved].  |
| 906  | Public information regarding meetings of the Board of Directors of the Federal Housing Finance Board [Reserved]. |
| 908  | Information collection requirements under the Paperwork Reduction Act [Reserved].                                |
| 910  | Consolidated Bonds and debentures.   |
| 912  | Book-entry procedure for Federal Home Loan Bank Securities.  |
| 914  | Hearings [Reserved].   |
| 916  | Promulgation of regulations and amendments [Reserved].   |
| 918  | Implementation of the Equal Access to Justice Act [Reserved].  |



|      |  |
|------|--|
| Part |  |
| 920  | Use of penalty mail in the location and recovery of missing children [Reserved]. |
| 922  | Employee Responsibilities and conduct [Reserved].                                |
| 924  | Practice before the Board of Directors [Reserved].                               |

**SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM**

|     |  |
|-----|--|
| 931 | Definitions.   |
| 932 | Organization of the Banks.   |
| 933 | Members of the Banks.  |
| 934 | Operations of the Banks.   |
| 935 | Advances.  |
| 936 | Advertising of accounts.   |
| 937 | Housing opportunity allowance program.   |
| 938 | Nondiscrimination requirements.  |
| 939 | Nondiscrimination in federally assisted programs.  |
| 940 | Statements of policy.  |
| 941 | Rulings of the former Federal Home Loan Bank Board or the Board of Directors, Federal Housing Finance Board. |
| 942 | Electronic fund transfers.   |
| 943 | Collection, settlement, and processing of payment instruments.   |
| 944 | Prohibited consumer credit practices.  |

**SUBCHAPTER C—FINANCING CORPORATION**

|     |                        |
|-----|------------------------|
| 950 | Operations [Reserved]. |
|-----|------------------------|

**SUBCHAPTER D—RESOLUTION FUNDING CORPORATION**

|     |  |
|-----|--|
| 955 | Assessment of the Federal home loan banks for the Resolution Funding Corporation [Reserved]. |
|-----|--|

2. Title 12 of the Code of Federal Regulations is amended by redesignating certain regulations from 12 CFR chapter V to 12 CFR chapter IX as set forth in the following redesignation table which shows the relationship of the former CFR part, subpart and section numbers under 12 CFR chapter V and new part, subpart and section numbers in 12 CFR chapter IX:

**Redesignation Table**

| 12 CFR ch. V<br>Former Section Numbers | 12 CFR ch. IX<br>New Section Numbers |
|--|--------------------------------------|
| Part 506                               | Part 910                             |
| 506.1                                  | 910.1                                |
| 506.2                                  | 910.2                                |
| 506.3                                  | 910.3                                |
| 506.4                                  | 910.4                                |
| 506.5                                  | 910.5                                |
| 506.6                                  | 910.6                                |
| Part 506a                              | Part 912                             |
| 506a.1                                 | 912.1                                |
| 506a.2                                 | 912.2                                |
| 506a.3                                 | 912.3                                |
| 506a.4                                 | 912.4                                |
| 506a.5                                 | 912.5                                |
| 506a.6                                 | 912.6                                |
| 506a.7                                 | 912.7                                |
| 506a.8                                 | 912.8                                |
| 506a.9                                 | 912.9                                |

|              |              |
|--------------|--------------|
| Subchapter B | Subchapter B |
| Part 521     | Part 931     |
| 521.1        | 931.1        |
| 521.2        | 931.2        |
| 521.3        | 931.3        |
| 521.4        | 931.4        |
| 521.5        | 931.5        |
| 521.6        | 931.6        |
| 521.6-1      | 931.7        |
| 521.6-2      | 931.8        |
| 521.7        | 931.9        |
| 521.8        | 931.10       |
| 521.9        | 931.11       |
| 521.10       | 931.12       |
| 521.11       | 931.13       |
| Part 522     | Part 932     |
| 522.1        | 932.1        |
| 522.5        | 932.2        |
| 522.6        | 932.3        |
| 522.10       | 932.4        |
| 522.11       | 932.5        |
| 522.12       | 932.6        |
| 522.13       | 932.7        |
| 522.20       | 932.8        |
| 522.21       | 932.9        |
| 522.22       | 932.10       |
| 522.23       | 932.11       |
| 522.24       | 932.12       |
| 522.25       | 932.13       |
| 522.26       | 932.14       |
| 522.27       | 932.15       |
| 522.28       | 932.16       |
| 522.60       | 932.27       |
| 522.61       | 932.28       |
| 522.62       | 932.29       |
| 522.70       | 932.40       |
| 522.71       | 932.41       |
| 522.72       | 932.42       |
| 522.73       | 932.43       |
| 522.75       | 932.50       |
| 522.76       | 932.51       |
| 522.80       | 932.55       |
| 522.81       | 932.56       |
| 522.82       | 932.57       |
| 522.85       | 932.60       |
| 522.86       | 932.61       |
| 522.87       | 932.62       |
| 522.90       | 932.65       |
| Part 523     | Part 933     |
| 523.1        | 933.1        |
| 523.3        | 933.3        |
| 523.3-1      | 933.4        |
| 523.3-2      | 933.5        |
| 523.3-3      | 933.6        |
| 523.4        | 933.7        |
| 523.5        | 933.8        |
| 523.6        | 933.9        |
| 523.7        | 933.10       |
| 523.8        | 933.11       |
| 523.10       | 933.13       |
| 523.11       | 933.14       |
| 523.12       | 933.15       |
| 523.13       | 933.16       |
| 523.14       | 933.17       |
| 523.15       | 933.18       |
| 523.20       | 933.22       |
| 523.25       | 933.27       |
| 523.29       | 933.31       |
| 523.30       | 933.32       |
| 523.31       | 933.33       |
| Part 524     | Part 934     |
| 524.1        | 934.1        |
| 524.2        | 934.2        |
| 524.3        | 934.3        |
| 524.4        | 934.4        |
| 524.5        | 934.5        |
| 524.6        | 934.6        |
| 524.7        | 934.7        |
| 524.8        | 934.8        |
| 524.9        | 934.9        |

|          |          |
|----------|----------|
| 524.10   | 934.10   |
| 524.11   | 934.11   |
| 524.12   | 934.12   |
| 524.13   | 934.13   |
| Part 525 | Part 935 |
| 525.1    | 935.1    |
| 525.2    | 935.2    |
| 525.3    | 935.3    |
| 525.4    | 935.4    |
| 525.5    | 935.5    |
| 525.6    | 935.6    |
| 525.7    | 935.7    |
| 525.8    | 935.8    |
| 525.9    | 935.9    |
| 525.10   | 935.10   |
| 525.33   | 935.30   |
| 525.34   | 935.31   |
| 525.35   | 935.32   |
| 525.36   | 935.33   |
| Part 526 | Part 936 |
| 526.1    | 936.1    |
| 526.2    | 936.2    |
| Part 527 | Part 937 |
| 527.1    | 937.1    |
| 527.2    | 937.2    |
| 527.3    | 937.3    |
| 527.4    | 937.4    |
| 527.5    | 937.5    |
| 527.6    | 937.6    |
| 527.7    | 937.7    |
| 527.8    | 937.8    |
| Part 528 | Part 938 |
| 528.1    | 938.1    |
| 528.1a   | 938.2    |
| 528.2    | 938.3    |
| 528.2a   | 938.4    |
| 528.3    | 938.5    |
| 528.4    | 938.6    |
| 528.5    | 938.7    |
| 528.6    | 938.8    |
| 528.7    | 938.9    |
| 528.8    | 938.10   |
| Part 529 | Part 939 |
| 529.1    | 939.1    |
| 529.2    | 939.2    |
| 529.3    | 939.3    |
| 529.4    | 939.4    |
| 529.5    | 939.5    |
| 529.6    | 939.6    |
| 529.7    | 939.7    |
| 529.8    | 939.8    |
| 529.9    | 939.9    |
| 529.10   | 939.10   |
| 529.11   | 939.11   |
| 529.12   | 939.12   |
| Part 531 | Part 940 |
| 531.1    | 940.1    |
| 531.2    | 940.2    |
| 531.4    | 940.3    |
| 531.8    | 940.4    |
| 531.9    | 940.5    |
| 531.10   | 940.6    |
| Part 532 | Part 941 |
| 532.1    | 941.1    |
| Part 533 | Part 942 |
| 533.1    | 942.1    |
| Part 534 | Part 943 |
| 534.1    | 943.1    |
| 534.2    | 943.2    |
| 534.3    | 943.3    |
| 534.4    | 943.4    |
| 534.5    | 943.5    |
| 534.6    | 943.6    |
| 534.7    | 943.7    |
| Part 535 | Part 944 |
| 535.1    | 944.1    |
| 535.2    | 944.2    |
| 535.3    | 944.3    |



535.4 ..... 944.4  
535.5 ..... 944.5

By the Federal Housing Finance Board.  
Jack Kemp,  
Acting Chairperson.

[FR Doc. 89-20791 Filed 9-1-89; 8:45 am]  
BILLING CODE 6720-01-M

## 12 CFR Part 934

[No. FHFB 89-2]

### Office of Thrift Supervision Assessments

Dated: August 28, 1989.

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Final rule.

**SUMMARY:** To assist the Office of Thrift Supervision ("OTS") with its need to fund the costs of examining institutions under its jurisdiction, the Federal Housing Finance Board ("FHFB") hereby adopts a regulation pursuant to the Home Owners' Loan Act of 1933 ("HOLA"), as amended, requiring the Federal home loan banks to participate in OTS' payment mechanism. Because of the exigent circumstances of OTS being newly created and requiring funds to operate, the regulation is adopted effective September 5, 1989.

**EFFECTIVE DATE:** September 5, 1989.

**FOR FURTHER INFORMATION CONTACT:** Amy Maxwell, (202) 906-7865; James H. Gray, Attorney, (202) 906-6161, Federal Housing Finance Board Task Force.

**SUPPLEMENTARY INFORMATION:**

#### A. General

Section 9 of the HOLA as added by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), Public Law No. 101-73, section 301(9)(f), requires the Federal home loan banks ("banks") to collect fees and assessments from bank members regulated by OTS, by agreement and upon the request of the Director of OTS. 12 CFR 502, recently promulgated by OTS, requires all OTS regulated savings associations to establish demand deposit accounts at the bank in their district.

Pursuant to section 11(e)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1431(e)(1)) the banks are authorized to take in deposits of instrumentalities of the United States: a term which encompasses the OTS. Moreover, 12 U.S.C. 1701(c)(1), as amended by section 306(b) of Pub. L. 101-73, authorizes the Director of OTS to utilize

the services of any Federal instrumentality (which term includes the banks) with the consent of the instrumentality. By the promulgation of this regulation, the FHFB requires that the banks perform this service on behalf of OTS and accept the deposits of OTS funds for the purposes described in this regulation.

The banks may choose to require their affected members to enter agreements with the bank to clarify the charge and the ministerial nature of the bank's role in this agreement process. FHFB assumes that determination of the proper dates and amounts of the assessments are to be agreed upon by OTS and the savings associations. The bank's sole responsibility will be a ministerial one of acting as collecting agent. As specifically provided in the HOLA, the banks will expect to be reimbursed for the actual cost of collection. Those bank members who are not regulated by the OTS are not affected by this regulation.

#### B. Administrative Procedure Act

The FHFB is adopting this regulation as a final rule effective immediately, without the usual notice and comment period or delayed effective date provided for in the Administrative Procedure Act, 5 U.S.C. 553. Those requirements may be waived for "good cause." 5 U.S.C. 553(b)(3)(B), 553(d)(3). The FHFB finds that good cause exists because of the urgent necessity of establishing a mechanism to meet the OTS' immediate funding needs following its establishment by enactment of the FIRREA. Similarly, providing notice and comment procedures and a delayed effective date would be contrary to the public interest because OTS could not immediately discharge its statutory responsibilities.

#### C. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this regulation, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

#### List of Subjects in 12 CFR Part 934

Assessments, Federal home loan banks, Examinations, Securities, Surety bonds.

Accordingly, the Federal Housing Finance Board hereby amends part 934 of subchapter B, chapter IX, title 12, Code of Federal Regulations, as set forth below.

## SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

### PART 934—OPERATIONS OF THE BANKS

1. The authority citation for part 934 is revised to read as follows:

**Authority:** Sec. 9, as added by sec. 301, 103 Stat. 318 (12 U.S.C. 1467); sec. 10, as added by sec. 301, 103 Stat. 318 (12 U.S.C. 1467a); sec. 12, as added by sec. 310, 103 Stat. 343 (12 U.S.C. 1468a).

2. Section 934.14 is added to read as follows:

#### § 934.14 Office of Thrift Supervision assessments.

At the request of, and in accordance with the instructions of, the Director of the Office of Thrift Supervision, the Federal home loan banks shall remit funds made available by their members to satisfy Office of Thrift Supervision assessments.

By the Federal Housing Finance Board.  
Jack Kemp,  
Acting Chairperson.

[FR Doc. 89-20790 Filed 9-1-89; 8:45 am]

BILLING CODE 6720-01-M

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 122

RIN 3245-AB98

#### Business Loans for 8(a) Program Participants

**AGENCY:** Small Business Administration.  
**ACTION:** Final rule.

**SUMMARY:** Section 302 of the "Business Opportunity Development Reform Act of 1988," Public Law 100-656 (102 Stat. 3853), enacted November 15, 1988 (1988 legislation), provides a statutory basis for a program of direct, guaranteed and immediate participation financial assistance for small businesses which are participants in the Small Business Administration's (SBA) section 8(a) program and which are presently eligible to receive contracts under that program. This final rule implements the 1988 legislation.

**EFFECTIVE DATE:** June 1, 1989.

**FOR FURTHER INFORMATION CONTACT:** Charles R. Hertzberg, Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416, telephone (202) 653-6574.

**SUPPLEMENTARY INFORMATION:** On June 13, 1989, SBA published proposed regulations in the Federal Register (54



FR 25128) to implement the 1988 legislation. Public Law 101-37, enacted June 15, 1989 (103 Stat. 70) changed the effective date of this program from October 1, 1989 to June 1, 1989. Four comments were received. One commenter noted that the regulation as proposed did not make clear whether SBA would assist debt refinancing under this program. It is the SBA position that debt refinancing or refunding is not available under this program and the final regulation makes that clear. Neither is SBA assistance available under this program for the payment of taxes. The program is to provide section 7(a) aid to section 8(a) businesses which are eligible to receive contracts at the time that the section 7(a) assistance is sought.

Two of the commenters suggested that SBA increase the administrative limit on direct loans from \$150,000 to \$500,000. SBA is capping the amount at \$150,000 to conform to other section 7(a) lending and to allow the appropriation levels to assist more eligible applicants. In any event, SBA has the authority to increase the \$150,000 to up to \$750,000 on a case-by-case basis.

The third commenter was of the opinion that more centralized processing of applications in this program would eliminate the possibility of favoritism. Over the years, SBA has decentralized its loan processing procedures. The oversight responsibilities in the various offices preclude, to a very large degree, the possibility of favoritism. In the final regulation, SBA has reserved to its Central Office the authority to increase the administrative limits, but except for that, the Administration has determined that decentralized processing works best.

One of the commenters discussed the importance of subordinating SBA's loans to facilitate a company's additional financing. The final regulation authorizes SBA to subordinate on a case-by-case basis based upon reasonable credit criteria but SBA will take a security interest in the items financed. The commenter was of the opinion that shorter term maturities should be utilized. SBA establishes maturity on an as-needed basis. The 25 year maturity stated in the final regulation is the maximum permissible period and will not be utilized in every case. The commenter also suggested that SBA be flexible in repayment scheduling, with a specific reference to the allowance of balloon payments. SBA has flexibility presently to structure repayment schedules, although use of balloons is very limited.

Section 122.7-1 as amended provides for a \$150,000 administrative limit for

direct loans made under this program, but the Associate Administrator for Minority Small Business and Capital Ownership Development has the authority to increase that up to \$750,000.

Section 122.59-1 sets forth the statutory policy behind this program. In this regard, it is to be available to participants in the program which are eligible to receive 8(a) contracts at the time the financial assistance is sought. The assistance is to be available on much the same terms as SBA's other financial assistance is made available to small businesses. (§ 122.59-2). Under the legislation, if loan proceeds are to be used for working capital, the recipient must be a manufacturer. If loan proceeds are to be used for plant construction, conversion, or expansion (including the acquisition of equipment, facilities, machinery, supplies, or material), the recipient may be either a manufacturer or a nonmanufacturer. It is acknowledged by SBA that to the extent possible, without compromising the integrity of the program, criteria applied to this special loan program will recognize the economically disadvantaged nature of the applicants. However, in no event shall debt refinancing or refunding be available under this program, nor shall loan proceeds be used for the payment of taxes.

With respect to guaranteed loans made under this program, SBA shall guaranty no less than 90 percent of the principal balance at the time the loan is made of loans of a principal amount of not more than \$155,000 and no less than 85 percent of loans of a principal amount of more than \$155,000. The rate of interest on such loans is calculated in the same way that it is calculated for SBA guaranteed business loans for small businesses. (See § 122.59-3.)

A direct loan note generated under this program is subordinated by SBA to all past borrowings of the borrower from banks and other financial institutions, but not individuals. SBA will consider subordination to future borrowings on a case-by-case basis using normal credit criteria. (§ 122.59-4(b)(1)). The interest rate on direct loans made under this authority is 1 percent less than direct loans made in the regular business loan program. (§ 122.59-4(b)(2)). There is an administrative ceiling of \$150,000 on direct loans which may be waived upon the recommendation of the Associate Administrator for Minority Small Business and Capital Ownership Development for good cause shown, on a case-by-case basis. (§ 122.59-4(b)(5)).

For purposes of the Regulatory Flexibility Act (5 U.S.C. 605(b)), SBA certifies that this final rule will not have

a significant impact on a substantial number of small entities. SBA's best estimates indicate that approximately 20 to 40 loans per year will be made under this authority.

SBA certifies that this final rule does not constitute a major rule for the purposes of Executive Order 12291, since the change is not likely to result in an annual effect on the economy of \$100 million or more because it is anticipated that no more than \$10,000,000 will be appropriated for this program in a given fiscal year.

The final rule would not impose additional reporting or recordkeeping requirements which would be subject to the Paperwork Reduction Act, 44 U.S.C. chapter 35.

This final rule would not have federalism implications warranting the preparation of a Federal Assessment in accordance with Executive Order 12612.

#### List of Subjects in 13 CFR Part 122

##### Business loans.

Pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)) and section 302 of Public Law 100-656, SBA hereby amends part 122, chapter I, title 13, Code of Federal Regulations, as follows:

#### PART 122—[AMENDED]

1. The authority citation for part 122 continues to read as follows:

Authority: 15 W.S.C. 634(b)(6) and 636(a).

2. Section 122.7-1 is revised to read as follows:

##### § 122.7-1 Direct loans.

The statutory limit for direct loans made under the authority of section 7(a)(1)-(19) of the Small Business Act is \$350,000. SBA has established an administrative limit of \$150,000. The statutory limit for direct loans made under the authority of section 7(a)(20) is \$750,000. SBA has established an administrative limit of \$150,000; however, the Associate Administrator for Minority Small Business and Capital Ownership Development may authorize in writing the acceptance of an application up to \$750,000 that exceeds the administrative but not the statutory limit.

3. New §§ 122.59, 122.59-1, 122.59-2, 122.59-3, and 122.59-4 are added to subpart B to read as follows:

##### § 122.59 Loans to participants in the 8(a) program.

##### § 122.59-1 Policy.

The Act authorizes the Administration to make loans either directly or in



cooperation with banks or other financial institutions through agreements to participate on an immediate or deferred (guaranteed) basis to small business concerns receiving assistance under subsection 7(j)(10) and section 8(a) of the Act; i.e., firms which are presently participating in the section 8(a) program and are eligible for contractual assistance under section 8(a) of the Act; and not firms which may be eligible to apply for the program.

**§ 122.59-2 Conditions.**

(a) Any assistance provided under this section may be provided only if the Administration determines that—

(1) The type and amount of such assistance requested by such concern is not otherwise available on reasonable terms from other sources. Every applicant for a direct loan, immediate participation or guaranty loan must show that the loan is not available without SBA assistance. In addition, an applicant for a direct loan must show that neither an immediate participation nor a guaranty loan is available; an applicant for an immediate participation must show that a guaranty loan is not available;

(2) With such assistance such concern has a reasonable prospect for operating soundly and profitably within a reasonable period of time;

(3) The proceeds of such assistance will be used within a reasonable time for plant construction, conversion, or expansion, including the acquisition of equipment, facilities, machinery, supplies, or material or to supply such concern with working capital to be used in the manufacture of articles, equipment, supplies, or material for defense or civilian production or as may be necessary to insure a well-balanced national economy; and

(4) Such assistance is of such sound value as reasonably to assure that the terms under which it is provided will not be breached by the small business concern. No financial assistance shall be extended under this section unless there is reasonable assurance that the loan can be paid from the earnings of the business.

(b) No loan shall be made under this authority if the total amount outstanding and committed (by participation or otherwise) to the borrower would exceed \$750,000.

(c) In no event shall debt refinancing or refunding be made by the Administration under this program.

**§ 122.59-3 Conditions applicable to deferred participation assistance (guaranteed).**

(a) Subject to the provisions of § 122.59-2(b), in agreements to participate in loans on a deferred (guaranteed) basis, participation by the Administration shall be no less than 90 per centum of the balance of the financing outstanding at the time of disbursement of loans of a principal amount does not exceed \$155,000 and no less than 85 per centum of loans of a principal amount of more than \$155,000.

(b) The rate of interest on financings made on a deferred (guaranteed) basis shall be legal and reasonable, and shall be calculated in accord with §§ 122.8-3 and 122.8-4 of this title.

**§ 122.59-4 Conditions applicable to immediate participation and direct assistance.**

(a) All immediate participation and direct financings made pursuant to this section shall be subject to the applicable provisions of this title and the following limitations:

(1) No immediate participation may be purchased unless it is shown that a deferred participation is not available.

(2) No direct financing may be made unless it is shown that a participation is unavailable.

(b) A direct loan or the Administration's share of an immediate participation loan made pursuant to this section shall be accomplished by the issuance of a secured debt instrument—

(1) That is subordinated by its terms to all other borrowings of the issuer from banks or other financial institutions which are in existence at the time that the SBA assistance is made. SBA will consider subordination of assistance it makes available under this subsection to subsequent borrowings on a case-by-case basis based upon reasonable credit criteria;

(2) The rate of interest on which shall be the same as that calculated pursuant to § 122.8-1 of this title, less one per centum;

(3) The term of which is not more than twenty-five years;

(4) The principal on which is amortized at such rate as may be deemed appropriate by the Administration, and the interest on which is payable not less often than annually.

(5) The maximum principal amount of which may be no more than \$150,000; however, the Associate Administrator for Minority Small Business and Capital Ownership Development may authorize, in writing, the acceptance of an application that exceeds \$150,000 but does not exceed \$750,000.

Dated: August 23, 1989.

Susan Engeleiter,

Administrator.

[FR Doc. 89-20718 Filed 9-1-89; 8:45 am]

BILLING CODE 8025-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 341**

[Docket No. 76N-052G]

RIN 0905-AA06

**Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Combination Drug Products Containing Promethazine Hydrochloride; Marketing Status; Policy Statement**

**AGENCY:** Food and Drug Administration.  
**ACTION:** Policy statement.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that cold, cough, allergy, bronchodilator, and antiasthmatic combination drug products containing promethazine hydrochloride may not be marketed over-the-counter (OTC) at this time. Such products may continue to be dispensed on prescription or administered by licensed practitioners, in accordance with approved new drug applications (NDA). This announcement is made in accordance with FDA's enforcement policy applicable to prescription drugs undergoing review in the OTC drug review (see 21 CFR 330.13(b)(2)). This policy statement is part of the ongoing review of OTC drug products conducted by FDA.

**EFFECTIVE DATE:** This policy statement is effective September 5, 1989.

**FOR FURTHER INFORMATION CONTACT:** William E. Gilbertson, Center for Drug Evaluation and Research (HFD-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8000.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of September 9, 1976 (41 FR 38312), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking to establish a monograph for OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products, together with the recommendations of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products (Cough-Cold Panel), which was the advisory review panel responsible for evaluating data on the active ingredients in these



drug classes. The Cough-Cold Panel recommended OTC marketing, in oral dosage forms with specific labeling (41 FR 38312 at 38390, 38391, 38418 to 38421, and 38423), of certain drug products containing promethazine hydrochloride that were previously marketed as prescription drug products. However, at that time, the agency did not agree with the Panel's recommendation to switch this drug to OTC marketing status (41 FR 38313) and products containing this ingredient could not then, under 21 CFR 330.13, be marketed OTC under the OTC drug review.

The enforcement policy set out in 21 CFR 330.13 permits OTC marketing, prior to the establishment of a final monograph, of drugs previously limited to prescription use only when certain conditions are met. In general, such drugs can only be marketed OTC either when FDA agrees with an advisory review panel or when FDA independently decides that such OTC marketing is appropriate and publishes a notice in the *Federal Register*. Even then, as stated in the enforcement policy, such drug products are marketed subject to the risk that the agency may later adopt a different position that would preclude OTC marketing.

The agency's proposed regulation, in the form of a tentative final monograph, for OTC cold, cough, allergy, bronchodilator, and antiasthmatic combination drug products was published in the *Federal Register* of August 12, 1988 (53 FR 30522). Publication of the tentative final monograph allowed OTC marketing of combination drug products containing promethazine, for certain indications and under specified conditions, under the terms of 21 CFR 330.13. To date, the agency is not aware of any OTC marketing of such products.

Interested persons were invited to file by December 12, 1988, written comments, objections, or requests for oral hearing before the Commissioner of Food and Drugs regarding the proposal. New data could be submitted until August 14, 1989, and comments on the new data can be submitted until October 12, 1989.

In response to the proposed rule on OTC cold, cough, allergy, bronchodilator, and antiasthmatic combination drug products, one manufacturer and seven health professionals submitted comments related to promethazine hydrochloride. Also, one consumer's group submitted a citizen petition. In addition, FDA's Pulmonary-Allergy Drugs Advisory Committee discussed the issue of OTC marketing of cough-cold combination drug products containing promethazine

hydrochloride in a public meeting held on July 31, 1989. Copies of the comments, the citizen petition, and the transcripts of the advisory committee's meeting are on public display in the Dockets Management Branch, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. Any additional information that has come to the agency's attention since publication of the proposed rule is also on public display in the Dockets Management Branch.

FDA is now announcing that cold, cough, allergy, bronchodilator, and antiasthmatic combination drug products containing promethazine hydrochloride may not be marketed OTC at this time in order to allow the agency to consider thoroughly all of the additional data and information that have been submitted on the safety of OTC marketing of these drug products. Therefore, under 21 CFR 330.13, OTC marketing of such products under the OTC drug review is no longer being permitted at this time.

#### I. Background

The Cough-Cold Panel classified promethazine hydrochloride in Category I as an OTC antihistamine (41 FR 38312 at 38390 and 38391). The agency dissented from the Panel's Category I classification of promethazine hydrochloride in the preamble to the Panel's report (41 FR 38312 and 38313). The agency's dissent was based in part on the degree of drowsiness produced by promethazine hydrochloride and the possible adverse effects that might occur, especially in children, such as extrapyramidal disturbances.

In the tentative final monograph (proposed rule) for OTC antihistamine drug products (50 FR 2200 at 2206 to 2208; January 15, 1985), the agency stated that the possibility of choreoathetosis (a condition marked by jerky, involuntary movements) occurring with OTC oral doses of promethazine is unlikely. This conclusion was supported by a review of FDA adverse reaction data for the period 1970-1981 and a review of the published literature. These sources revealed only a few cases of extrapyramidal effects possibly associated with dosages of promethazine that would be available OTC. Also, there was no evidence to indicate that these effects would be more likely to occur in children. Based upon the available data, the agency stated that concerns regarding the occurrence of extrapyramidal effects and choreoathetosis and the concern that children seem particularly liable to develop adverse central nervous system

reactions to promethazine had been adequately addressed. Thus, in FDA's view, at that time these possible adverse effects were no longer considered issued that would preclude use of this ingredient at proposed OTC oral dosages.

However, the agency placed promethazine hydrochloride in single-ingredient drug products in Category III in the proposed rule for OTC antihistamine drug products because of concerns that the rare, but serious adverse reaction of the central nervous system known as tardive dyskinesia might occur if promethazine hydrochloride is used on a long-term basis (50 FR 2206 to 2208). (Placement in Category III at that time meant that there was insufficient evidence to determine whether the drug was generally recognized as safe and effective for OTC use.) The agency noted that promethazine hydrochloride has not been used extensively on a long-term basis as a single ingredient for antihistamine/allergic rhinitis/antiallergy use and that consumers who use OTC antihistamines to treat the symptoms of allergic rhinitis often use these products on a long-term basis because the symptoms of allergic rhinitis usually occur for extended periods of time. The agency also noted that promethazine hydrochloride as a prescription drug is used primarily in combination drug products for relief of acute cough-cold symptoms on a short-term basis.

Subsequently, in the tentative final monograph (proposed rule) for OTC cold, cough, allergy, bronchodilator, and antiasthmatic combination drug products (53 FR 30522 at 30558 to 30559 and 30563; August 12, 1988, and 53 FR 45774; November 14, 1988), the agency proposed that cough-cold combination drug products containing promethazine hydrochloride be Category I for short-term use (7 days) only for relief of symptoms of the common cold. By this action, OTC marketing for this limited use was permitted at that time under 21 CFR 330.13. Claims for use of these drug products in treating the symptoms of allergic rhinitis were specifically excluded from the labeling (53 FR 30559).

In response to this tentative final monograph, the agency received a citizen petition from Public Citizen Health Research Group and the University of Maryland Sudden Infant Death Syndrome (SIDS) Institute (Ref. 1), a letter from Public Citizen Health Research Group (Ref. 2), and comments from several physicians (Ref. 3) objecting to the agency's proposal



allowing limited OTC marketing of drug products containing promethazine hydrochloride.

The citizen petition requested an immediate ban on all OTC use of products containing promethazine hydrochloride; a contraindication of prescription promethazine hydrochloride use in children under the age of 2 years, or in pregnant or lactating females; strengthening of the physician labeling provisions to include a bold, prominent, boxed warning stating "This product contains promethazine hydrochloride, a drug which should not be used by children under the age of 2 years, or by pregnant or breast feeding women because safety is not established in these patients, and because promethazine is associated with SIDS and infant respiratory depression"; addition of a mandatory patient package insert stating that a modified dosage schedule should be used in elderly patients, and that the product should not be used in children under the age of 2 years, or by pregnant or breast feeding women; modification of the new drug application for promethazine hydrochloride-containing drug products to prohibit promethazine use as an antihistamine in prescription cold-cough analgesic-antipyretic compounds; and removal from prescription availability of promethazine-containing products marketed specifically for this antihistamine use.

The major concern that the petition and the letters from physicians raise is that there is a possibility that the use of drug products containing promethazine hydrochloride in children under 2 years of age may be associated with the occurrence of SIDS, and that OTC availability of these drug products could "dramatically increase" "overuse" of these drug products in children this age. In addition, the petition raised concerns about possible adverse neurological reactions to drug products containing promethazine hydrochloride. The petition also raised concerns regarding the use on a prescription basis of promethazine-containing drug products in children under age 2, in pregnant or nursing women, and in the elderly.

One manufacturer of combination drug products containing promethazine hydrochloride has submitted data and information to the agency (Ref. 4) in response to the concerns raised in the citizen petition and has objected to the requests in the petition. In addition, the agency has received other information concerning OTC use in Canada of drug products containing promethazine hydrochloride (Ref. 5).

In response to the citizen petition and the manufacturer's submission, FDA scheduled a meeting of its Pulmonary-Allergy Drugs Advisory Committee to further discuss the advisability of switching the marketing of cough-cold combination drug products containing promethazine hydrochloride from a prescription basis to an OTC basis. The advisory committee met on July 31, 1989. Presentations were made by FDA staff and consultants, by representatives of Public Citizen Health Research Group, and by representatives of Wyeth-Ayerst. Following these presentations, the advisory committee deliberated on several questions concerning OTC status for cough-cold combination drug products containing promethazine hydrochloride.

In response to one question concerning the relationship between the use of promethazine-containing drug products and SIDS and/or sleep apnea, one committee member voted that no relationship exists while the other seven members voted that there is a possible relationship. In response to a question concerning whether there is reason for concern about the use in the elderly of the proposed OTC adult oral dosage of promethazine hydrochloride (6.25 mg every 4 to 6 hours, not to exceed 37.5 mg in 24 hours) on a short-term (7-day) basis, four committee members voted yes and four members voted no. With respect to potential neurologic toxicities at the proposed OTC dosage, none of the committee members felt there was a definite concern, but all voted that there are possible concerns. In response to a question concerning whether (based on the data presented to the committee) a cough-cold combination drug product containing promethazine hydrochloride at proposed OTC doses with specific labeling requirements for short-term (7-day) use should be marketed OTC for relief of the symptoms of the common cold, the committee recommended to FDA by a vote of seven to one that these drug products not be marketed OTC at this time.

FDA has concluded that it should accept the advisory committee's advice and is limiting cough-cold combination drug products containing promethazine hydrochloride to prescription only status at this time. Before making a final decision concerning OTC status for these products and before responding to the various requests in the citizen petition (see discussion above), the agency intends to fully and thoroughly evaluate the data and information submitted to date, the data and information presented at the July 31, 1989 advisory committee meeting, and

other data and information that may be pertinent.

FDA is aware that there is some controversy in the scientific and medical communities concerning whether a cause-and-effect relationship exists between use of promethazine hydrochloride containing drug products and the occurrence of SIDS and/or sleep apnea. There are also differences of opinion whether a modified dosage schedule should be used in elderly patients and on the extent of concern about possible neurologic toxicity resulting from the use of promethazine hydrochloride at proposed OTC dosages. The agency intends to reopen the administrative record for the rulemaking for OTC cold, cough, allergy, bronchodilator, and antiasthmatic combination drug products to allow additional information to be submitted on these and related subjects. A notice will appear in a future issue of the *Federal Register*. A final decision on the OTC marketing status of combination drug products containing promethazine hydrochloride will also appear in a future issue of the *Federal Register*.

#### References

- (1) Comment No. CP, Docket No. 76N-052G, Dockets Management Branch.
- (2) Comment No. C00210, Docket No. 76N-052G, Dockets Management Branch.
- (3) Comments No. C000201, C000205, C000207, C000208, C000209, C000210, and C000212, Docket No. 76N-052G, Dockets Management Branch.
- (4) Comments No. RC0001 and RC0002, Docket No. 76N-052G, Dockets Management Branch.
- (5) Comments No. LET088 and LET089, Docket No. 76N-052G, Dockets Management Branch.

#### II. Compliance

Drug products containing promethazine hydrochloride were limited on or after May 11, 1972 (the date of the initiation of the OTC drug review), to prescription use for the indications and routes of administration considered by the OTC Cough-Cold Panel. As stated above, these products could only be marketed OTC after the date of publication in the *Federal Register* of the tentative final monograph (proposed rule) for OTC cold, cough, allergy, bronchodilator, and antiasthmatic combination drug products (53 FR 30522; August 12, 1988). Under 21 CFR 330.13(b)(2), OTC drug products containing promethazine hydrochloride that are marketed after the date of publication in the *Federal Register* of a tentative final monograph (proposed rule) but prior to the effective date of a final monograph, are



\* \* \* subject to the risk that the Commissioner may not accept the Panel's recommendation and may instead adopt a different position that may require relabeling, recall, or other regulatory action. The Commissioner may state such position at any time by notice in the *Federal Register*, either separately or as part of another document; appropriate regulatory action will commence immediately and will not await publication of a final monograph. Marketing of such a product with a formulation or labeling not in accord with a proposed monograph or tentative final monograph also may result in regulatory action against the product, the marketer, or both.

Under this enforcement policy, the agency can stop OTC marketing of a drug while the agency reviews and evaluates relevant data and information. By this notice, all combination drug products containing promethazine hydrochloride are prescription drugs and may only be marketed in accordance with the terms and conditions specified in their approved NDA. Accordingly, the agency would consider as misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 352) and a new drug under section 201(p) of the act (21 U.S.C. 321(p)), any combination drug product containing promethazine hydrochloride that is marketed OTC at this time.

The agency is not currently aware of any combination drug product containing promethazine hydrochloride having been marketed OTC to date. However, any combination drug product containing promethazine hydrochloride that has already been initially introduced or initially delivered for introduction into interstate commerce must be immediately removed from OTC sale. Manufacturers of any such products should contact the agency immediately to discuss how removal of their products will be accomplished (i.e., removed from retail shelves, placed under the control of pharmacists, and dispensed only on prescription). Affected manufacturers should contact the Division of Drug Labeling Compliance (HFD-310), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, phone 301-295-8063.

Dated: August 26, 1989.

Frank E. Young,  
Commissioner of Food and Drugs.

[FR Doc. 89-20732 Filed 9-1-89; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

#### 24 CFR Parts 200 and 206

[Docket No. R-89-1415; FR-2481]

RIN 2501-AA67

#### Home Equity Conversion Mortgage Insurance; Corrections

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule, corrections.

**SUMMARY:** The purpose of this document is to clarify a technical correction published in the *Federal Register* on August 4, 1989 (54 FR 32059), that corrected a final rule which authorized the Secretary to carry out a program for insuring mortgages on the homes of elderly homeowners, by enabling the homeowners to convert the equity in their homes into cash. It will also correct a typographical error published in that correction document.

**FOR FURTHER INFORMATION CONTACT:** Judith V. May, Office of Economic Affairs, Room 8218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. 202-755-5426. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On June 9, 1989 (54 FR 24822), the Department published a final rule that added a new part 206 to title 24, chapter II of the Code of Federal Regulations. Part 206 implemented section 417 of the Housing and Community Development Act of 1987 (Pub. L. 100-242), which added a new section 255 to the National Housing Act (Act). Section 255 authorized the Secretary to carry out a program for insuring mortgages on the homes of elderly homeowners, enabling the homeowners to convert the equity in their homes to cash.

On August 4, 1989 (54 FR 32059), the Department published technical corrections to that final rule. This document will clarify the correction for § 206.23(d) that was published on August 4, 1989.

Accordingly, the following corrections are made in FR Doc. 89-13639, to 24 CFR parts 200 and 206, published in the *Federal Register* issue dated June 9, 1989 (54 FR 24822), as corrected in FR Doc. 89-18252, published in the *Federal Register* issue dated August 4, 1989 (54 FR 32059):

#### § 206.21 [Corrected]

1. In § 206.21(d), in the introductory text only, on page 24835, as corrected on page 32060, correct by removing the

words "interest rate" and inserting in their place, "mortgage balance".

#### § 206.23 [Corrected]

2. In § 206.23(d), on page 24835, as corrected on page 32060, correct the word "mortgage" the last time it appears, to read "mortgagee".

Dated: August 29, 1989.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 89-20754 Filed 9-1-89; 8:45 am]

BILLING CODE 4210-32-M

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1910

RIN 1218-AB26

#### Air Contaminants

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; Grant of petitions for reconsideration of three exposure limits and partial stays of effective dates for four substances.

**SUMMARY:** OSHA reduced exposure limits for 375 air contaminants on January 19, 1989 at 54 FR 2332. OSHA is granting a petition for reconsideration of the Short Term Exposure Limit (STEL) for acetone of 1000 ppm for the cellulose acetate fiber industry and it is not in effect for that industry. The STEL remains in effect for all other industries except the cellulose acetate fiber industry. The Time Weighted Average (TWA) of 750 ppm for acetone is stayed until September 1, 1990 for one operation in the cellulose acetate fiber industry.

OSHA is also granting a petition for reconsideration of the new limit of 5 mg/m<sup>3</sup> for calcium hydroxide and it is not in effect. The prior limit of 5 mg/m<sup>3</sup> respirable dust and 15 mg/m<sup>3</sup> total dust as a particulate not otherwise regulated remains in effect. OSHA will also reconsider the limit of 5 mg/m<sup>3</sup> for calcium oxide but the prior limit which was also 5 mg/m<sup>3</sup> will remain in effect.

A stay of the ceiling limit for carbon monoxide is granted for three operations in the steel industry. A stay of the new limits for nitroglycerin and ethylene glycol dinitrate is granted to the explosives industry until October 1, 1989. A stay until October 1, 1989 is granted to the drycleaning industry for the new limit for perchloroethylene.

DATE: These actions take effect on September 1, 1989.



**FOR FURTHER INFORMATION CONTACT:**

Mr. James F. Foster, OSHA Office of Public Affairs, Room N-3647, Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, Telephone (202) 523-8151.

**SUPPLEMENTARY INFORMATION:** On January 19, 1989 at 54 FR 2332 OSHA issued a final standard setting new or more protective exposure limits for 375 substances. The new limits are to be achieved with any reasonable combination of controls including engineering controls and respirators by September 1, 1989, and with a preference for engineering controls by December 31, 1992. Individual companies or trade associations representing industry brought 28 law suits challenging approximately 15 of these new limits. The AFL-CIO also challenged a number of exposure limits as not sufficiently protective.

The objective of this regulatory effort is to create major improvements in occupational health by lowering exposures of 4.5 million workers to many toxic substances. OSHA concludes that the commitments obtained from industry as part of the settlements of individual law suits described in this notice will lead to improved health protection to workers, or will maintain protection while resolving complex legal issues or leading to the resolution of complex technical issues, consistent with statutory requirements.

**1. Acetone**

In the case of acetone, OSHA lowered exposures from a 1000 ppm 8 hour TWA to a 750 ppm TWA and issued a new 1000 ppm STEL. The cellulose acetate fiber industry consisting of two companies, Tennessee Eastman and Hoechst Celanese, petitioned the Court of Appeals to review the standard challenging both the health need for the STEL, and the feasibility of the STEL for their industry only. They are challenged the practicality of respirator use in some areas and administratively petitioned OSHA to reconsider the STEL.

OSHA reviewed the information submitted and continues to conclude there is a health need for the STEL to prevent moderate irritation and that it is generally feasible. OSHA carefully reviewed feasibility of the STEL for this sector.

Based upon its review the cellulose acetate fiber industry's agreement to under take certain specific measures to protect the health of its employees, OSHA agreed to settle the law suit

challenging the acetone standard. The Amalgamated Clothing and Textile Workers Union, which represents workers in that industry, supported the settlement agreement.

The settlement agreement is available in the OSHA Docket Office (Room N-2625 at the above address, (202) 523-7894, Ex. No. 221-67 in Docket H-020). It provides that the two companies and three plants which make up the entire industry will commence now on a schedule over the next three years to install an extensive series of engineering controls to reduce employee exposure to acetone. OSHA believes these controls will generally succeed in bringing employee exposures below the 1000 ppm STEL.

In addition the companies will install airline respirators at locations where they are needed and feasible. The companies will also maintain a medical program and transfer workers who demonstrate irritation to lower exposure areas. The petitioners have withdrawn their law suit.

OSHA concludes, in light of this extensive worker protection program and the additional feasibility data it will provide, to grant the petition for reconsideration of the STEL only for the cellulose acetate fiber industry while the industry is installing these extensive controls. As a result the decision on the STEL is no longer final for the industry and it is not in effect for this industry. When the program is complete, but no later than June 30, 1993, OSHA will commence reviewing its results and issue a new final rule regarding the STEL for acetone in this industry after an opportunity for notice and comment. The final decision will be subject to judicial review under section 6(f) of the Act. OSHA concludes that this will result in better protection for workers in the industry than continuing with lengthy and complex litigation. The STEL remains in effect for all other industries.

In addition, OSHA pursuant to the settlement agreement, is also authorizing a stay of enforcement until September 1, 1990 of the start-up date of the new TWA for a limited group of workers, certain "doffers," in this sector in limited circumstances. Doffers are those workers who remove and transport bobbins containing cellulose acetate thread after it emerges from the fiber extrusion and spinning process. The employer will immediately commence installation of engineering controls necessary to achieve

compliance and not wait to complete them by the December 31, 1992 date which would be permitted by the regulation.

**2. Calcium Oxide and Calcium Hydroxide**

OSHA's prior limit for calcium oxide was 5 mg/m<sup>3</sup>. The final air contaminant standard retained the preexisting 5 mg/m<sup>3</sup> standard for calcium oxide.

Calcium hydroxide was not a listed air contaminant. It was regulated as a nuisance dust (particulate not otherwise regulated—PNOR) at 5 mg/m<sup>3</sup> respirable dust and 15 mg/m<sup>3</sup> total dust. The final rule set a 5 mg/m<sup>3</sup> limit for calcium hydroxide.

These two substances are irritants. Lime is the common name for calcium oxide and is sometimes used as the common name for a combination of the two.

The National Lime Association contended that the calcium oxide level should be raised to 10 mg/m<sup>3</sup> and that the calcium hydroxide level should be left at the PNOR level. It petitioned the Court of Appeals for review of the standard and filed a petition for reconsideration with OSHA.

OSHA has concluded that a major additional study on the health effects of calcium oxide and calcium hydroxide would be of considerable benefit in refining the exposure limit for these substances. Accordingly OSHA entered into a settlement agreement with the National Lime Association that provides for such a study. The settlement agreement, which OSHA believes will better protect employees than continuation of the litigation, is available in the Docket Office as Ex. 221-68.

Specifically, the National Lime Association has agreed to perform a study pursuant to a protocol reviewed by OSHA. That study has commenced and is intended to be completed by December 31, 1990. The Association has withdrawn its law suit.

OSHA concludes in light of the commencement of the study to grant the petition for reconsideration. As a result of this action the decision on the exposure limits for calcium hydroxide and calcium oxide in the Final Rule Limits column is no longer final and those exposure limits are no longer in effect.

Upon completion of the study and no later than the deadline date specified in the agreement or June 30, 1991, OSHA will commence reconsidering the



exposure limits for calcium oxide and calcium hydroxide and reach final decisions. Comments will be requested in the *Federal Register* and judicial review will be available under section 6(f) of the Act of the final rule.

The Transitional Limits column of Table Z-1-A exposure limit of 5 mg/m<sup>3</sup> for calcium oxide remains in effect. It is the limit which is to be followed by employers and is to be achieved with the preference for engineering controls as specified in 29 CFR 1910.1000(e).

Also as a result of the reconsideration, calcium hydroxide remains regulated as a particulate not otherwise regulated (PNOR) at the exposure limit of 5 mg/m<sup>3</sup> respirable dust and 15 mg/m<sup>3</sup> total dust as specified in the Transitional Limits column. Employers are to limit employee exposure to calcium hydroxide to those levels following the methods of compliance specified in 29 CFR 1910.1000(e).

**3. Additional Actions**

The American Iron and Steel Institute petitioned OSHA to administratively stay the TWA and ceiling limits for carbon monoxide for the steel industry. For the reasons stated in OSHA's letter of July 17, 1989 available in the Docket Office as Ex. 221-65, OSHA has partially granted that stay. Specifically OSHA has stayed the September 1, 1989 start-up date of the ceiling limit for carbon monoxide for the steel industry (SIC 33) pending the outcome of litigation in the court of appeals for three operations only: blast furnaces, vessel blowing at basic oxygen furnaces and sinter plants.

The Institute of Makers of Explosives petitioned OSHA to administratively stay the new exposure limits for nitroglycerin and ethylene glycol dinitrate for the explosives industry. OSHA has stayed the September 1, 1989 start-up date of the Final Rule Limits column (new) exposure limits for those substances pending settlement negotiations until October 1, 1989. This is discussed in OSHA's letter of July 17, 1989, Ex. 221-64 in the Docket Office.

OSHA is staying the September 1, 1989 start-up date of the new 25 ppm TWA exposure limit for perchloroethylene for the drycleaning industry until October 1, 1989. OSHA has sent a letter of interpretation to the International Fabricare Institute indicating that air-purifying respirators may be used in certain circumstances. Ex. 221-69. This delay will permit a more orderly notification of the interpretation.

The following amendments to § 1910.1000 Table Z-1-A effectuate the above OSHA discussions and settlement agreements.

This document was prepared under the direction of Alan C. McMillan, Acting Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. It is issued pursuant to section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), section 4 of the Administrative Procedure Act, 5 U.S.C. 553, 29 CFR part 1911 and Secretary of Labor Order 9-83 (48 FR 35736).

Signed at Washington, DC this 29 day of August, 1989.

Alan C. McMillan,  
Acting Assistant Secretary.

**PART 1910—[AMENDED]**

1. The authority citation for subpart Z of part 1910 continues to read in part as follows:

Authority: Secs. 6, 8 Occupational Safety and Health Act, 29 U.S.C. 655, 657; Secretary of Labor's Orders 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736) as applicable; and 29 CFR part 1911.

All of subpart Z issued under section 6(b) of the Occupational Safety and Health Act, 29 U.S.C. 655(b) except those substances listed in the Final Rule Limits columns of Table Z-1-A, which have identical limits listed in the Transitional Limits columns of Table Z-1-A, Table Z-2 or Table Z-3. The latter were issued under section 6(a) (5 U.S.C. 655(a)).

Section 1910.1000, the Transitional Limits columns of Table Z-1-A, Table Z-2 and Table Z-3 also issued under 5 U.S.C. 553. Section 1910.1000, the transitional limits columns of Table Z-1-A, Table Z-2 and Table Z-3 not issued under 29 CFR part 1911 except for the arsenic, benzene, cotton dust, and formaldehyde listings.

**§ 1910.1000 [Amended]**

2. Section 1910.1000 is amended by adding a sentence at the end of paragraph (f)(2)(i) to read as follows: "(See Note at end of Table Z-1-A.)"

3. Section 1910.1000, Table Z-1-A is amended by revising the entries for acetone, calcium hydroxide and calcium oxide to include superscripts for footnotes and adding corresponding footnotes and a Note at the end of the Table to read as follows:

**TABLE Z-1A.—LIMITS FOR AIR CONTAMINANTS**

| Substance                      | CAS No. <sup>f</sup> | Transitional limits |                    |                  | Final rule limits*** |                    |                   |                    |         |                    | Skin designation |
|--------------------------------|----------------------|---------------------|--------------------|------------------|----------------------|--------------------|-------------------|--------------------|---------|--------------------|------------------|
|                                |                      | PEL <sup>a</sup>    |                    |                  | TWA                  |                    | STEL <sup>c</sup> |                    | Ceiling |                    |                  |
|                                |                      | ppm                 | mg/m <sup>3b</sup> | Skin Designation | ppm                  | mg/m <sup>3b</sup> | ppm               | mg/m <sup>3b</sup> | ppm     | mg/m <sup>3b</sup> |                  |
| Acetone <sup>h</sup>           | 67-64-1              | 1000                | 2400               |                  | 750                  | 1800               | 1000 <sup>h</sup> | 2400 <sup>h</sup>  |         |                    |                  |
| Calcium hydroxide <sup>i</sup> | 1305-62-0            |                     |                    |                  |                      | 5 <sup>i</sup>     |                   |                    |         |                    |                  |
| Calcium oxide <sup>j</sup>     | 1305-78-8            |                     | 5                  |                  |                      | 5 <sup>j</sup>     |                   |                    |         |                    |                  |

<sup>h</sup> The acetone STEL does not apply to the cellulose acetate fiber industry. It is in effect for all other sectors.  
<sup>i</sup> The Final Rule Limit of 5 mg/m<sup>3</sup> is not in effect as a result of reconsideration. Calcium hydroxide is covered by the exposure limits for particulates not otherwise regulated of 5 mg/m<sup>3</sup> respirable dust and 15 mg/m<sup>3</sup> total dust.  
<sup>j</sup> The Final Rule Limit TWA of 5 mg/m<sup>3</sup> is not in effect as a result of reconsideration. The calcium oxide Transitional Limit of 5 mg/m<sup>3</sup> remains in effect and employee exposures shall be kept below that level pursuant to the methods of compliance specified in 29 CFR 1910.1000(e).

Note: Pursuant to administrative stays effective September 1, 1989 and published in the *Federal Register* on September 5, 1989, the September 1, 1989 start-up date specified in 29 CFR 1910.1000(f)(2)(i) is stayed as follows:

until October 1, 1989 for nitroglycerin and ethylene glycol dinitrate in the explosives industry and perchloroethylene for the drycleaning industry; until September 1, 1990 for the acetone TWA for certain "dofters" in

the cellulose acetate fiber industry; and until the decision on the merits of the Eleventh Circuit Court of Appeals in the case of *Courtaulds Fibers, Inc. v. U.S. Department of Labor*, No 89-7073 and consolidated cases,



for the Ceiling for carbon monoxide for blast furnace operations, vessel blowing at basic oxygen furnaces and sinter plants in the steel industry (SIC 33). OSHA will publish in the Federal Register notice of the termination of the carbon monoxide stay.

[FR Doc. 89-20694 Filed 9-1-89; 8:45 am]

BILLING CODE 4510-26-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 64

[Docket No. FEMA 6847]

#### Suspension of Community Eligibility; Nebraska, et al.

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective date shown in this rule because of noncompliance with the revised floodplain management criteria of the NFIP. If FEMA receives documentation that the community has adopted the required revisions prior to the effective suspension date given in this rule, the community will not be suspended and the suspension will be withdrawn by publication in the Federal Register.

**EFFECTIVE DATE:** As shown in the fourth column.

**FOR FURTHER INFORMATION CONTACT:** Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, Federal Center Plaza, 500 C Street SW., Room 416, Washington, DC 20472, (202) 646-2717.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and

administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the NFIP (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures.

On August 25, 1986, FEMA published a final rule in the Federal Register that revised the NFIP floodplain management criteria. The rule became effective on October 1, 1986. As a condition for continued eligibility in the NFIP, the criteria at 44 CFR 60.7 require communities to revise their floodplain management regulations to make them consistent with any revised NFIP regulation within 6 months of the effective date of that revision or be subject to suspension from participation in the NFIP.

The communities listed in this notice have not amended or adopted floodplain management regulations that incorporate the rule revision. Accordingly, the communities are not compliant with NFIP criteria and will be suspended on the effective date shown in this final rule. However, some of these communities may adopt and submit the required documentation of legally enforceable revised floodplain management regulations after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

The Administrator finds that notice and public procedures under 5 U.S.C.

533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 90- and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to adopt adequate floodplain management measures, thus placing itself in noncompliance with the Federal standards required for community participation.

#### List of Subjects in 44 CFR Part 64

Flood insurance and floodplains.

#### PART 64—[AMENDED]

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

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

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

#### § 64.6 List of eligible communities.

| State and community name           | County        | Community No. | Effective date |
|------------------------------------|---------------|---------------|----------------|
| Nebraska: Amherst, village of..... | Buffalo.....  | 310245        | Sept. 6, 1989. |
| North Dakota:                      |               |               |                |
| Moran, township of.....            | Richland..... | 380666        | Do.            |
| Noonan, city of.....               | Divide.....   | 380191        | Do.            |
| Norway, township of.....           | Traill.....   | 380643        | Do.            |
| Portal, city of.....               | Burke.....    | 380196        | Do.            |
| Stavanger, township of.....        | Traill.....   | 380642        | Do.            |
| South Dakota:                      |               |               |                |
| Egan, town of.....                 | Moody.....    | 460061        | Do.            |
| Estelline, city of.....            | Hamlin.....   | 460036        | Do.            |
| Westport, town of.....             | Brown.....    | 460011        | Do.            |
| Utah:                              |               |               |                |
| Amalga, town of.....               | Cache.....    | 490013        | Do.            |
| American Fork, city of.....        | Utah.....     | 490152        | Do.            |
| Annabella, town of.....            | Sevier.....   | 490122        | Do.            |
| Aurora, town of.....               | Sevier.....   | 490123        | Do.            |



| State and community name                       | County    | Community No. | Effective date  |
|--|-----------|---------------|-----------------|
| Unincorporated areas                           | Cache     | 490012        | Do.             |
| Charleston, town of                            | Wasatch   | 490165        | Do.             |
| Clarkston, town of                             | Cache     | 490014        | Do.             |
| Escalante, town of                             | Garfield  | 490067        | Do.             |
| Elsinore, town of                              | Sevier    | 490125        | Do.             |
| Fairview, city of                              | Sanpete   | 490113        | Do.             |
| Unincorporated areas                           | Garfield  | 490065        | Do.             |
| Monroe, city of                                | Sevier    | 490129        | Do.             |
| Moroni, city of                                | Sanpete   | 480118        | Do.             |
| Newton, town of                                | Cache     | 490022        | Do.             |
| Panguitch, city of                             | Garfield  | 490070        | Do.             |
| Paragonah, town of                             | Iron      | 490075        | Do.             |
| Parawon, city of                               | Iron      | 490076        | Do.             |
| Richfield, city of                             | Sevier    | 490131        | Sept. 15, 1989. |
| Richmond, city of                              | Cache     | 490027        | Do.             |
| Riverton, city of                              | Salt Lake | 490104        | Do.             |
| Roy, city of                                   | Weber     | 490223        | Do.             |
| Unincorporated areas                           | Sanpete   | 490111        | Do.             |
| West Virginia: Bath (Berkley Springs), town of | Morgan    | 540005        | Do.             |
| Wyoming:                                       |           |               |                 |
| Afton, town of                                 | Lincoln   | 560068        | Do.             |
| Unincorporated areas                           | Carbon    | 560068        | Do.             |
| Glenrock, town of                              | Converse  | 560014        | Do.             |
| Kaycee, town of                                | Johnson   | 560028        | Do.             |
| Unincorporated areas                           | Natrona   | 560036        | Do.             |
| Ten Sleep, town of                             | Washakie  | 560055        | Do.             |

Issued: August 29, 1989.

Harold T. Duryee,  
Administrator, Federal Insurance  
Administration.

[FR Doc. 89-20758 Filed 9-1-89; 8:45 am]

BILLING CODE 6718-21-M

**44 CFR Part 64**

[Docket No. FEMA 6846]

**Suspension of Community Eligibility;  
New York, et al.**

**AGENCY:** Federal Emergency  
Management Agency, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

**EFFECTIVE DATES:** The third date ("Susp.") listed in the fourth column.

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

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR part 59 et seq.). Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate

FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community received a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the



same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future

flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

#### List of Subjects in 44 CFR Part 64

Flood insurance—Floodplains.

#### PART 64—[AMENDED]

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

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1976, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

#### § 64.6 List of Eligible Communities.

| State              | Location                                       | Community No. | Effective date authorization/cancellation of sale of flood insurance in community | Current effective map date | Date <sup>1</sup> |
|--------------------|--|---------------|---|----------------------------|-------------------|
| <b>Region II</b>   |  |               |   |                            |                   |
| New York           | Mamaroneck, town of, Westchester County.       | 360917        | May 12, 1972, Emerg. Dec. 1, 1977, Reg. Sept. 15, 1989, Susp.....                 | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| <b>Region III</b>  |  |               |   |                            |                   |
| Pennsylvania       | Amwell, town of, Washington County.            | 422615        | Jan. 17, 1975, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp..                 | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Do                 | Barnesboro, borough of, Cambria County.        | 420227        | Nov. 25, 1974, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp.                  | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Do                 | Hopewell, borough of, Bedford County.          | 420120        | July 3, 1975, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp.....               | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Do                 | Jackson, township of, Butler County.           | 421420        | Jan. 3, 1975, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp....                | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Do                 | Pike, township of, Clearfield County.          | 421190        | Dec. 3, 1979, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp...                 | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Virginia           | Appalachia, town of, Wise County.              | 510319        | Mar. 27, 1975, Emerg. Sept. 17, 1980, Reg. Sept. 15, 1989, Susp..                 | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| <b>Region IV</b>   |  |               |   |                            |                   |
| Georgia            | Burke County, unincorporated areas.            | 130022        | Jan. 13, 1976, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp..                 | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Mississippi        | Holmes County, unincorporated areas.           | 280211        | Apr. 11, 1974, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp..                 | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Do                 | Lawrence County, unincorporated areas.         | 280272        | May 22, 1979, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp..                  | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Do                 | Leake County, unincorporated areas.            | 280293        | Apr. 23, 1979, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp..                 | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Do                 | Mount Olive, town of, Covington County.        | 280048        | Feb. 11, 1981, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp..                 | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Do                 | Neshoba County, unincorporated areas.          | 280276        | Apr. 23, 1979, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp..                 | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Do                 | Pike County, unincorporated areas.             | 280278        | May 13, 1980, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp..                  | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Do                 | Batesville, city of, Panola County.            | 280126        | Apr. 2, 1974, Emerg. June 30, 1976, Reg. Sept. 15, 1989, Susp.....                | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Tennessee          | Martin, city of, Weakley County.               | 470202        | Jan. 28, 1975, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp..                 | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| <b>Region VI</b>   |  |               |   |                            |                   |
| Oklahoma           | Goldsby, town of, McClain County.              | 400102        | Jan. 18, 1977, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp..                 | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| <b>Region VIII</b> |  |               |   |                            |                   |
| Wyoming            | Rock Springs, city of, Sweetwater County.      | 560051        | Sept. 1, 1972, Emerg. July 16, 1979, Reg. Sept. 15, 1989, Susp.....               | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| <b>Region IX</b>   |  |               |   |                            |                   |
| California         | Cypress, city of, Orange County.               | 060217        | Feb. 26, 1975, Emerg. Feb. 9, 1979, Reg. Sept. 15, 1989, Susp.....                | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Do                 | Napa County, unincorporated areas.             | 060205        | Jan. 29, 1971, Emerg. Feb. 1, 1980, Reg. Sept. 15, 1989, Susp.....                | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Idaho              | Cascade, city of, Valley County.               | 160161        | Aug. 13, 1976, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp..                 | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Oregon             | Paisley, city of, Lake County.                 | 410117        | July 29, 1975, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp..                 | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| Do                 | Wasco, city of, Sherman County.                | 410195        | Apr. 24, 1978, Emerg. Sept. 15, 1989, Reg. Sept. 15, 1989, Susp..                 | Sept. 15, 1989.....        | Sept. 15, 1989.   |
| <b>Region II</b>   |  |               |   |                            |                   |
| New York           | Hudson, city of, Columbia County.              | 361512        | Aug. 1, 1975, Emerg. June 19, 1985, Reg. Sept. 29, 1989, Susp.....                | Sept. 29, 1989.....        | Sept. 29, 1989.   |
| Do                 | Middlesex, town of, Yates County.              | 360960        | Apr. 29, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp..                 | Sept. 29, 1989.....        | Sept. 29, 1989.   |
| Do                 | St. Johnsville, village of, Montgomery County. | 360457        | Oct. 23, 1974, Emerg. Feb. 19, 1986, Reg. Sept. 29, 1989, Susp...                 | Sept. 29, 1989.....        | Sept. 29, 1989.   |



| State              | Location  | Community No. | Effective date authorization/cancellation of sale of flood insurance in community | Current effective map date | Date <sup>1</sup> |
|--------------------|---|---------------|---|----------------------------|-------------------|
| <b>Region III</b>  |   |               |   |                            |                   |
| Virginia           | Floyd County, unincorporated areas.               | 510199        | Nov. 18, 1974, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| <b>Region IV</b>   |   |               |   |                            |                   |
| Alabama            | Houston County, unincorporated areas.             | 010098        | June 25, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | St. Clair County, unincorporated areas.           | 010290        | Feb. 9, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Cartersville, city of, Bartow County.             | 130209        | Apr. 17, 1974, Emerg. June 25, 1982, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Jenkins County, unincorporated areas.             | 130118        | Jan. 16, 1976, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Millen, city of, Jenkins County.                  | 130119        | May 29, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| Kentucky           | Ballard County, unincorporated areas.             | 210268        | May 2, 1984, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                    | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Hartford, city of, Ohio County.                   | 210357        | Sept. 8, 1982, Emerg. Sept. 4, 1985, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Ohio County, unincorporated areas.                | 210183        | Aug. 3, 1983, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| Mississippi        | Adams County, unincorporated areas.               | 280209        | Apr. 4, 1974, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Lauderdale County, unincorporated areas.          | 280224        | May 28, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Marion, town of, Lauderdale County.               | 280095        | June 26, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Vicksburg, city of, Warren County.                | 280176        | Mar. 28, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| <b>Region V</b>    |   |               |   |                            |                   |
| Illinois           | Clinton, city of, DeWitt County.                  | 170193        | Feb. 17, 1976, Emerg. Aug. 15, 1983, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | DeWitt County, unincorporated areas.              | 170192        | July 28, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Pearl city, village of, Stephenson County.        | 170642        | July 29, 1975, Emerg. Apr. 1, 1977, Reg. Sept. 29, 1989, Susp.                    | Sept. 29, 1989             | Sept. 29, 1989.   |
| Michigan           | Vassar, city of, Tuscola County.                  | 260208        | Dec. 19, 1973, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | June 19, 1989              | Sept. 29, 1989.   |
| Ohio               | Amesville, village of, Athens County.             | 390015        | Feb. 24, 1977, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Darke County, unincorporated areas.               | 390137        | Feb. 13, 1976, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Fulton County, unincorporated areas.              | 390182        | June 25, 1982, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Gallia County, unincorporated areas.              | 390185        | Mar. 2, 1977, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Greenville, city of, Darke County.                | 390139        | Apr. 16, 1975, Emerg. July 18, 1985, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Hamden, village of, Vinton County.                | 390554        | Aug. 13, 1979, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Lawrence County, unincorporated areas.            | 390325        | Feb. 27, 1976, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Wisconsin          | Barron County, unincorporated areas.              | 550568        | Nov. 6, 1974, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Barron, city of, Barron County.                   | 550010        | July 24, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Brodhead, city of, Green County.                  | 550160        | Apr. 30, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Rosendale, village of, Fond Du Lac County.        | 550141        | Oct. 20, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| <b>Region VII</b>  |   |               |   |                            |                   |
| Missouri           | Independence, city of, Clay and Jackson Counties. | 290172        | Oct. 15, 1971, Emerg. Feb. 1, 1979, Reg. Sept. 29, 1989, Susp.                    | Sept. 29, 1989             | Sept. 29, 1989.   |
| <b>Region VIII</b> |   |               |   |                            |                   |
| Colorado           | Dolores, town of, Montezuma County.               | 080122        | July 15, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Fremont County, unincorporated areas.             | 080067        | June 25, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Gunnison County, unincorporated areas.            | 080078        | May 28, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Logan County, unincorporated areas.               | 080110        | Jan. 3, 1977, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Monument, town of, El Paso County.                | 080064        | June 10, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Morgan County, unincorporated areas.              | 080129        | Apr. 22, 1980, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Pueblo County, unincorporated areas.              | 080147        | June 21, 1974, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do                 | Routt County, unincorporated areas.               | 080156        | May 9, 1979, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                    | Sept. 29, 1989             | Sept. 29, 1989.   |



| State            | Location                                   | Community No. | Effective date authorization/cancellation of sale of flood insurance in community | Current effective map date | Date <sup>1</sup> |
|------------------|--|---------------|---|----------------------------|-------------------|
| Do               | Sterling, city of, Logan County.           | 080294        | Aug. 4, 1977, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| North Dakota     | Medora, city of, Billings County.          | 380006        | Apr. 21, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Utah             | Tooele, city of, unincorporated areas.     | 490145        | Mar. 10, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| <b>Region IX</b> |  |               |   |                            |                   |
| Arizona          | Litchfield Park, city of, Maricopa County. | 040128        | Aug. 19, 1988, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do               | Maricopa County, unincorporated areas.     | 040037        | Dec. 31, 1970, Emerg. July 2, 1979, Reg. Sept. 29, 1989, Susp.                    | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do               | Wickenburg, town of, Maricopa County.      | 040056        | Jan. 18, 1974, Emerg. Jan. 5, 1978, Reg. Sept. 29, 1989, Susp.                    | Sept. 29, 1989             | Sept. 29, 1989.   |
| California       | Butte County, unincorporated areas.        | 060017        | Mar. 21, 1983, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do               | Hesperia, city of, San Bernardino County.  | 060733        | Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                                 | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do               | Highland, city of, San Bernardino County.  | 060732        | Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                                 | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do               | Redding, city of, Shasta County.           | 060360        | June 18, 1975, Emerg. July 3, 1985, Reg. Sept. 29, 1989, Susp.                    | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do               | Shafter, city of, Kern County.             | 060082        | Jan. 3, 1977, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                   | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do               | Clark County, unincorporated areas.        | 320003        | June 27, 1975, Emerg. Sept. 29, 1989, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| <b>Region X</b>  |  |               |   |                            |                   |
| Washington       | Auburn, city of, King County.              | 530073        | May 29, 1974, Emerg. June 1, 1981, Reg. Sept. 29, 1989, Susp.                     | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do               | Kent, city of, King County                 | 530080        | Nov. 2, 1974, Emerg. Apr. 1, 1981, Reg. Sept. 29, 1989, Susp.                     | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do               | King County, unincorporated areas.         | 530071        | Oct. 13, 1972, Emerg. Sept. 29, 1978, Reg. Sept. 29, 1989, Susp.                  | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do               | Redmond, city of, King County.             | 530087        | Oct. 15, 1974, Emerg. Feb. 1, 1979, Reg. Sept. 29, 1989, Susp.                    | Sept. 29, 1989             | Sept. 29, 1989.   |
| Do               | Renton, city of, King County.              | 530088        | Oct. 15, 1974, Emerg. May 5, 1981, Reg. Sept. 29, 1989, Susp.                     | Sept. 29, 1989             | Sept. 29, 1989.   |

<sup>1</sup> Certain federal assistance no longer available in special flood hazard areas.

Code for reading fourth column:

Emerg.—Emergency.

Reg.—Regular.

Susp.—Suspension.

Rein.—Reinstatement.

Issued: August 29, 1989.

Harold T. Duryee,  
Administrator, Federal Insurance  
Administration.

[FR Doc. 89-20759 Filed 9-1-89; 8:45 am]

BILLING CODE 6718-21-M

## DEPARTMENT OF DEFENSE

### 48 CFR Ch. 2

[Defense Acquisition Circular 88-12]

#### Department of Defense Federal Acquisition Regulation Supplement; Miscellaneous Amendments

AGENCY: Department of Defense (DoD).

ACTION: Final rules.

**SUMMARY:** Defense Acquisition Circular (DAC) 88-12 amends the DoD FAR Supplement (DFARS) with respect to Appendices H and I, and update of Appendix N to reflect recent changes.

**EFFECTIVE DATE:** September 15, 1989.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Charles W. Lloyd, Executive Secretary, Defense Acquisition Regulatory Council, ODASD(P)/DARS, OASD(P&L), c/o OUSD(A)(M&RS), Room 3D139, The Pentagon, Washington, DC 20301-3062, telephone (202) 697-7266.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The DoD FAR Supplement is codified in Chapter 2, Title 48 of the Code of Federal Regulations.

The October 1, 1988 revision of the CFR is the most recent edition of that title. It reflects amendments to the 1986 edition of the DoD FAR Supplement made by Defense Acquisition Circulars 86-1 through 86-16.

##### B. Public Comments

DAC 88-12, Items I and II

Public comments are not solicited with respect to these revisions because

they do not have a significant effect beyond agency internal operating procedures.

#### C. Regulatory Flexibility Act

DAC 88-12, Items I and II

These final rules do not constitute a significant revision within the meaning of Pub. L. 98-577, and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected DoD FAR Supplement Subpart will be considered in accordance with section 610 of the Act. Such comments must be submitted separately. Please cite DAR Case 89-610D in correspondence.

#### D. Paperwork Reduction Act

These rules do not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.



**List of Subjects in 48 CFR Chapter 2**

Government procurement.  
**Charles W. Lloyd,**  
*Executive Secretary, Defense Acquisition Regulatory Council.*  
 August 31, 1989.

This Defense Acquisition Circular is effective September 15, 1989.

Defense Acquisition Circular (DAC) 88-12 amends the DoD Federal Acquisition Regulation Supplement (DFARS) 1988 Edition and prescribes procedures to be followed. The following is a summary of the amendments and procedures.

**Item I—Revisions to DFARS Appendices H and I (Final Rule)**

DFARS Appendices H and I are revised to add to the Mode/Method of Shipment Codes Code R, European Distribution System/Pacific Distribution System. This additional code reflects a recent change to the Military Standard Transportation Movement (MILSTAMP) Manual.

**Item II—Update of Appendix N—Activity Address Numbers (Final Rule)**

Appendix N has been updated to reflect changes in Activity Names or Addresses.

**Adoption of Amendments**

Therefore, the DoD FAR Supplement is amended as set forth below.

1. The authority for 48 CFR Chapter 2 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

**Appendix H to Chapter 2—[Amended]**

2. In Appendix H, Section H-610 is amended by revising Codes F, Q, R, Z, 2 and the first sentence of the description in Code 9 to read as follows:

**H-610 Mode/Method of Shipment Codes**

| Code | Description   |
|------|---|
| F    | MAC Channel and Special Assignment Airlift Mission                      |
| Q    | Commercial air freight  |
| R    | European Distribution System/Pacific Distribution System                |
| Z    | Military Sealift Command (MSC); controlled, contract, or arranged space |
| 2    | Government watercraft, barge, or lighter                                |

| Code | Description  |
|------|--|
| 9    | Local delivery by government or commercial truck including onbase transfers and deliveries between air, water, or motor terminals and adjacent activities. |

**Appendix I to Chapter 2—[Amended]**

3. In Appendix I, section I-302 is amended by revising Codes F, Q, R, Z, 2 and the first sentence of the description in Code 9 to read as follows:

**I-302 Mode/Method of Shipment Codes**

| Code | Description  |
|------|--|
| F    | MAC Channel and Special Assignment Airlift Mission   |
| Q    | Commercial air freight   |
| R    | European Distribution System/Pacific Distribution System   |
| Z    | Military Sealift Command (MSC); controlled, contract, or arranged space  |
| 2    | Government watercraft, barge, or lighter   |
| 9    | Local delivery by government or commercial truck including onbase transfers and deliveries between air, water, or motor terminals and adjacent activities. |

4. Appendix N to chapter 2 is revised to read as follows:

**Appendix N—Activity Address Numbers**

Activity Address Numbers are for use in conjunction with the Uniform Procurement Instrument Identification Numbering System as prescribed in subpart 204.70 of the DoD FAR Supplement. The six-character code is used in the first six positions of the Procurement Instrument Identification Number (PIIN). The two-character code is used in the first two positions of the Call/Order Serial Number.

For further information, see subpart 204.70 of the DoD FAR Supplement.

Activities coding procurement instruments shall use only those unique and significant codes assigned by their respective Department/Agency Activity Address Monitor(s). When required, activities shall also be assigned a two-position code. (Newly assigned numbers will be listed in future revisions to Appendix N.)

**Army**

Chief, Contract Supply Office, SFRD-KS, Rm 1C642, The Pentagon, Washington, DC 20310-0103

**Navy**

Navy Accounting and Finance Center, (NAFC-624), Washington, DC 20390 (Six-Character Unit Identification Number only)<sup>1</sup>

**Air Force**

SAF/AQCX, Directorate, Contracting and Manufacturing Policy, Washington, DC 20330-5040

**Defense Logistics Agency**

Chief, Systems Branch (DLA-PPS), Procurement Division, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304-6100

**Marine Corps**

Headquarters, U.S. Marine Corps, (Code LBO), Washington, DC 20380-0001 (Six-Character Unit Identification Number only)<sup>1</sup>

**Other Defense Agencies**

The following agencies will forward requests for Appendix N maintenance to HQDA(JDHQ-SV-W-P), Washington, DC 20310-0600.

**Defense Mapping Agency**

Director of Acquisition, Defense Mapping Agency, Washington, DC 20305-3000

**Defense Nuclear Agency**

Chief, Contract Division, Defense Nuclear Agency, Washington, DC 20305-1000

**Defense Communications Agency**

Chief, Logistics Management Office, Code 202, Defense Communications Agency, Washington, DC 20305-2000

**Department of the Army**

DAAA03, B1—Pine Bluff Arsenal, Attn: SMCRM-PO, Pine Bluff, AR 71602-9500

DAAA05, B2—Rocky Mountain Arsenal, Attn: SMCR-IS, Commerce City, CO 80022-2180

DAAA08, B7—Rock Island Arsenal, Attn: SCMRI-CT, Rock Island, IL 61299-5000

<sup>1</sup> The Navy and Marine Corps Activity Address Monitor for assignment of two-character call/serial numbers is: Office of the Assistant Secretary of the Navy (S&L), Room 536, Crystal Plaza 5, Washington, DC 20360-5000. Requests for changes in either the six-character or the two-character codes will be submitted to the appropriate Activity Address Monitor in accordance with internal procedures. Activity Address Monitors shall refer requests for additions, deletions, or changes to their respective DAR Council Policy Member with a copy of Executive Agent, Defense Logistics Agency, DLA-PPS, Cameron Station, Alexandria, VA 22304-6100. The Executive Agent is responsible for maintaining the data base of six- and two-character code assignments and distributing the blocks of two-character codes to the Monitors for further assignment.



- DAAA09, BA—HQ, AMCCOM, Attn: AMSMC-PC(R), Rock Island, IL 61299-8000
- DAAA15, ZU—Chemical Research & Development Cmd., Attn: AMSMC-PR(A), Aberdeen Proving Ground, MD 21010-5423
- DAAA21, 2T—Armament Research & Development Cmd., Attn: AMSMC-PC(D), Picatinny Arsenal, NJ 07806-5000
- DAAA22, BV—Watervliet Arsenal, Attn: SMCWV-PP, Watervliet, NY 12189-4050
- DAAA27, 00—Radford Army Ammunition Plant, Attn: SMCRA-CA, Radford, VA 24141-0298
- DAAA31, CJ—McAlester Ammunition Plant, Attn: SMCMC-PC, McAlester, OK 74501-5000
- DAAB07, BG—USA Communications and Electronics Command, Attn: AMSEL-PC, Ft Monmouth, NJ 07703-5000
- DAAB08, 2V—USA Communications and Electronics Command, Attn: Procurement Directorate, Base Ops, Ft Monmouth, NJ 07703-5008
- DAAB10, ZP—USA Communications & Electronics Activity, Attn: SELCE-PC-OP, Vint Hill Farms Station, Warrenton, VA 22186-5172
- DAAC01, BH—Anniston Army Depot, Attn: SDSAN-DOC, Anniston, AL 36201-5003
- DAAC09, ZR—Sacramento Army Depot, Attn: SDSSA-K, Sacramento, CA 95813-5021
- DAAC21, ZM—Sharpe Army Depot, Attn: SDSSH-DC, Lathrop, CA 95331-5000
- DAAC67, ZN—Letterkenny Army Depot, Attn: SDSLE-P, Chambersburg, PA 17201-4150
- DAAC69, D2—New Cumberland Army Depot, Attn: SDSNC-P, New Cumberland, PA 17070-5001
- DAAC71, ZS—Tobyhanna Army Depot, Attn: SDSTO-K, Tobyhanna, PA 18468-5100
- DAAC79, D7—Red River Army Depot, Attn: SDSSR-PC, Texarkana, TX 75507-5000
- DAAC83, BJ—Corpus Christi Army Depot, Attn: SDSCC-C, Corpus Christi, TX 78419-8000
- DAAC89, BK—Tooele Army Depot, Attn: SDSTE-CD, Tooele, UT 84074-5000
- DAAD01, B5—Yuma Proving Ground, Attn: STEYP-CR, Yuma, AZ 85365-9103
- DAAD03, B6—Jefferson Proving Ground, Attn: STEP-LG-C, Madison, IN 47250-5100
- DAAD05, BM—Aberdeen Proving Ground Activity, Attn: STEAP-PR, Aberdeen Proving Ground, MD 21005-5001
- DAAD07, BN—White Sands Missile Range, Attn: STEWS-PR, White Sands, NM 88002-5031
- DAAD09, BP—Dugway Proving Ground, Attn: STEDP-DOC, Dugway, UT 84602-5031
- DAAD10, ZX—USA Test and Evaluation Command, Attn: AMSTE-PR, Aberdeen Proving Ground, MD 21005-5655
- DAAE07, BR—USA Tank Automotive Command, Attn: AMSTA-I, Warren, MI 48090-5000
- DAAG60, G8—USA Military Academy, Attn: Purchase & Contracting Division MAPC, West Point, NY 10996-1594
- DAAG99, ZY—USA Program Manager-SANG, Attn: AMCPM-NGA-A, APO New York 09038
- DAAH01, CC—USA Missile Command, Attn: AMSMI-PC, Redstone Arsenal, AL 35898-5280
- DAAH03, D8—USA Missile Command, Attn: AMSMI-PC-FC (Lab/Base Ops), Redstone, Arsenal, AL 35898-5280
- DAAJ02, D9—Aviation Research & Technology Activity, Attn: SAVRT-TY-CD, Ft Eustis, VA 23604-5577
- DAAJ04, C6—USA St. Louis Support Center, Attn: AMSAV-PDS-2, Granite City, IL 62040-1801
- DAAJ05, ZF—USA Aviation Systems Command, Attn: IAS 21-Wrking Group, Ft. Eustis, VA 23604-5577
- DAAJ09, BS—USA Aviation Systems Command, Attn: AMSAV-PRR, 4300 Goodfellow Blvd., St. Louis, MO 63120-1798
- DAAJ11—USA Plant Representative Office, McDonnell Douglas Helicopter Company, 5000 East McDowell Road, Mesa, AZ 85025-9797
- DAAJ12—USA Plant Representative Office, Boeing Helicopter Company, PO Box 16859, Philadelphia, PA 19142-0859
- DAAJ13—USA Plant Representative Office, Bell Helicopter Textron, Inc., PO Box 1605, Ft. Worth, TX 76101-1605
- DAAK01, BE—USA Troop Support Command, Attn: AMSTR-PY, 4300 Goodfellow Blvd., St. Louis, MO 63120-1798
- DAAK60, C5—USA Natick Research & Development Center, Attn: AMSTR-PW, Natick, MA 01760-5011
- DAAK70, EI—USA Belvoir Research & Development Center, Attn: AMSTR-PV, Ft. Belvoir, VA 22060-5606
- DAAL01, 1Y—Electronics Technology & Devices Command, Attn: SELECT-DP, Ft. Monmouth, NJ 07703-5000
- DAAL02, D3—USA LABCOM Procurement Office, Attn: SLCIS-PR-PO, 2800 Powder Mill Road, Adelphi, MD 20783-1197
- DAAL03, G2—USA Research Office, Attn: SLCRO-PR, Box 12211, Research Triangle Park, NC 27709-2211
- DAAL04, D6—USA Materials and Mechanics Research Center, Arsenal Street, Watertown, MA 02172-2719
- DABT01, F6—USA Aviation Center Contracting Office, Attn: ATZQ-DI-PC, Bldg 116, Ft. Rucker, AL 36362-5000
- DABT02, 2A—USA Military Police & Chemical Schools, Attn: ATZN-DOC, Ft. McClellan, AL 36205-5000
- DABT10, 2E—USA Infantry Center Contracting Office, Attn: ATZB-DC Ft Benning, GA 31905-5179
- DABT11, 2C—USA Signal Center Contracting Office, Attn: ATZH-DIP, Bldg 2050, Ft Gordon, GA 30905-5041
- DABT15, F9—USA Soldier Support Center Contracting Office, Attn: ATZI-DIP, Bldg 600, Room 209 Ft Benjamin Harrison, IN 46218-5230
- DABT19, 2D—USA Combined Arms Directorate of Contracting, Attn: ATZL-GDC, Bldg 198, Ft Leavenworth, KS 66027-5031
- DABT23, 2E—USA Armor Center Contracting Office, Attn: ATZJ-DIP, Bldg 4022 Ft Knox, KY 40121-5000
- DABT31, 2F—USA Engineer Training Center Contracting Office, Attn: ATZI-SI-PC, Box 140, Ft Leonard Wood, MO 65473-0140
- DABT35, 2G—USA Training Center, Attn: ATZDGD-G, Ft Dix, NJ 08640-5405
- DABT39, 2H—USA Army Field Artillery Center Directorate of Contracting, Attn: ATZR-Q, PO Box 3501, Ft Sill, OK 73503-0501
- DABT43, 2J—Carlisle Barracks Contracting Office, Attn: ATZE-DIP, Bldg 46, Carlisle Barracks, PA 17013-5002
- DABT47, 2K—USA Training Center Contracting Division, Attn: ATZJ-DIP, Bldg 4350, Ft Jackson, SC 29207-5402
- DABT51, 2L—USA Training Center Contracting Office, Attn: ATZC-DIP Ft Bliss, TX 79916-0078
- DABT57, 2N—USA Transportation Center Contracting Office, Attn: ATZF-DIO-CD, Bldg 2745, Ft. Eustis, VA 23604-5293
- DABT58, 2P—Headquarters Contracting Office, Attn: ATZG-C, #62 Bldg 195, Ft. Monroe, VA 23651-6070
- DABT59, 2Q—USA Quartermaster Center Contracting Division, Attn: ATZM-DIP, Bldg T-7124, Ft. Lee, VA 23081
- DABT60, 1L—USA TRADOC Contracting Activity—East, Attn: ATCAE-E, Bldg 1748, Ft. Eustis, VA 23604-5538
- DABT61, BF—USA JAG School Contracting Office, Attn: Budget Branch, Charlottesville, VA 22904-1781



- DABT62, 2P—USA TRADOC  
Contracting Activity—West, Attn: PO  
Box Y, Ft. Hood, TX 76544-5065
- DACA01, DACW01, CK—USA Engineer  
District, Mobile, PO Box 2283, Mobile,  
AL 36628-0001
- DACA03, DACW03, CL—USA Engineer  
District, Little Rock, PO Box 867, Little  
Rock, AR 72203-0867
- DACA05, DACW05, CM—USA Engineer  
District, Sacramento, 650 Capitol Mall,  
Sacramento, CA 95814-4794
- DACA06, DACW06, CN—USA Engineer  
District, South Pacific, 630 Sansome  
Street, Room 1216, San Francisco, CA  
94111-2206
- DACA07, DACW07, CP—USA Engineer  
District, San Francisco, 211 Main  
Street, San Francisco, CA 94105-1905
- DACA09, DACW09, CQ—USA Engineer  
District, Los Angeles, PO Box 2711,  
Los Angeles, CA 90053-2325
- DACA17, DACW17, CS—USA Engineer  
District, Jacksonville, PO Box 4970,  
Jacksonville, FL 32232-0019
- DACA19, DACW19, CU—USA Engineer  
Division, South Atlantic, 30 Pryor  
Street, Rm 510 Title Bldg, Atlanta, GA  
30335-6801
- DACA21, DACW21, CV—USA Engineer  
District, Savannah, PO Box 889,  
Savannah, GA 31402-0889
- DACA22, DACW22, CW—USA Engineer  
Division, North Central, 536 South  
Clark Street, Chicago, IL 60605-1592
- DACA23, DACW23, CX—USA Engineer  
District, Chicago, 219 South Dearborn  
Street, Chicago, IL 60604-1797
- DACA25, DACW25, CD—USA Engineer  
District, Rock Island, PO Box 2004,  
Clock Tower Building, Rock Island, IL  
61202-2004
- DACA27, DACW27, CY—USA Engineer  
District, Louisville, PO Box 59,  
Louisville, KY 40201-0059
- DACA29, DACW29, CZ—USA Engineer  
District, New Orleans, PO Box 60287,  
New Orleans, LA 70160-0267
- DACA31, DACW31, DA—USA Engineer  
District, Baltimore, PO Box 1715,  
Baltimore, MD 21203-1715
- DACA33, DACW33, DB—USA Engineer  
District, New England, 424 Trapelo  
Road, Waltham, MA 02254-9149
- DACA35, DACW35, DC—USA Engineer  
District, Detroit, 150 Michigan  
Avenue, PO Box 1027, Detroit, MI  
48231-1027
- DACA37, DACW37, DD—USA Engineer  
District, St. Paul, 1210 USPO & Custom  
House, St. Paul, MN 55101-1479
- DACA38, DACW38, DE—USA Engineer  
District, Vicksburg, PO Box 60,  
Vicksburg, MS 39181-0060
- DACA39, DACW39, DF—USA Engineer  
Water-Ways Experiment Station, PO  
Box 631, Vicksburg, MS 39180-0631
- DACA40, DACW40, DG—USA Engineer  
Division, Lower Mississippi Valley,  
PO Box 80, Vicksburg, MS 39180-0080
- DACA41, DACW41, DH—USA Engineer  
District, Kansas City, 700 Federal  
Bldg., 601 East 12th Street, Kansas  
City, MO 64106-2896
- DACA43, DACW43, DJ—USA Engineer  
District, St. Louis, 210 North 12th  
Street, St. Louis, MO 63101-1966
- DACA45, DACW45, DK—USA Engineer  
District, Omaha, Room 6012, US Post  
Office & Courthouse, Omaha, NE  
68102-4910
- DACA46, DACW46, DL—USA Engineer  
Division, Missouri River, PO Box 103,  
Downtown Station, Omaha, NE 68101-  
0103
- DACA47, DACW47, DM—USA Engineer  
District, Albuquerque, PO Box 1580,  
Albuquerque, NM 87103-1583
- DACA49, DACW49, DN—USA Engineer  
District, Buffalo, Foot Bridge Street,  
Buffalo, NY 14207-3199
- DACA51, DACW51, CE—USA Engineer  
District, New York, 26 Federal Plaza,  
New York, NY 10278-0090
- DACA52, DACW52, DP—USA Engineer  
Division, North Atlantic, 90 Church  
Street, New York, NY 10007-9998
- DACA54, DACW54, DQ—USA Engineer  
District, Wilmington, 308 Custom  
House, Wilmington, NC 28402-1890
- DACA55, DACW55, DR—USA Engineer  
Division, Ohio River, PO Box 1159,  
Cincinnati OH 45201-1159
- DACA56, DACW56, DS—USA Engineer  
District, Tulsa, PO Box 61, Tulsa, OK  
74121-0061
- DACA57, DACW57, DT—USA Engineer  
District, Portland, PO Box 2496,  
Portland, OR 97208-2496
- DACA58, DACW58, DU—USA Engineer  
Division, North Pacific, PO Box 2870,  
Portland, OR 97209-0898
- DACA59, DACW59, DV—USA Engineer  
District, Pittsburgh, Federal Building,  
1000 Liberty Avenue, Pittsburgh, PA  
15222-4186
- DACA60, DACW60, DW—USA  
Engineer District, Charleston, PO Box  
905, Charleston, SC 29402-0919
- DACA61, DACW61, CF—USA Engineer  
District, Philadelphia, Custom House,  
2nd & Chestnut Streets, Philadelphia,  
PA 19106-2991
- DACA62, DACW62, DX—USA Engineer  
District, Nashville, PO Box 1070,  
Nashville, TN 37202-1070
- DACA63, DACW63, DY—USA Engineer  
District, Fort Worth, PO Box 17300,  
Fort Worth, TX 76101-0300
- DACA64, DACW64, DZ—USA Engineer  
District, Galveston, PO Box 1229,  
Galveston, TX 77553-1229
- DACA65, DACW65, EA—USA Engineer  
District, Norfolk, 803 Front Street,  
Norfolk, VA 23510-1096
- DACA66, DACW66, EB—USA Engineer  
District, Memphis, Rm B202, Clifford  
Davis Federal Office Building,  
Memphis, TN 38103-1894
- DACA67, DACW67, EC—USA Engineer  
District, Seattle, PO Box C-3755,  
Seattle, WA 98124-2255
- DACA68, DACW68, YW—USA Engineer  
District, Walla Walla Building 602,  
City-County Airport Walla Walla,  
WA 99362-9265
- DACA69, DACW69, CG—USA Engineer  
District, Huntington, 502 Eight Street,  
Huntington, WV 25701-2070
- DACA70, DACW70, YX—USA Engineer  
Division, Southwestern Main Tower  
Building, 1114 Commerce Street,  
Dallas, TX 75242-0216
- DACA72, DACW72, ZA—Humphrey  
Engineer Support Activity Center,  
Kingman Building, Fort Belvoir, VA  
22060-5580
- DACA73, DACW73, CH—Office, Chief  
of Engineers, Attn: DAEN-ECP-C,  
Washington, DC 20314-1000
- DACA74, DACW74, ZB—Rivers &  
Harbors, Board of Engineers, Tempo C  
Building, Second & C Streets, SW,  
Washington, DC 20315
- DACA75, DACW75, ZC—USA Engineer  
Division, Middle East, APO New  
York, NY 09038
- DACA76, DACW76, ZD—USA Engineer  
Topographic Laboratories, Fort  
Belvoir, VA 22060-5546
- DACA78, DACW78, 9V—USA Engineer  
Division, Middle East, PO Box 2250,  
Winchester, VA 22601-1450
- DACA79, DACW79, 2R—USA Engineer  
District, Japan APO San Francisco,  
CA 96343-0061
- DACA81, DACW81—USA Engineer  
District, Far East APO San Francisco,  
CA 96301-0427
- DACA84, DACW84, ZH—USA Engineer  
Division, Pacific Ocean Building 230,  
Ft. Shafter, HI 96858-5440
- DACA85, DACW85, ZJ—USA Engineer  
District, Alaska PO Box 7002,  
Anchorage, AK 99506-0898
- DACA86, DACW86—USA Engineer  
District, Riyadh, APO New York, NY  
09038
- DACA87, DACW87, ZW—USA Engineer  
Division, Huntsville, PO Box 1600  
West Station, Huntsville, AL 35807-  
4301
- DACA88, DACW88, B8—USA  
Construction Engineering Research  
Laboratory, PO Box 4005, Champaign,  
IL 61820-1305
- DACA89, DACW89, 1Z—USA Cold  
Regions Research and Engineering  
Laboratory, 72 Lyme Road, Hanover,  
NH 03755-1290
- DACA90, DACW90—USA Engineer  
Division, Europe, Attn: EUDPS-C,  
APO New York, NY 09757
- DACA94, DACW94—MX Program  
Agency, Attn: CEMXPA, Norton, AFB,  
CA 92409



- DADA01, 2S—Letterman Army Medical Center, Attn: HSHH-LCP, Bldg 1060, Presidio of San Francisco, CA 94129-6700
- DADA03, 8W—Fitzsimmons Army Medical Center, Attn: IOC-HPSP, Aurora, CO 80045-5001
- DADA09, YY—William Beaumont Army Medical Center, Attn: HSHM-LOC-CO, Box 70003, El Paso, TX 79920-5001
- DADA10, ZQ—USA Health Services Command, Attn: Central Contracting Office, Ft. Sam Houston, TX 78234-6000
- DADA11, OV—Brooke Army Medical Center, Attn: HSHL-LOC, Ft. Sam Houston, TX 78234-6200
- DADA13, OW—Madigan Army Medical Center, Attn: HSHJ-LOC, Tacoma, WA 98431-5246
- DADA15, OX—Walter Reed Army Medical Center, Attn: HSHL-P&C, Bldg T-20, Washington, DC 20307-5000
- DADA16, OY—Tripler Army Medical Center, Attn: HSHK-LD-PC, Tripler, AMC, HI 96859-5000
- DAEA08, E4—Headquarters, 7th Signal Command, Attn: ASN-OA-PC, Bldg 148, Ft Ritchie, MD 21719-5000
- DAEA16, E7—Headquarters, 5th Signal Command, Attn: ASE-LG-C, APO New York, NY 09056-3140
- DAEA18, BL—Headquarters, USA Garrison, Attn: Directorate of Contracting (ASHDOC-S), Ft Huachuca, AZ 85613-6000
- DAEA20, E8—Commander, 1st Signal Brigade, Attn: ASK-LC, APO San Francisco, CA 96301-0044
- DAEA28, OZ—USA Information Systems Engineering Command, Attn: ASW-MSD (STOP 40), Ft Belvoir, VA 22060-5456
- DAHA01, 9B—USPFO for Alabama, PO Box 3715, Montgomery, AL 36193-4801
- DAHA02, OG—USPFO for Arizona, 5636 E. McDowell Road, Phoenix, AZ 85008-3495
- DAHA03, 9D—USPFO for Arkansas, Camp Joseph Robinson, North Little Rock, AR 72118-2200
- DAHA04, 9N—USPFO for California, PO Box G, San Luis Obispo, CA 93403-8104
- DAHA05, Z0—USPFO for Colorado, Camp George West, Golden, CO 80401-3997
- DAHA06, 1S—USPFO for Connecticut, National Guard Armory, 360 Broad Street, Hartford, CT 06105-3779
- DAHA07, 9A—USPFO for Delaware, Grier Building, 1161 River Road, New Castle, DE 19720-5199
- DAHA08, 2W—USPFO for Florida, State Arsenal, St. Augustine FL 32084-1008
- DAHA09, 2X—USPFO for Georgia, PO Box 17882, Atlanta, GA 30316-0882
- DAHA10, 2Y—USPFO for Idaho, PO Box 45, Boise, ID 83701-4501
- DAHA11, 9E—USPFO for Illinois, Camp Lincoln, 1301 North McArthur Blvd., Springfield, IL 62702-2317
- DAHA12, 4E—USPFO for Indiana, PO Box 41346, Indianapolis, IN 46241-0346
- DAHA13, 9L—USPFO for Iowa, Camp Dodge, 7700 Beaver Drive, Johnston, IA 50131-1902
- DAHA14, 4Z—USPFO for Kansas, Kansas State Arsenal, PO Box 2099, Topeka, KS 6601-2099
- DAHA15, 6P—USPFO for Kentucky, Boone National Guard Center, Frankfort, KY 40601-6192
- DAHA16, 0A—USPFO for Louisiana, Headquarters Building, Jackson Barracks, New Orleans, LA 70146-0330
- DAHA17, 0B—USPFO for Maine, Camp Keys, Augusta, ME 04333-0332
- DAHA18, 0C—USPFO for Maryland, State Military Reservation, PO Box 206, Havre de Grace, MD 21078-0206
- DAHA19, 0D—USPFO for Massachusetts, NG Supply Depot, 143 Speen Street, Natick, MA 01760-2599
- DAHA20, 9F—USPFO for Michigan, 3111 W. St. Joseph Street, Lansing, MI 48913-5102
- DAHA21, 9K—USPFO for Minnesota, Camp Ripley, PO Box 288, Little Falls, MN 56345-0288
- DAHA22, —USPFO for Mississippi, PO Box 4447, Fondren Station, Jackson, MS 39216-0447
- DAHA23, 9H—USPFO for Missouri, 1715 Industrial Avenue, Jefferson City, MO 65101-1468
- DAHA24, 9P—USPFO for Montana, State Arsenal Building, PO Box 1157, Helena, MT 69624-1157
- DAHA25, USPFO for Nebraska, 1234 Military Road, Lincoln, NE 68508-1092
- DAHA26, USPFO for Nevada, 2601 South Carson Street, Carson City, NV 89701-5596
- DAHA27, USPFO for New Hampshire, State Military Reservation, PO Box 2003, Concord, NH 03301-2003
- DAHA28, ZK—USPFO for New Jersey, PO Box 2000, Trenton, NJ 08607-2000
- DAHA29, USPFO for New Mexico, PO Box 4277, Santa Fe, NM 87502-4277
- DAHA30, USPFO for New York, Building 4, State Campus, Albany, NY 12226-5100
- DAHA31, USPFO for North Carolina, 4201 Reedy Creek Road, Raleigh, NC 27607-6412
- DAHA32, USPFO for North Dakota, PO Box 1817, Bismarck, ND 58502-5511
- DAHA33, USPFO for Ohio, 2811 W. Granville Road, Worthington, OH 43085-2712
- DAHA34, USPFO for Oklahoma, 3501 Military Circle, NE., Oklahoma City, OK 73111-4398
- DAHA35—USPFO for Oregon, PO Box 14840, Salem, OR 97303-5008
- DAHA36, USPFO for Pennsylvania, c/o Dept. of Military Affairs (IGMR) Annville, PA 17003-5003
- DAHA37—USPFO for Rhode Island, 51 Stenton Avenue, Providence, RI 02906-1954
- DAHA38—USPFO for South Carolina, 9 National Guard Road, Columbia, SC 29201-4763
- DAHA39—USPFO for South Dakota, 2823, West Main, Rapid City, SD 57702-8186
- DAHA40—USPFO for Tennessee, PO Box 40748, Nashville, TN 37204-0748
- DAHA41, 9C—USPFO for Texas, PO Box 5218, WAS, Austin, TX 78763-5218
- DAHA42—USPFO for Utah, PO Box 2000, Draper, UT 84020-2000
- DAHA43—USPFO for Vermont, Camp Johnson, Bldg. 1, Winooski, VT 05404-1697
- DAHA44—USPFO for Virginia, 401 East Main Street, Richmond, VA 23219-2317
- DAHA45—USPFO for Washington, Camp Murray, Tacoma, WA 98430-5000
- DAHA46—USPFO for West Virginia, Buckhannon, WV 26201-2396
- DAHA47, 9C—USPFO for Wisconsin, Camp Douglas, WI 54618-9002
- DAHA48—USPFO for Wyoming, PO Box 1709, Cheyenne, WY 82003-1709
- DAHA49—USPFO for the District of Columbia, Bldg. 350, Anacostia Naval Air Station, Washington, DC 20315-0350
- DAHA50—USPFO for Hawaii, 3949 Diamond Head Road, Honolulu, HI 96816-4495
- DAHA51—USPFO for Alaska, Camp Denali, Pouch B, FT Richardson, AK 99505-5000
- DAHA70—USPFO for Puerto Rico, PO Box 3786, San Juan, PR 00904-3786
- DAHA72—USPFO for Virgin Islands, PO Box 1050, Christiansted, St. Croix, VI 00820
- DAHA74—USPFO for Guam, Ft Juan Muna, 622 E Harmond Park Road, Tamuning, Guam 96911-4421
- DAHA90, 2Y—National Guard Bureau, Contracting Policy, Skyline Place 6, Suite 401-B, 5109 Leesburg Pike, Falls Church, VA 22041-3101
- DAHC21, G3—MTMC Eastern Area, Attn: MTE-LOA, Bldg. 41, Bayonne, NJ 07002-5302
- DAHC23, G4—MTMC Western Area, Attn: MTW-LOA, Oakland Army Base, Oakland, CA 94026-5000
- DAHC24, 1B—HQ MTMC Acquisition Division, Attn: MT-LOA, 5611 Columbia Pike, Falls Church, VA 22041-5050



- DAHC25—HQ MTMC, Directorate of Personal Property, Attn: MT-PP, 5611 Columbia Pike, Falls Church, VA 22041-5050
- DAHC26, OE—HQTRS MTMC, TOPS Project Management Office, Attn: MT-TP, Ft Belvoir, VA 22060-5898
- DAHC30, OF—MDW, DCS for Acquisition, Bldg. 15, Cameron Station, Alexandria, VA 22304-5050
- DAHC31—The Adjutant General Center, Publication Center, Attn: DAIM-APR-F, Alexandria, VA 22331-0302
- DAHC32, OM—National Defense University, Bldg. 59, Ft Leslie J. McNair, Washington, DC 20319
- DAHC35, 2M—Ft Belvoir Directorate of Contracting, Bldg. T742, Ft Belvoir, VA 22060-5075
- DAHC40—USA TSA Southeast Contracting Office, DALO-TAC-C, Bldg. T5204, Ft Lee, VA 23801-6025
- DAHC41, OH—USA TSA Northeast Commissary Region, Attn: Contracting Division, Ft George G. Meade, MD 20755-5220
- DAHC42, OJ—USA TSA Midwest Commissary Region, Attn: Contracting Division (DALO-T-M-P), Ft Sam Houston, TX 78234-5000
- DAHC43, OK—USA TSA Western Commissary Region, Attn: Contracting Division, Ft Lewis, WA 98433-0093
- DAHC44, ZG—USA TSA Contracting Group, Bldg. P-12400, PO Box 5310, Ft Lee, VA 23801-6020
- DAHC75, OU—US Army Western Command, Attn: ACSAM, Ft Shafter, HI 96858-5100
- DAHC76, 8U—HQTRS 6th Inf Div (L) & USA Garrison Alaska, Attn: USAG-AK-DOC, Ft Richardson, AK 99505-5000
- DAHC77, CJ—US Army Support Command, Hawaii, Attn: APZV-KOC, Ft Shafter, HI 96858-5025.
- DAHC90, YJ—HQTRS Intelligence & Security Command, Attn: IALOG-C, Arlington Hall Station, Arlington, VA 22212-5000.
- DAHC92, 1V—USA South, 41st Area Support Group, Directorate of Contracting, Attn: SOGA-CO, APO Miami, FL 34002-5000.
- DAHC94, BD—Information Systems for Command, Control Communications & Computers (DISC4) SAIS-ZP, Alexandria, VA 22331-0700.
- DAJAO1, 9Q—Hqtrs USA Southern European Task Force, APO New York 09168.
- DAJAO2, G5—Seckenheim Area Contracting Office, Attn: USACAE/USAREUR, APO New York 09081.
- DAJAO4, 9R—Fourth Army Contracting Office, Attn: USACAF, APO New York, 09690-5345.
- DAJAO6, 9S—Chief, ACO Stuttgart, USACAE, Attn: AEUPC-ST, APO New York 09154-0503.
- DAJAO9, BT—Giessen Suboffice—RCO Frankfurt, Attn: AEUCC-F-G, APO New York 09169
- DAJA10, 9U—Chief, ACO Augsburg, Attn: AEUPC-AUG, APO New York 09178-0505
- DAJA16, 8X—Chief, Grafenwoehr Suboffice, Attn: AEUPC-FH-G, APO New York 09114-5413.
- DAJA18—Director of Purchasing, Armed Forces, Recreation Center, Germany (AFRC) APO New York 09053.
- DAJA23, 9W—Commander, USA Berlin, Attn: AEBA-PR, APO New York 09742.
- DAJA25, 9X—Chief, ACO Bremerhaven, Attn: AEUPC-BRN, APO New York 09069-0030.
- DAJA37, G6/OI—Commander, USACAE, Attn: AEUCC-MP, Box 49, APO New York 09710-53445.
- DAJA45, 9Y—Commander, 47th Area Support Group, Attn: AERUK-SP, APO New York 09075.
- DAJA61, 9Z—Hqtrs USAREUR & 7th Army, Attn: Brussels RCO, APO New York 09667-5005.
- DAJA76, 8V—Chief, ACO Frankfurt, Attn: AEUPC-FRT-S, Box 73, APO New York 09710.
- DAJA83, 2Z—RCO Rheinberg, Attn: AEUCC-R, APO New York 09712.
- DAJA84—Fulda Suboffice—RCO Frankfurt, Attn: AEUCC-F-FD, APO New York 09146-0979.
- DAJA85, B8—Hanau Suboffice—RCO Frankfurt, Attn: AEUCC-F-H, APO New York 09165-5345.
- DAJA86, CO—Mainz-Kastel Suboffice—RCO Frankfurt, Attn: AEUCC-F-MK, APO New York 09457.
- DAJA87, DO—Mid-East CAS Branch—USAREUR Contract Center, Attn: AEUCC-C-CI, APO New York 09672-0008.
- DAJA88, EO—United Kingdom CAS Branch—USAREUR Contract Center, Attn: AEUCC-C-CU, APO New York 09083-5000.
- DAJA89, FO—Wuerzburg Suboffice—RCO Fourth, Attn: AEUCC-FU-W, APO New York 09801-2013.
- DAJA90, OT—Bad Kreuznach Suboffice—RCO Frankfurt, Attn: AEUCC-F-BK, APO New York 09252-0029.
- DAJB03, F4—USA Korea Contracting Agency, Attn: EAKC-CSS, APO San Francisco, CA 95301-0062.
- DAKF01, 1A—Presidio of San Francisco, Attn: AFZM-DI-PR, Bldg 650, Presidio of San Francisco, CA 94129-5607
- DAKF03, F2—Directorate of Contracting, Attn: AFZW-PC, PO Box 27, Ft. Ord, CA 93941-0027
- DAKF04, ZE—US Army National Training Center, Attn: AFZJ-DCP, PO Box 10039, Ft. Irwin, Barstow, CA 92311-5000
- DAKF06, 1C—DCQA, Attn: AFZC-CQ-C, Bldg 6048, Fort Carson, CO 80913-5000
- DAKF10, 1D—Contracting Division, Attn: AFZP-DIP, Ft. Stewart, GA 31313-5192
- DAKF11, 1E—Contracting Division, Attn: AFZK-DI-C, Ft. McPherson, GA 30330-5000
- DAKF12, BC—FORSCOM Contracting Office, Building 228, Ft. McPherson, Atlanta, GA 30330-6000
- DAKF15, 1F—Contracting Division, Attn: AFZO-DI-C, Ft. Sheridan, IL 60037-5000
- DAKF19, 1G—Contracting Division, Attn: AFZN-DI-C, Ft. Riley, Junction City, KS 66442-0248
- DAKF23, 1H—Contracting Division, Attn: AFZB-DI-PC, Ft. Campbell, Oak Grove, KY 42223-1293
- DAKF24, G1—Contracting Division, Attn: AFZX-DI, Ft. Polk, Leesville, LA 71459-5000
- DAKF27, 1J—Contracting Division, Attn: AFZI-DI-C, Ft. Meade, Ft. George G. Meade, MD 20755-5081
- DAKF31, 1K—Contracting Division, Attn: AFZD-DI-P, Ft. Devens, Ayer, MA 01433-5340
- DAKF36, 1M—Contracting Division, Attn: AFZS-DI-P, Ft. Drum, Watertown, NY 13602-5000
- DAKF40, 1N—Contracting Division, Attn: AFZA-DI-C, Ft. Bragg, Drawer 70120, Fayetteville, NC 28306-0120
- DAKF48, 1Q—Contracting Division, Attn: AFZF-DI-CON, Ft. Hood, Killeen, TX 76544-5059
- DAKF49, 1R—Contracting Division, Attn: AFZG-DI-P, Ft. Sam Houston San Antonio, TX 78234-5000
- DAKF57, 1T—Contracting Division, Attn: AFZH-DI-P, Ft. Lewis, Tacoma, WA 98433-5000
- DAKF61, 1U—Contracting Division, Attn: AFZR-DI-P, Ft. McCoy, Sparta, WI 54656-5000
- DAMD17, B3—US Army Medical Research Acquisition Activity, Ft. Detrick, Attn: SGRD-RMA, Ft. Detrick, MD 21701-5014
- DASG60, CB—Deputy Commander, USA Strategic Defense Command, Attn: CSSD-H-CPP, PO Box 1500, Huntsville, AL 35807-3801

*Department of the Navy*

- N00011, LB,\* LBZ—Chief of Naval Operations, Washington, DC 20350-2000
- N00013, MR—Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332
- N00014, EE—Office of Naval Research, Arlington, VA 22217
- N00015, LO,\* LOZ—Naval Intelligence Command HQ (Suitland, MD), 4600



- Silver Hill Road, Washington, DC 20389
- N00018, MC,\* MD,\* J5,\* MCZ—Naval Medical Command, Washington, DC 20372-5120
- N00019, EF,\* EFO-9—Naval Air Systems Command, Washington, DC 20361
- N00023, 4J,\* 4JO-9—Commander, Naval Supply Systems Command, Washington, DC 20376
- N00024, EH,\* EHO-9—Naval Sea Systems Command, Washington, DC 20360
- N00025, EJ,\* FZ,\* EJO-9—Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332
- N00030, EK,\* EKO-9—Strategic Systems Programs, Department of the Navy, Washington, DC 20376-5002
- N00032, GU—Director of Contracts, Cruise Missiles Project, Washington, DC 20360
- N00033, EL—Commander, Military Sealift Command, Washington, DC 20390
- N00034, EM—Navy Finance Center, Navy Military Pay System, Cleveland, OH 44114
- N00039, NS—Space and Naval Warfare Systems Command, Washington, DC 20360
- N00060, LH,\* LHZ—Commander-in-Chief, Atlantic Fleet, Norfolk, VA 23511
- N00062, 8A,\* L9,\* RO,\* 8AO-9—Chief of Naval Education and Training, Code 013, NAS, Pensacola, FL 32508-5100
- N00063, NT,\* NTZ—Naval Telecommunications Command, 4401 Massachusetts Avenue, NW, Washington, DC 20394-5290
- N00065, SO,\* SOZ—Naval Oceanography Command, NSTL, MS 39529-5000
- N00069, 8Q,\* 8QZ—Naval Security Group HQ, 3801 Nebraska Avenue, NW, Washington, DC 20390-0008
- N00070, LP,\* V5,\* LPZ—Commander in Chief Pacific Fleet, Pearl Harbor, HI 96860-7000
- N00072, 9T,\* 9TZ—Commander Naval Reserve Force Code 17, New Orleans, LA 70146
- N00101, 3R—Naval Air Station, South Weymouth, MA 02190
- N00102, EN—Portsmouth Naval Shipyard, Portsmouth, NH 03801
- N00104, EP, EQ—Navy Ships Parts Control Center, Mechanicsburg, PA 17055
- N00105, JT—Naval Medical Clinic, NAVSHIPYD, Portsmouth, NH 03801
- N00109, F1—Naval Weapons Station, Yorktown, VA 23491
- N00123, ES—Commanding Officer, Naval Regional Contracting Center, 937 N. Harbor Drive, San Diego, CA 92132-5075
- N00124, M5—Naval War College, Newport, RI 02840
- N00127, H1—Naval Air Station, Quonset Point, RI 02819
- N00128, EU—Supply Department, Naval Administrative Command, Naval Training Station, Great Lakes, IL 60088
- N00129, EV—Submarine Base, New London, Groton, CT 06340
- N00140, EX, LA—Commanding Officer, Naval Regional Contracting Center, Naval Base Bldg. No. 600, Philadelphia, PA 19112
- N00146, QK—Marine Corps Air Station, Cherry Point, NC 28533
- N00151, EY—Philadelphia Naval Shipyard, Philadelphia, PA 19112
- N00153, NO—Governor, Naval Home, 01800 East Beach Blvd., Gulfport, MS 39501
- N00158, 3V—Naval Air Station, Willow Grove, PA 19090
- N00161, FA—Naval Academy, Annapolis, MD 21402
- N00163, FB—Naval Avionics Center, 21st and Arlington Avenue, Indianapolis, IN 46218
- N00164, FC—Naval Weapons Support Center, Crane, IN 47522
- N00166, LC—Naval Air Facility Bldg. 3086, Andrews AFB, Washington, DC 20396-5130
- N00167, FD—David W. Taylor Naval Ship Research & Development Center, Carderock Laboratory, Bethesda, MD 20084-5000
- N00168, FE—Naval Medical Command, National Capital Region, Bethesda, MD 20014
- N0017A—Atlantic Fleet Weapons Training Facility, (Code 51), (Roosevelt Roads, PR) Naval Station, Box 3023, FPO Miami 34051
- N00171 N5—HQ, Naval District Washington, Washington Navy Yard, Washington, DC 20374
- N00173, FF—Naval Research Laboratory, Washington, DC 20390
- N00174, FG—Naval Ordnance Station, Indian Head, MD 20640
- N00181, FJ—Norfolk Naval Shipyard, Portsmouth, VA 23709
- N00187, 3J—Navy Public Works Center, Norfolk, VA 23511
- N00188 H2—Naval Air Station Norfolk, VA 23511
- N00189 FK, H3—Naval Supply Center Norfolk, VA 23512
- N00191 FL—Charleston Naval Shipyard Naval Base, Charleston, SC 29408
- N00193, (MAJ00024), EHD-G—Commanding Officer (Code 11), Naval Weapons Station Charleston, SC 29408-7000
- N00196, 3K—Commanding Officer (Code 60), Naval Air Station, Atlanta, Marietta, GA 30060
- N00197, FM—Naval Ordnance Station, Louisville, KY 40214
- N00203 (MAJ00018), MCL—Commanding Officer, Naval Hospital, Pensacola, FL 32512
- N00204, FN—Naval Air Station (Code 19P10), Pensacola, FL 32508
- N00205, FP—Naval Support Activity (Code N443), New Orleans, LA 70146
- N00206—Naval Air Station, New Orleans, LA 70146
- N00207, FQ—Naval Air Station, Jacksonville, FL 32212
- N00211 (MAJ00018), MCQ-S—Naval Hospital, Great Lakes, IL 60088-5230
- N00213, H4—Naval Air Station, Key West, FL 33040
- N00215, 3W—Naval Air Station (Code 60), Dallas, TX 75211
- N00216, FR—Commanding Officer (Code 194), Naval Air Station, Bldg. 10, Corpus Christi, TX 78419
- N00221, K5—Mare Island Naval Shipyard, Vallejo, CA 94592
- N00228, FU—Naval Supply Center, Oakland, CA 94625
- N00231—Commanding Officer, Naval Medical Clinic, Quantico, VA 22134
- N00232 (MAJ00018), MCC-E—Naval Hospital, Jacksonville, FL 32214-5222
- N00236, NX—Naval Air Station, Alameda, CA 94501
- N00244, NW—Naval Supply Center, Naval Base, 937 North Harbor Drive, San Diego, CA 92132
- N00245 (MAJ00070), LPN—Naval Station San Diego, CA 92136-5000
- N00246, H5—Naval Air Station, North Island, San Diego, CA 92135
- N00247, HC—Naval Training Center San Diego, CA 92133
- N00249—Commanding Officer, Civil Engineer Support Office, Naval Construction Battalion Center, Port Hueneme, CA 93043
- N00250, FW—Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, NY 10305
- N00251, FX—Puget Sound Naval Shipyard, Bremerton, WA 98314
- N00253, FY—Commanding Officer, Naval Undersea Warfare Engineering Station, Keyport, WA 98345
- N00255 (MAJ00070), LPS-T, LPW-X—Naval Station Puget Sound, Seattle, WA 98115-5000
- N00267 (MAJ00018), MCO-1—Commanding Officer, Naval Medical Clinic, Key West, FL 33040
- N00274—Naval Air Facility, Detroit, Selfridge Air Force Base, Supply Department, Mt. Clemens, MI 48045
- N00275, 3M—Naval Air Station, Glenview, IL 60028
- N00276—Naval Air Station, Twin Cities, Minneapolis, MN 55450
- N00281 (MAJ00062), L90-1—Commanding Officer, Fleet Combat Training Center, Atlantic Dam Neck, Virginia Beach, VA 23461



- N00285 (MAJ00018), MDR—  
Commanding Officer, Naval Hospital,  
Corpus Christi, TX 78419
- N00288—Naval Publications and Forms  
Center, 5801 Tabor Avenue,  
Philadelphia, PA 19120
- N00296, NY—Naval Air Station, Moffett  
Field, CA 94035
- N00311, GA—Pearl Harbor Naval  
Shipyard, Box 400, Pearl Harbor, HI  
96860
- N00314, M7—Submarine Base, Pearl  
Harbor, HI 96860
- N00334, N6—Naval Air Station, Barbers  
Point, HI 96862
- N00383, GB, GC—Navy Aviation Supply  
Office, 700 Robbins Avenue,  
Philadelphia, PA 19111
- N00389, KL, MM—Contracting Officer  
(Code 192), U.S. Naval Station  
(Roosevelt Roads, PR), Box 3002, FPO  
Miami 34051
- N00406, GE—Naval Supply Center,  
Puget Sound, Bremerton, WA 98314
- N00421, M8—Naval Air Test Center,  
Patuxent River, MD 20670
- N00600, GC—Naval Regional  
Contracting Center, Washington Navy  
Yard, Washington, DC 20374
- N00604, NQ—Naval Supply Center,  
Pearl Harbor, Pearl Harbor, HI 98660
- N00612, GH—Commanding Officer,  
Naval Supply Center, RCD, Code  
200M, Charleston, SC 29408
- N00620, H6—Naval Air Station,  
Whidbey Island, Oak Harbor, WA  
98277
- N00639, H7—Commanding Officer,  
Naval Air Station, Memphis (84),  
Millington, TN 38054
- N00651, H8—Naval Supply Depot, Subic  
Bay (Philippines), Box 33, FPO San  
Francisco, CA 96651
- N00702 (MAJ00069), 8QM-N—Naval  
Security Group Activity, Winter  
Harbor, ME 04693
- N00743, 8N—Commanding Officer,  
Naval Communication Station  
(Roosevelt Roads, PR), Box 3022, FPO  
Miami 34051
- N00788—Commanding Officer, Naval  
Communication Unit, Washington,  
(Cheltenham, MC), Washington, DC  
20390
- N00849 (MAJ00069), 8QC—Naval Security  
Group Activity, Skaggs Island,  
Sonoma, CA 95476-5000
- N00886, QB—Naval Communication  
Station, San Francisco, Rough and  
Ready Island, Stockton, CA 95203
- N00927 (MAJ00063), NTA—U.S. Naval  
Communication Station (San Miguel),  
FPO San Francisco 96656-1803
- N00950, 8R—Naval Communication  
Area, Master Station, EASTPAC,  
Wahiawa, HI 96786
- N0417A (MAJ00025), EJA—Naval  
Support Facility, PO Box 1000,  
Thurmont, MD 21788
- N0428A, 3Q—Naval Air Station,  
Patuxent River, MD 20670
- N0429A, 3A—Naval Air Station, Point  
Mugu, CA 93042
- N0463A, EHC—Commanding Officer,  
Navy Experimental Diving Unit,  
NAVCOASTSYSCEN, Bldg. 321,  
Panama City, FL 32401
- V04697 (MAJ00060), LHA—USS Simon  
Lake, FPO Miami, FL 34085-2590
- N0488A, HS—Navy Manpower  
Engineering Center Detachment, San  
Diego, CA 92147
- N0597A (MAJ31699), HXP-W—Director,  
Office of Civilian Personnel  
Management, Southeast Region, Bldg  
A-67, Naval Base, Norfolk, VA 23511-  
6098
- N0598A (MAJ31699), HXN—Director,  
Office of Civilian Personnel  
Management, Pacific Division, Box  
119, Pearl Harbor, HI 96860-5060
- N0604A (MJ31699), HXJ-L—Director,  
Office of Civilian Personnel  
Management, Northwest Region, 2890  
North Main Street, Suite 301, Walnut  
Creek, CA 94596-2739
- N0605A (MAJ31699), HXG-H—Director,  
Office of Civilian Personnel  
Management, Northeast Region, Bldg  
75-3 Naval Base, Philadelphia, PA  
19112-5006
- N0618A (MAJ00062), 8AE—School of  
Music, Naval Amphibious Base, Little  
Creek, Norfolk, VA 23521-5240
- N0619A, 8E—Naval Health Sciences  
Education & Training Command,  
NAVMECOM NATCAPREG,  
Bethesda, MD 20814
- N08939—Navy Section, US Military  
Group (Caracas, Venezuela),  
Department of State, Washington, DC  
20521
- N09534—Navy Section, US Military  
Group (Lima, Peru) APO Miami 34031
- N09550, 4G—Commander Fleet Air  
Mediterranean (Naples, Italy), FPO  
New York, NY 09521
- N30492 (MAJ00039) NSC—David W.  
Taylor Naval Ship Research and  
Development Center Detachment  
Puget Sound, Bremerton, WA 98324-  
5215
- N30776, 4N—Naval Air Station,  
Kingsville Auxiliary Landing Field  
Detachment, Orange Grove, TX 77630
- N30779, 3Z—Naval Auxiliary Landing  
Field, Goliad, TX 77963
- N30829—Officer in Charge, Naval  
Support Activity, Naples Detachment  
(Gaeta, Italy) FPO New York 09522
- N30929—Commanding Officer, Navy  
Flight Demonstration Squadron (Blue  
Angels), Naval Air Station (Attn:  
Supply Officer), Pensacola, FL 32508
- N31149 (MAJ00024), EHA—Naval Sea  
Logistics Center Det Philadelphia,  
Naval Base, Philadelphia, PA
- N31699, V8,\* HX,\* V8Z—Office of Under  
Secretary of the Navy, Washington,  
DC 20350-1000
- N31701 (MAJ31699), V80-1—Assistant  
Secretary of the Navy (Shipbuilding &  
Logistics) Washington, DC 20380-5000
- N31863—Director, Naval Audit Service,  
Capital Region, P.O. Box 1206, Falls  
Church, VA 22041
- N31954 (MAJ00062), ROX—Submarine  
Training Facility, San Diego, CA 92106
- N32525, 8S—U.S. Naval Communication  
Detachment, Naples Detachment  
(Sigonella, Italy), FPO New York  
09523
- N32778 (MAJ00070), 4LE—Fleet  
Activities, China (Korea) FPO San  
Francisco 98789-1100
- N32832 7K—Naval Aviation Logistics  
Center European Repair and Rework  
Activity Representative (Alverca,  
Portugal) APO New York, NY 09285
- N32960 K2—Navy Support Office, La  
Maddelena (Sardinia Italy) FPO New  
York 09533
- N3317—Naval Intelligence Operations  
Group DET CTG 168.4 (Munich,  
Germany) APO New York 09108
- N39167—Commanding Officer Naval  
Brach Medical Clinic Naval Air  
Station Meridian, MS 39309
- N39353, GV—Commanding Officer,  
Integrated Combat Systems Test  
Facility, San Diego, CA 92152
- N41756, LE—Navy Engineering Logistics  
Office Washington, DC 20000
- N42237, 7A—Commanding Officer, Naval  
Submarine Base, Code N411, Kings  
Bay, GA 31547
- N44405 (MAJ00062), 8AA—Antilles  
Consolidated School System, Box 3200  
(Roosevelt Roads, PR), FPO Miami  
34051
- N44416 (MAJ00023), 4JL—Navy  
Publishing and Printing Service  
Northern Area, 700 Robbins Avenue,  
Philadelphia, PA 19111-5093
- N44930 KN—Intra-Fleet Supply Support  
Operations Program Norfolk, VA  
23512
- N44967 KP—Naval Sea Systems  
Command Detachment (PERA CSS)  
San Francisco, CA 94124-2995
- N45045 (MAJ31699) V8A—Navy  
Comptroller Standard Systems  
Activity Det. Raleigh Oaks Plaza  
Office Bldg 3606 Austin Peay Highway  
Memphis, TN 38128-3757
- N45406 LD—Officer in Charge, Naval  
Sea Systems Command Detachment  
(PERA CV), Bremerton, WA 98310-  
0208
- N45411 (MAJ00070) LPE—Assault Craft  
#5, MCB Camp Pendleton, CA 92055-  
5003
- N45854 V1—Fleet Surveillance Support  
Command, Chesapeake, VA 23322-  
5010



- N46079—Military Sealift Command Office, Northern Europe (Bremerhaven, Germany) APO New York 09069-0006
- N46450 L5—Naval Supply Center, Charleston Detachment Naval Submarine Base Kings Bay, GA 31547
- N46531 (N31699) HXO-E—Office of Civilian Personnel Management National Capital Region 801 N. Randolph Street Arlington, VA 22203
- N46656 NP—Telecommunication Management Detachment West, 937 North Harbor Drive San Diego, CA 92132-5104
- N46657 (MAJ00063) NTO-NT1—Telecommunication Management Detachment Pacific Wahiawa, HI 96786-3050
- N46658 LQ—Telephone Management Detachment East Wards Corner Executive Center, Suite 222 138 E. Little Creek Road Norfolk, VA 23505
- N46659 KJ—Telephone Management Detachment Europe (Naples, Italy) FPO New York 09524
- N46904, JO—Commanding Officer, Precommissioned Unit, Antisubmarine Warfare Training Group, Atlantic, Bldg CEP 104, Naval Station, Norfolk, VA 23511-6495
- N52846 (MAJ00019) EFA-B—Naval Aviation Depot Operations Center European Repair and Rework Activity (Naples, Italy) FPO New York 09521
- N52855 LZ—Special Boat Unit 11 FPO San Francisco 96601-4517
- V53210 (MAJ00060) LHJ-K—Assault Craft Unit 2, Naval Amphibious Base, Little Creek Norfolk, VA 23520
- N53825 GY—Naval Surface Force, US LANTFLT, Norfolk, VA 23511-6002
- V55322 (MAJ00060) LHN—Explosive Ordnance Disposal Group Two, Fort Story, VA 23459-5024
- R55418 (MAJ00070) V50—Naval Support Force Antarctica, Detachment Christchurch (Christchurch, New Zealand) FPO San Francisco 96690
- N57012 GQ—Commander Naval Air Force, U.S. Atlantic Fleet Naval Air Station, Norfolk, VA 23511
- N57007, VO—Commander, Middle East Force (Jufair, Bahrain), FPO New York 09501-6008
- N57023, CT—Commander, Operational Test and Evaluation Force, Naval Base, Norfolk, VA 23511
- N57032—Naval Air Facility (Mildenhall, UK) FPO New York 09127
- N57053 (MAJ00070) LPQ—Naval Facility, Centreville Beach, Ferndale, CA 95536-9766
- N57075 (MAJ00060) LH9—Commanding Officer, Naval Facility Argentina (Canada) FPO New York 09597-1051
- N57095 (MAJ00060) LHO-LHI—Atlantic Fleet Headquarters Support Activity, CINLANTFLEET, Norfolk, VA 23511
- N57100 (MAJ00070) LPO-1—Naval Special Warfare Group One NAVPHIBASE Coronado San Diego, CA 92155
- N60002—Commanding Officer, Naval Hospital, Millington, TN 38054
- N60028 QC—Naval Station, Treasure Island, San Francisco, CA 94130
- N60036, QD—Naval Weapons Station, Concord, CA 94520
- N60042 (MAJ00070) LPU—Naval Air Facility, El Centro, CA 92243
- N60050, HD—Marine Corps Air Station, El Toro, Santa Ana, CA 92709
- N60087, 3P—Naval Air Station, Burnswick, ME 04011
- N60169, WO—Commanding Officer, Marine Corps Air Station, Beaufort, SC 29904
- N60191, 4A—Naval Air Station, Oceana Virginia Beach, VA 23460
- N60200, 3G—Commanding Officer, Naval Air Station, Cecil Field, FL 32215
- N60201, L7—Commanding Officer, Naval Station, P.O. Box M, Mayport, FL 32228
- N60211, 3D—Naval Auxiliary Landing Field, Crows Landing, CA 95313
- N60234, 4R—Naval Air Station, Whiting Field, OLF Saufley Field, Pensacola, FL 32508
- N60241, 3X—Commanding Officer, Naval Air Station, Bldg. 2701, Kingsville, TX 78363
- N60258, GK—Long Beach Naval Shipyard, Long Beach, CA 90801
- N60259, H9—Naval Air Station, Miramar San Diego, CA 92145-5000
- N60268 (MAJ62980) MQO-1—Navy Recruiting District Chicago, Glenview, IL 60028-5200
- N60376, 3Y—Commanding Officer, Naval Air Station, Chase Field, Beeville, TX 78103
- N60462, WE—Naval Air Station, Adak (Alaska), FPO Seattle, WA 98791-1200
- N60478, 3C—U.S. Naval Weapons Station, Earle, Colts Neck, NJ 07722
- N60495, 8T—Naval Air Station, Fallon, NV 89406
- N60508, 4Q—Commanding Officer, Naval Air Station, Whiting Field, Milton, FL 32570
- N60514, GL—Commanding Officer, Naval Station (Guantanamo Bay, Cuba), Box 33, FPO New York 09593
- N60530, CM—Naval Weapons Center, China Lake, CA 93555
- N60656, GN—Navy Resale Activity, Naval Station, Annapolis, MD 21402
- N60663, GR—Officer in Charge, Navy Resale Activity, Commissary Support Office, Naval Base, Bldg 2600, Great Lakes, IL 60088
- N60666, GS—Navy Resale Activity, Naval Air Station, Key West, FL 33040
- N60676, GX—Navy Resale and Services Support Office, Field Support Office Commissary Div., Naval Air Station, Mechanicsburg, PA 17055
- N60681, HA—Commissary Store Division, NAVRESSOFSO, Naval Station, San Diego, CA 92136
- N60693, HB—Navy Resale Activity, Commissary Support Office, Naval Base Pearl Harbor, Box 110, Pearl Harbor, HI 96860
- N60701, 4M—Naval Weapons Station, Seal Beach, CA 90740
- N60865, (MAJ00070), V5X—Naval Forces, Marianas (Guam), FPO San Francisco 96630
- N60872 (MAJ00070), V5T—Naval Magazine (Guam), FPO San Francisco 96630-1300
- N60895, HF—Commissary Store Division, NAVRESSOFSO, Naval Air Station, Alameda, CA 94501
- N60921, HG, FH—Commander, Naval Surface Weapons Center, Headquarters, Dahlgren, VA 22448
- N60935, HH—Commissary Store Div, NAVRESSOFSO, Naval Air Station, Jacksonville, FL 32212
- N60936, HJ—Navy Resale Activity Commissary Region Support Office, Naval Air Station, Pensacola, FL 32508
- N60937, HK—Navy Resale Activity Det Commissary Store, Naval Support Activity, New Orleans, LA 70140
- N60938, HL—Navy Resale Activity, Commissary Support Office, Naval Air Station, Corpus Christi, TX 78419
- N60939, HM—Navy Resale Activity Commissary Store, Naval Air Station, Memphis 32, Millington, TN 38054
- N60951 (MAJ00060), LHU—Fleet Accounting and Disbursing Center, U.S. Atlantic Fleet, Norfolk, VA 23511-6096
- N61115, HN—Navy Resale Activity, Submarine Base, New London, Groton, CT 06340
- N61119, HP—Naval Supply Depot, Guam, FPO San Francisco, CA 96630
- N61165, NN—Supply Officer, Bldg NS46, Naval Station, Charleston, SC 29408-5000
- N61174, 7B—Naval Station, New York, Brooklyn, NY 11251
- N61189—Naval Station, Philadelphia, PA 19112
- N61217, HQ—Navy Resale Activity, Naval Air Station, Bermuda, FPO New York 09580
- N61331, HR—Commanding Officer, Naval Coastal Systems Center, Panama City, FL 32407
- N61337, HO—Commanding Officer, Naval Hospital, Beaufort, SC 29904
- N61339, HT—Commanding Officer, Naval Training Systems Center (N-601), Orlando, FL 32826-3275
- N61414, 4B—Naval Amphibious Base, Little Creek Norfolk, VA 23521



- N61463, (MAJ00060), LHC—Naval Base, Norfolk, VA 23511-6002
- N61466, Commander, Naval Base, Bldg NH48, Charleston, SC 29408
- N61510, HU—Navy Resale Activity, Naval Station, Guam, Box 179, FPO San Francisco, CA 96630
- N61533, HW—David W. Taylor Naval Ship Research and Development Laboratory, Annapolis, MD 21402
- N61564, FS—Naval Hospital, NAVBASE (Guantanamo Bay, Cuba) FPO New York 09593
- N61577 (MAJ00070), V5P—Naval Air Station, Agana (Guam), Box 60, FPO San Francisco 96630-1200
- N61581, (MAJ00070), 4LT—Fleet Activities (Yokosuka, Japan) FPO, Seattle, 98762-1100
- N61685 (MAJ00065), SOA—Naval Oceanography Command Center (Guam), Box 12, FPO San Francisco 96630-2926
- N61726, QL—Naval Hospital, Naval Submarine Base, New London, Groton, CT 06349
- N61751 (MAJ00018), MCN, Naval Medical Research Unit No. 3, Cairo (Egypt), FPO New York 09527-1000
- N61755 (MAJ00070), V5E—Naval Station (Guam), FPO San Francisco 96630-1000
- N61762, HY—Naval Ordnance Missile Test Facility, White Sands Missile Range, NM 88002
- N62021, 7V—Naval Amphibious Base, Coronado, San Diego, CA 92155
- N62161, HZ—Navy Resale Activity Det, Rough and Ready Island, Stockton, CA 95203
- N62190—Commanding Officer, Naval Research Laboratory, Underwater Sound Reference Detachment, P.O. Box 8337, Orlando, FL 32856
- N62191 (MAJ00062), L97—Commanding Officer, Naval Reserve Officers Training Corps and Naval Administrative Unit, Room 20E-125, Massachusetts Institute of Technology, Cambridge, MA 02139
- N62254 (MAJ00070), 4LX—Commander Fleet Activities, Okinawa, Naval Air Facility, Kadena (Ryukyu Islands Southern), Box SU/CR, FPO Seattle 98770-1100
- N62269, JC—Commander, Naval Air Development Center, Johnsville, Warminster, PA 18974
- N62271, QE—Naval Postgraduate School, Monterey, CA 93940
- N62285 (MAJ00065), S00-S01—Naval Observatory, Washington, DC, 34th and Massachusetts Avenue NW., Washington, DC 20390-5100
- N62306, 7C—Commanding Officer (Code 4410), Naval Oceanographic Office, National Space Technology Laboratory, Bay St. Louis, MS 39552
- N62367 (MAJ00023), 4JC—Navy Clothing and Textile Research Facility, 21 Strathmore Road, Natick, MA 01760-2490
- N62376, 4K—Commanding Officer, Naval Air Propulsion Center, P.O. Box 7176, Trenton, NJ 08628
- N62381, JG—Military Sealift Command, Atlantic, Military Ocean Terminal, Building 42, Bayonne, NJ 07002
- N62382, Military Sealift Command Office, Gulf Subarea, 4400 Dauphin Street, New Orleans, LA 70146
- N62383, JH—Military Sealift Command, Pacific, Naval Supply Center, Oakland, CA 94625
- N62387, Commander, Military Sealift Command (Code M10-3), 4228 Wisconsin Avenue, Washington, DC 20016
- N62395, JK—Navy Public Works Center, Mariana Island Guam (U.S.), FPO San Francisco 96630-2937
- N62404, JJ—Military Sealift Command, Far East, (Yokohama, Japan), FPO Seattle 98760
- N62410 (MAJ62980), MQ6—Navy Recruiting District, P.O. Box 8667, Albuquerque, NM 87198-8667
- N62412 (MAJ62980), MLR—Commanding Officer, Navy Recruiting District, Perry Hill Office Park, 3815 Interstate Court, Montgomery, AL 36109-5294
- N62415 (MAJ62980), MLX—Commanding Officer, Navy Recruiting District, Strom Thurmond Federal Bldg., Suite 771, 1835 Assembly Street, Columbia, SC 29201-2430
- N62416, NV—Navy Recruiting District Columbus Room 609, Federal Bldg., 200 North High Street, Columbus, OH 44142-2474
- N62419—Commanding Officer, Navy Recruiting District, Melrose Bldg., 1121 Walker Street, Houston, TX 77002
- N62422—Commanding Officer, Navy Recruiting District, 2974 Woodcock Drive, Jacksonville, FL 32207
- N62423—Commanding Officer, Navy Recruiting District, 301 Center Street, Little Rock, AR 72201
- N62425—Commanding Officer, Navy Recruiting District, 1808 West End Ave., Suite 1312, Nashville, TN 37203
- N62427—(MAJ62980) MLP—Navy Recruiting District Omaha, Overland-Wolf Bldg, 6910 Pacific Omaha, NE 68106
- N62429 (MAJ62980) MLE—Navy Recruiting District Portland, 1220 SW Third Avenue, Suite 576, Portland, OR 97204
- N62430—Commanding Officer, Navy Recruiting District, 1001 Navaho Drive, Raleigh, NC 27609
- N62437 (MAJ62980) MQ4—Commanding Officer, Navy Recruiting District, 918 So. Ervay Street, Dallas, TX 75201
- N62438 (MAJ62980) MLQ—Navy Recruiting District Denver, Capital Life Center, 3rd Floor, 1600 Sherman Street, Denver, CO 80203-1668
- N62440 (MAJ62980)—Navy Recruiting District, 2420 Broadway, Kansas City, MO 64108
- N62441 (MAJ62980) MLG—Navy Recruiting District Los Angeles, 5051 Rodeo Road, Los Angeles, CA 90016
- N62442—Commanding Officer, Navy Recruiting District Atlanta, 612 Tinker Street, Suite C, Marietta, GA 30060
- N62443 (MAJ62980) MLV—Navy Recruiting District, Federal Office Bldg., 2nd & Washington Avenues, S., Minneapolis, MN 55401
- N62444—Commanding Officer (Code 602-2C), Navy Recruiting District, 4400 Dauphine Street, New Orleans, LA 70146
- N62448 (MAJ62980) MLN—Navy Recruiting District San Francisco, 1500 Broadway, Room 210, Oakland, CA 94612-1430
- N62449 (MAJ62980) MLC—Navy Recruiting District Seattle, Naval Station, Bldg. 30, Seattle, WA 98115-5105
- N62467, JM—Commanding Officer, Naval Facilities Engineering Command, Southern Division, (SOUTHNAVFACENGGCOM), 2155 Eagle Drive, P.O. Box 10068, Charleston, SC 29411-0068
- N62470, JN—Naval Facilities Engineering Command, Atlantic Division, Norfolk, VA 23511
- N62471, N7—Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Mid-Pacific, Pearl Harbor, HI 96860
- N62472, JP—Naval Facilities Engineering Command, Northern Division, U.S. Naval Base, Philadelphia, PA 19112
- N62474, JR—Naval Facilities Engineering Command, Western Division, San Bruno, CA 94066
- N62477, JU—Naval Facilities Engineering Command, Chesapeake Division, Washington Navy Yard, Washington, DC 20390
- N62481, N8—Naval Air Station, Bermuda, FPO New York 09560
- N62507 (MAJ00070) 4LJ—Commanding Officer, Naval Air Facility, Atsugi, Japan Box 3, FPO Seattle 98767-1200
- N62522 JV—Military Sealift Command, Europe (London, UK) Box 3, FPO New York 09510-3700
- N62535, HE—Marine Corps Air Station (HELO) Tustin, CA 92710
- N62537—Military Sealift Command, Mediterranean Sub-Area (Naples, Italy), Box 23, FPO New York 09521-0600
- N62538, K1—Military Sealift Command Office, NSC Bldg Y100A, Norfolk, VA 23512
- N62539—Military Sealift Command Office, United Kingdom (London, UK) Box 29, FPO New York 09510-3700



- N62578, K8—Marine Corps Air Station, New River Plaza, Jacksonville, NC 28540
- N62576 (MAJ00023), 4JG—Navy Publishing and Printing Service, 700 Robbins Avenue, Philadelphia, PA 19111-5094
- N62578, J2—Naval Construction Battalion Center, Davisville, RI 02854
- N62583, J3—Naval Construction Battalion Center, Port Heuneme, CA 93041
- N62585, K3—Commander, Naval Activities, United Kingdom, (London, UK), FPO New York 09510
- N62586 (MAJ00070), V5A—Naval Ship Repair Facility (Guam), FPO San Francisco 96630-1400
- N62588, NR—Naval Support Activity, Naples (Italy), FPO New York 09521
- N62593—Director, Navy Publications & Printing Services Det Office, Southeast Div., 4400 Dauphine St., Unit 601-3-B, New Orleans, LA 70146
- N62603—Commanding Officer, Fleet & Mine Warfare Training Center, Naval Base, Bldg 647, Charleston, SC 29408
- N62604, J4—Commanding Officer, Naval Construction Battalion Center, Gulfport, MS 39501
- N62613 (MAJ00027), MUE—Commanding Officer, Marine Corps Air Station, (Iwakuni, Japan), FPO Seattle 98764-5001
- N62645, EG—Naval Medical Materiel Support Command, Fort Detrick, Frederick, MD 21701-5015
- N62649, JY—Naval Supply Depot, Yokosuka (Japan), FPO Seattle 98782
- N62651—Director, Navy Publications & Printing Service Detachment Office, Southeast Division, Pensacola, FL 32508
- N62653—Director, Navy Publications & Printing Service Office, Southeast Division, Bldg. 1628, Naval Base, Charleston, SC 29408
- N62654 (MAJ00019), EFE—Naval Weapons Evaluation Facility, Kirtland AFB, Albuquerque, NM 87117
- N62665, JQ—Supervisor of Shipbuilding, Conversion and Repair, USN, Barnes Building—8th Floor, 495 Summer Street, Boston, MA 02210
- N62670, 8B—Supervisor of Shipbuilding, Conversion and Repair, USN, Drawer T, Mayport Naval Station, Jacksonville, FL 32228
- N62673, 8P—Supervisor of Shipbuilding, Conversion and Repair, USN, Naval Base, Charleston, SC 29408
- N62678, 8C—Supervisor of Shipbuilding, Conversion and Repair, USN, P.O. Box 215, Portsmouth, VA 23705
- N62688, GW—Naval Station, Naval Base, Norfolk, VA 23511-6002
- N62695—Auditor General of the Navy, Naval Audit Services Headquarters, P.O. Box 1206, Falls Church, VA 22041
- N62700 (MAJ00023), 4JJ—Navy Publications and Printing Service Detachment Office, Northern Division, Bldg 2A, Great Lakes, IL 60088-5708
- N62703 (MAJ00023), 4JA—Navy Publications and Printing Service Detachment Office, Bldg 530, Puget Sound Naval Shipyard, Bremerton, WA 98314
- N62705 (MAJ00023), 4JN—Navy Publications and Printing Service Detachment Office, Naval Supply Center, Oakland, CA 94625-5645
- N62706, JS—Navy Publications and Printing Service Office, Western Division, Bldg. 154, San Diego, CA 92136-5146
- N62735 (MAJ00070), 4LP—Commander, Fleet Activities, (Sasebo, Japan), FPO Seattle 98766-1100
- N62741, MB—Commanding Officer, Navy Supply Corps School, Code 60, Athens, GA 30606
- N62742, KB—Naval Facilities Engineering Command, Pacific Division, Pearl Harbor, HI 96860
- N62745—Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Mediterranean (Madrid, Spain), APO New York 09285
- N62755, J7—Commanding Officer, Navy Public Works Center, Pearl Harbor, HI 96860-5470
- N62766, L1—Officer in Charge of Construction, Naval Facilities Engineering Command Contracts (Guam), FPO San Francisco, CA 96680
- N62770 (MAJ00070), LPJ-L—Naval Ship Repair Facility (Subic Bay, Philippines), Box 34, FPO San Francisco 96651-1400
- N62786, ER—Supervisor of Shipbuilding, Conversion and Repair, USN, 574 Washington Street, Bath, ME 04530-0988
- N62789, L8—Supervisor of Shipbuilding, Conversion and Repair, USN, Groton, CT 06340
- N62791, NU—Supervisor of Shipbuilding, Conversion and Repair, USN, Naval Station, Box 119, San Diego, CA 92136-5119
- N62793, 4T—Supervisor of Shipbuilding, Conversion and Repair, USN, Newport News, VA 23607-2785
- N62794, 7D—Supervisor of Shipbuilding, Conversion and Repair, USN, Flushing & Washington Avenues, Brooklyn, NY 11251-9000
- N62795, 7F—Supervisor of Shipbuilding, Conversion and Repair, USN, Pascagoula, MS 39568-2210
- N62798, 4X—Supervisor of Shipbuilding, Conversion and Repair, USN, San Francisco, CA 94124-2996
- N62799, 7M—Supervisor of Shipbuilding, Conversion and Repair, USN, Seattle, WA 98115-5001
- N62808 (MAJ00025), FZO—Public Works Center, Subic Bay (Luzon, Republic of the Philippines), FPO San Francisco 96651-2900
- N62832—Naval Activities, Rota, Spain, FPO New York 09540
- N62836, L4—Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Far East, Yokosuka, Box 61, FPO Seattle, WA 98762
- N62841 (MAJ00030), EKA—Commanding Officer, Naval Ordnance Test Unit, Cape Canaveral, FL 32920-1623
- N62844, KO—Naval Imaging Command, Washington Navy Yard, Washington, DC 20350-2000
- N62849 (MAJ00019), EFC—Naval Aviation Engineering Service Unit, Philadelphia, PA 19112-5088
- N62852—Naval Electronic System Security Engineering Center, Naval Security Station, 3601 Nebraska Avenue, NW, Washington, DC 20390
- N62856 (MAJ00060), LHW-X—Naval Air Facility (Lajes, Azores), APO New York 09406-5000
- N62861, KD—Naval Plant Representative Office, General Dynamics, PO Box 2505, Pomona, CA 91766
- N62863, K4—Naval Station, Rota, Spain, FPO New York 09540
- N62864, L2—Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Southwest Pacific (Manila, Philippines), APO San Francisco, CA 96528
- N62892 (MAJ00069), 8QA—Commanding Officer, Naval Security Group Activity, Site "B", Card Sound Road, Homestead, FL 33039-8428
- N62894 (MAJ00070), 4LA—Commander, U.S. Naval Forces Korea (Yongsan, South Korea), APO San Francisco, CA 96301-0023
- N62907, KC—Naval Plant Representative Office, Applied Physics Laboratory, Johns Hopkins Road, Laurel, MD 20810
- N62908, 8D—Naval Weapons Engineering Support Activity, Washington Navy Yard, Washington, DC 20374
- N62911 (MAJ62980)—Navy Recruiting Area One, Scotia, NY 12302-9462
- N62913 (MAJ62980), MLL—Commander, Naval Recruiting Area Three, 451 College Street, PO Box 4887, Macon, GA 31208-4887
- N62917 (MAJ62980), MLC-1—Commander, Navy Recruiting Area Seven, 1499 Regal Row, Suite 501, Dallas, TX 75247
- N62918 (MAJ62980), MLA—Navy Recruiting Area Eight, 7677 Oakport



- Street, Suite 650, Oakland, CA 94621-1929
- N62921, KH—Naval Plant Representative Office (Special Projects), Lockheed Missiles & Space Co., PO Box 504, Sunnyvale, CA 94088
- N62922, 7W—Resident Officer in Charge of Construction, Pacific, Department of the Navy, PO Box 418, San Bruno, CA 94067
- N62938, KK—Naval Plant Representative Office, Grumman Aerospace Corp., Bethpage, L.I., NY 11714
- N62974, JB—Marine Corps Air Station, Yuma, AZ 85364
- N62980, ML\*, MQ\*, MLZ—Naval Military Personnel Command, Washington, DC 20370
- N62990, L3—Supervisor of Shipbuilding, Conversion and Repair, USN, PO Box 26, Sturgeon Bay, WI 54235
- N62995, 4H—Naval Air Station, Sigonella (Italy) FPO New York 09523
- N63005, Commanding Officer, Administrative Support Unit, Bahrain, FPO New York 09526
- N63007 (MAJ00060) LHS—Nuclear Weapons Training Group, Atlantic, Norfolk, VA 23511
- N63015, 7Y—Naval Education and Training Support Center, Pacific, Fleet Station PO Bldg, San Diego, CA 92132
- N63026, (MAJ00027), MUJ—Marine Corps Air Station (Futenma, Japan), FPO Seattle 98772-5001
- N63028, U2—Polaris Missile Facility Atlantic, Charleston, SC 29408
- N63032, KS—U.S. Naval Station Keflavik (Iceland), FPO New York 09571
- N63038, 8M—U.S. Naval Communication Unit, Cutler, East Machias, ME 04630
- N63042, NZ—Naval Air Station, Lemoore, Ca 93245
- N63043, 3S—Commanding Officer, Naval Air Station, Meridian, MS 39301
- N63051—Commanding Officer, Naval Investigative Service, Southeast Region, Naval Base, Bldg NH 53, Charleston, SC 29408
- N63053—Commanding Officer, Naval Investigative Service Office, P.O. Box 6438, New Orleans, LA 70174
- N63058 (MAJ00011), LBC—Naval Investigative Service, Northwest Region, Bldg 7, NAVSTA Treasure Island San Francisco, CA 94130
- N63073—U.S. Naval Security Group Activity RAF, Edzell UK, FPO New York 09518
- N63080, KT—Navy Resale Activity, Chinhae (South Korea), FPO Seattle, WA 98769
- N63082—Commanding Officer, Naval Technical Training Center Corry Station (Code 4480), Pensacola, FL 32511
- N63110—Commanding Officer, Chief of Naval Air Training (Code N-73), Naval Air Station, Corpus Christi, TX 78419
- N63111—Commanding Officer, Chief of Naval Technical Training, Naval Air Station, Memphis, Millington, TN 38054
- N63124—Supervisor of Shipbuilding, Conversion and Repair, USN, New Orleans, LA 70146
- N63134, 7R—Fleet Numerical Oceanography Center, Monterey, CA 93940
- N63136—Navy Section, U.S. Military Group, Argentina (Buenos Aires), Department of State, Washington, DC 20521
- N63143, 8K—Naval Communication Station (Keflavik, Iceland), Box 22, FPO New York 09571
- N63152, GZ—Fleet Combat Direction Systems Support Activity, San Diego, CA 92147-5081
- N63165, 7U—Navy Regional Data Automation Center, Washington, Washington Navy Yard, Washington, DC 20374
- N63182, 8T—Naval Communication Station (Rota, Spain), FPO New York 09539
- N63204, KV—Naval Plant Representative Office, Goodyear Aerospace Corp., Akron, OH 44305
- N63209 (MAJ00062), L9A—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of New Mexico, Albuquerque, NM 87106
- N63210 (MAJ00062), L9B—Commanding Officer, Naval Reserve Officers Training Corps Unit, Iowa State University of Science and Technology, Ames, IA 50011-3010
- N63211 (MAJ00062), L9C—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Michigan, Ann Arbor, MI 48109-1085
- N63212 (MAJ00062), L9G—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Texas at Austin, Austin, TX 78712
- N63213 (MAJ00062), L9J—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of California, Berkeley, CA 94720-0001
- N63214 (MAJ00062) L9M—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Colorado, Box 374, Boulder, CO 80309-0374
- N63215 (MAJ00062) L9U—Commanding Officer, Naval Reserve Officers Training Corps Unit, Illinois Institute of Technology, 3300 S. Federal Street, Chicago, IL 60616-3793
- N63216 (MAJ00062) L9W—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Missouri, Columbia, MO 65201
- N63217 (MAJ00062) L9Z—Commanding Officer, Naval Reserve Officers Training Corps Unit, Oregon State University, Corvallis, OR 97331
- N63218 (MAJ00062) ROB—Commanding Officer, Naval Reserve Officers Training Corps Unit, Northwestern University, Evanston, IL 60201
- N63219 (MAJ00062) ROE L99—Commanding Officer, Naval Reserve Officers Training Corps Unit, Rice University, P.O. Box 1892, Houston, TX 7701
- N63220 (MAJ00062) ROL—Commanding Officer, Naval Reserve Officers Training Corps Unit, UCLA, Men's Gym, Room 123, 405 Milgard Avenue, Los Angeles, CA 90024-1399
- N63221 (MAJ00062) 8AB—Commanding Officer, Naval Reserve Officers Training Corps Unit, PED 101, University Park MC 0654, University of Southern California, Los Angeles, CA 90089-0654
- N63222 (MAJ00062) ROH—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Kansas, Lawrence, KS 66044
- N63223 (MAJ00062) ROK—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Nebraska, Lincoln, NE 68508
- N63224 (MAJ00062) 8AD—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Wisconsin, 1610 University Avenue, Madison, WI 53705
- N63225 (MAJ00062) 8AH—Commanding Officer, Naval Reserve Officers Training Corps Unit, Marquette University, Milwaukee, WI 53233
- N63226 (MAJ00062) 8AJ—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Minnesota, Minneapolis, MN 55455-0108
- N63227 (MAJ00062) 8AK—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Idaho, Moscow, ID 83843-3244
- N63228 (MAJ00062) 8AM—Commanding Officer, Naval Reserve Officers Training Corps Unit, Tulane University, New Orleans, LA 70118
- N63229 (MAJ00062) 8AN—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Oklahoma, Norman, OK 73019
- N63230 (MAJ00062) 8AR—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Notre Dame, Notre Dame, IN 46556-5601
- N63231 (MAJ00062) 8AW—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Utah, Salt Lake City, UT 84112-1107
- N63232 (MAJ00062) 8AY—Commanding Officer, Naval Reserve Officers



- Training Corps Unit, University of Washington, Seattle, WA 98195  
 N63234 (MAJ00062) L9Q—Commanding Officer, Naval Reserve Officers Training Corps Unit, 505 East Armory Street, University of Illinois, Champaign, IL 61820-6288  
 N63235 (MAJ00062) RO5—Commanding Officer, Naval Reserve Officers Training Corps Unit, Purdue University, West Lafayette, IN 47907-0001  
 N63273, 4S—Fleet Combat Direction Systems Support Activity, Dam Neck, Virginia Beach, VA 23461  
 N63274, 4F, 4W—Naval Electronic Systems Engineering Center, Vallejo, CA 94592  
 N63282, KZ—Naval Plant Representative Office, Lockheed Aircraft Corp., Burbank, CA 91503  
 N63285 (MAJ00011) LBO—Naval Security and Investigative Command, Washington, DC 20388  
 N63290 (MAJ00062) R00-R01—Commanding Officer, Combat Systems Technical Schools Command, Mare Island, Vallejo, CA 94592  
 N63291 (MAJ00062) ROF—Commanding Officer, Naval Reserve Officers Training Corps Unit, Barton Hall, Cornell University, Ithaca, NY 14853  
 N63294 (MAJ00062) 8AV—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Rochester, Rochester, NY 14627  
 N63295 (MAJ00062) ROM—Commanding Officer, Naval Reserve Officers Training Corps Unit, Rensselaer Polytechnic Institute, Troy, NY 12180-3590  
 N63296 (MAJ00062) L9F—Commanding Officer, Naval Reserve Officers Training Corps Unit, Auburn University, Auburn, AL 36830  
 N63299 (MAJ00062) ROA—Commanding Officer, Naval Reserve Officers Training Corps Unit, Duke University, Durham, NC 27706  
 N63301 (MAJ00062) L9D—Commanding Officer, Naval Reserve Officers Training Corps Unit, Georgia Tech, Atlanta, GA 30313  
 N63303 (MAJ00062) ROV—Commanding Officer, Naval Reserve Officers Training Corps Unit, College of the Holy Cross, Worcester, MA 01610-2389  
 N63306 (MAJ00062) 8AS—Commanding Officer, Naval Reserve Officers Training Corps Unit, Miami University, Oxford, OH 45056-1698  
 N63307 (MAJ00062) RON—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Mississippi, Box 69, University, MS 38677  
 N63308 (MAJ00062) L9R—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of North Carolina, Chapel Hill, NC 27515  
 N63309 (MAJ00062) L9Y—Commanding Officer, Naval Reserve Officers Training Corps Unit, The Ohio State University, Columbus, OH 43210-1169  
 N63310 (MAJ00062) ROP—Commanding Officer, Naval Reserve Officers Training Corps Unit, Wagner Bldg., The Pennsylvania State University, University Park, PA 16802  
 N63311 (MAJ00062) 8AT—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Pennsylvania, Philadelphia, PA 19104  
 N63313 (MAJ00062) L9X—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of South Carolina, Columbia, SC 29208  
 N63315 (MAJ00062) 8AL—Commanding Officer, Naval Reserve Officers Training Corps Unit, Vanderbilt University (Westside Hall), Nashville, TN 37240  
 N63316 (MAJ00062) ROR—Commanding Officer, Naval Reserve Officers Training Corps Unit, Villanova University, Villanova, PA 19085-1699  
 N63317 (MAJ00062) L9T—Commanding Officer, Naval Reserve Officers Training Corps Unit, Maury Hall, University of Virginia, Charlottesville, VA 22903-3194  
 N63325, 7X—Naval Education & Training Support Center, Atlantic Bldg. Z-86, Naval Station, Norfolk, VA 23511  
 N63331, LF—Naval Plant Representative Office, United Technologies Corp., Sikorsky Aircraft Div., Stratford, CT 06497  
 N63339, LL—Navy Resale Activity, Naval Station, Adak (Alaska), FPO Seattle, WA 98791  
 N63340, LM—Navy Resale Activity, Naval Station, Argentina (Canada), FPO New York 09597  
 N63341, LN—Naval Resale Activity Det. Commissary Store, Naval Air Station, Chase Field, Beeville, TX 78102  
 N63344, LR—Navy Commissary Store Region, Naval Station, Charleston, SC 29408  
 N63345, LS—Navy Resale Activity, Naval Station, Guantanamo Bay (Cuba), FPO New York 09598  
 N63346, LT—Navy Resale Activity, Naval Station, Keflavik (Iceland), FPO New York 09571  
 N63348, LV—Navy Resale Activity, Det Commissary Store, Naval Air Station, Kingsville, TX 78364  
 N63349, LW—Navy Resale Activity, Naval Air Station, Lemoore, CA 93246  
 N63350, 3L—Navy Resale Activity, COMNAVACT, Dunstable, UK, FPO New York 09510  
 N63351, LY—Navy Commissary Store Region, Naval Station, Long Beach, CA 90802  
 N63352, KE—Navy Resale Activity Det Commissary Store, Naval Air Station, Meridian, MS 39301  
 N63353, MA—Officer in Charge, Navy Resale Activity, Commissary Support Office, Naval Support Activity, Naples (Italy), FPO New York 09521  
 N63357, ME—Navy Resale Activity, Naval Station, Rota (Spain), FPO New York 09540  
 N63362, MK—Officer in Charge, Navy Resale Activity, Commissary Support Office (Subic Bay, Philippines), P.O. Box 28, FPO San Francisco 96651  
 N63365, MN—Navy Resale Activity, Commissary Support Office (Yokosuka, Japan), Box 33, FPO Seattle 98762  
 N63367, MP—Officer in Charge, Commissary Div., Navy Resale and Services Support Office, Field Support Office, Norfolk, VA 23511  
 N63369—Military Sealift Command Office, Benelux (Rotterdam, Netherlands), APO New York 09159  
 N63381 (MAJ00011), LBA—Joint U.S. Military Advisory Group, Thailand, APO San Francisco 96346  
 N63387, JD—Navy Public Works Center, Naval Base, San Diego, CA 92136  
 N63394, L6—Naval Ship Weapon Systems Engineering Station, Port Huenueme, CA 93043  
 N63395, 8L—U.S. Naval Communication Station Thurso (Caithness, UK), FPO New York 09516  
 N63402, K7—Commanding Officer, Strategic Weapons Facility, Pacific, Bremerton, WA 98383  
 N63408, HV—Navy Material Transportation Office, Norfolk, VA 23511-6691  
 N63410, KA—Navy Manpower and Material Analysis Center, Atlantic, Norfolk, VA 23511  
 N63427, 8F—U.S. Naval Communication Station, Harold E. Holt, Exmouth, Western Australia, FPO San Francisco 96680  
 N63429, MH—Nava[Communication Unit London (UK), FPO New York 10000  
 N63439, K9—Naval Ophthalmic Support and Training Activity, Yorktown, VA 23690  
 N63821 (MAJ00039), NSA-B—Officer in Charge, Naval Underwater Systems Center, AUTEC Andros Range Detachment, Andros Island, Bahama Islands, FPO New York 09559  
 N63886 (MAJ00069), 8QO-1—Naval Security Group Activity (Adak, AK), FPO Seattle 98777  
 N63891 (MAJ00069), 8QG—Naval Security Group, Northwest, Chesapeake, VA 23322  
 N64165 (MAJ00062), ROZ—Naval Unit, Lowry Air Force Base, CO 80230



- N64181 (MAJ00062), ROW—Department of Naval Science, Texas Maritime Academy, Galveston, TX 77553-1675
- N64267, M9—Naval Weapons Station, Seal Beach Detachment, Fleet Analysis Center, Corona Annex, Corona, CA 91720
- N64281, 3U, KX—Commanding Officer, Naval Sea Combat Systems Engineering Station, Naval Station, Norfolk, VA 23511
- N64356, KF—Commanding Officer, Naval Administrative Command, Armed Forces Staff College, Norfolk, VA 23511-6097
- N64980—Officer in Charge, Naval Weapons Facility, Detachment Machrinhanish, UK, FPO New York 09515
- N64981—Commanding Officer, Naval Weapons Facility, St. Mawgan UK, FPO New York 09511
- N65113, EZ—Navy Public Works Center, Bldg 1A, Great Lakes, IL 60088-5600
- N65114—Commanding Officer, Navy Public Works Center, Naval Air Station, Pensacola, FL 32508
- N65115 (MAJ00025), FZA—Navy Public Works Center, Box 13 (Yokosuka, Japan), FPO Seattle 96762-3100
- N65116, MZ—Officer in Charge, Navy-Marine Corps Appellate Review Activity, Officer of the Judge Advocate General, Washington Navy Yard, Washington, DC 20374-2001
- N65117, NJ, MO—Naval Plant Representative Office (Strategic Systems Programs), General Electric Ordnance Systems, 100 Plastics Avenue, Pittsfield, MA 01201
- N65146, 7E—Procurement Branch, OP-09B31, Office of the Chief of Naval Operations Support Activity, Washington, DC 20350
- N65198, 3H—Naval Administrative Unit, 550 First Street, Idaho Falls, ID 83401
- N65202—Supervisor of Shipbuilding, Conversion and Repair, USN, Box 400, Pearl Harbor, HI 96880
- N65227, NH—Naval Plant Representative Office, Unisys Corp., Great Neck, L.I., NY 11020
- N65236, V7—Naval Electronic Systems Engineering Center, 4800 Goer Road, North Charleston, SC 29406
- N65256 (MAJ31699)—Navy Office of Information, East, 133 East 58th Street, 1st Floor, New York, NY 10022
- N65428 (MAJ00018), MDP—Commanding Officer, Naval Hospital (Roosevelt Roads, PR), FPO Miami 34051-8100
- N65440, 4V—Officer in Charge, Navy Resale Activity, Exmouth, Western Australia, FPO San Francisco 96680
- N65491 (MAJ00018), J5P—Naval Hospital (Subic Bay, Philippines), FPO San Francisco 96652-1600
- N65492 (MAJ00018), MCA—Commanding Officer, Naval Hospital, Fiscal & Supply Service, Code 32C, Orlando, FL 32813-5200
- N65497, 4U—Commissary Store Division, NAVRESSO, Field Support Office, 2801 "C" Street, SW, Auburn, WA 98001
- N65575 (MAJ00018), MCY—Naval Medical Clinic, Seattle, WA 98115
- N65576—Navy Space Systems Activity, PO Box 92960, Worldway Postal Center, Los Angeles, CA 90009
- N65580, M2—Naval Electronic Systems Engineering Center, PO Box 55, Portsmouth, VA 23705
- N65584, EW, 3E, KU, 3B—Naval Electronic Systems Engineering Center, PO Box 80337—Building #4, Code 104, San Diego, CA 92138
- N65849 (MAJ31699), HXY-Z—Office of Civilian Personnel Management, Southwest Region, San Diego, CA 92138
- N65870, M4—Supervisor of Shipbuilding, Conversion and Repair, USN, Long Beach Naval Shipyard, Long Beach, CA 90822
- N65886—Commanding Officer, Aviation Depot, Naval Air Station, Jacksonville, FL 32212
- N65888, ED Aviation Depot, North Island, San Diego, CA 92135
- N65889—Commanding Officer, Aviation Depot, Naval Air Station, Code 58000, Pensacola, FL 32508
- N65912, GP—Commanding Officer, Naval Sea Support Center, Atlantic St. Juliens Creek Annex, Portsmouth, VA 23702
- N65913, 7L—Naval Sea Support Center, Pacific, San Diego, CA 92138
- N65918, FT—Shore Intermediate Maintenance Activity, Naval Station, San Diego, CA 92136-5000
- N65926 (MAJ00039), NSA-B—Officer in Charge, Naval Underwater Systems Center Detachment, AUTEK, West Palm Beach Detachment, West Palm Beach, FL 33402
- N65928, N3—Naval Training Systems Center, Orlando, FL 32813
- N65980—Naval Electronic Systems Engineering Activity, St. Inigoes, MD 20584
- N65995, KM—Officer in Charge, Naval Support Activity (Holy Loch, UK), FPO New York 09514
- N66001, 7N—Naval Ocean Systems Center, San Diego, CA 92152
- N66021, 7G—Commander Fleet Air, Western Pacific (Atsugi, Japan), FPO Seattle, WA 98767
- N66022 (MAJ00018), MDW—Naval Dental Clinic, San Diego, CA
- N66032, LK—Navy Automatic Data Processing Selection Office, Building 213, Washington Navy Yard, Washington, DC 20374
- N66074 (MAJ00062), 8AU—Commanding Officer, Naval Reserve Officers Training Corps Unit, Prairie View A&M University, Prairie View, TX 77445
- N66095 (MAJ00018), J5E—Naval Hospital, NAS, Lemoore, CA 93246
- N66097 (MAJ00018), MDE—Naval Hospital, Oak Harbor, WA 98278-8800
- N66125 (MAJ00070), V5J—Naval Facility (Guam), FPO San Francisco 96630-2903
- N66231 (MAJ00072), 9TS—Naval Reserve Readiness Center, Bldg 2711, Naval Training Center, Great Lakes, IL 60088-5707
- N66458 (MAJ00065), SOC—Naval Oceanography Command, NAS, Brunswick, ME 04011-5000
- N66604 N4—Naval Underwater Systems Center, Newport, RI 02840
- N66612 (MAJ00062), L95—Commanding Officer, Naval Reserve Officers Training Corps Unit, The Citadel, Charleston, SC 29409-0770
- N66691, 4P—Commanding Officer, Naval Support Activity, Souda Bay, Crete, Greece, FPO New York 09528
- N66715, VJ—Commander, Navy Recruiting Command, Washington, DC 22203-1191
- N66753 (MAJ00062), ROG—Commanding Officer, Naval Reserve Officers Training Corps Unit, Jacksonville University, Jacksonville, FL 32211
- N66754 (MAJ00089), 8QL—Commanding Officer, Naval Security Group Activity (Sabana Seca, PR), FPO Miami 34053
- N66809 (MAJ00062), ROV—Commanding Officer, Naval Reserve Officers Training Corps Unit, Savannah State College, Savannah, GA 31404
- N66810 (MAJ00082), L9H—Commanding Officer, Naval Reserve Officers Training Corps Unit, Southern University and A&M College, Baton Rouge, LA 70813
- N66818 JX—Commanding Officer, Naval Medical Command Mid-Atlantic Region, Norfolk, VA 23508-1297
- N66833 (MAJ00060), LHL—Commanding Officer, U.S. Naval Station Panama (Rodman, Canal Zone), FPO Miami 34061-1000
- N66863 (MAJ00018), MCU-X—Commanding Officer, Naval Biodynamics Laboratory, 13800 Old Gentilly Road, Michoud Assembly Facility, New Orleans, LA 70189
- N66890, LJ—Naval Station, Mare Island, Supply and Fiscal Code 90, Bldg 851, Vallejo, CA 94592
- N66898—Commanding Officer, Naval Medical Clinic, New Orleans, LA 70142
- N66957—Director, Navy Publications and Printing Service Det Branch, Southeast Division, Bldg. 2049, NTC, Orlando, FL 32813



- N66959—Director, Navy Publications and Printing Service Det Office, Southeast Division, P.O. Box 3, NAS, Jacksonville, FL 32212
- N66965 (MAJ00023), 4JQ—Navy Publishing and Printing Service Det Office, Western Area, Point Mugu, CA 93042-5027
- N66972—Commanding Officer, Naval Recruiting District, 5901 S.W. 74th Street, Miami, FL 33143
- N67596—Commanding Officer, Naval Recruiting District, 102 W Rector Street, San Antonio, TX 78216
- N68011—Commanding Officer, Naval Recruiting District, 8 North Third Street, Sterick Bldg. Memphis, TN 38103
- N68047 (MAJ00070), 4LO—Navy Office, Singapore, FPO San Francisco, CA 96699-2100
- N68056 JE—Naval Medical Command, Southwest Region, San Diego, CA 92134
- N68057 VZ—Commanding Officer, Naval Regional Data Automation Center Norfolk, Code 212, Norfolk, VA 23511
- N68064 (MAJ00062), ROD—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Florida, Van Fleet Hall, Room 26, Gainesville, FL 32601
- N68072 (MAJ00062), L9V—Commanding Officer, Naval Reserve Officers Training Corps Unit, Texas A&M University, College Station, TX 77843
- N68084 (MAJ00018), MDJ—M—Commanding Officer (Code 206), Naval Hospital, Charleston, SC 29408-6900
- N68086 7S—Naval Hospital, Newport, RI 02841
- N68090 (MAJ00018) MDO—9—Naval Hospital, Long Beach, CA 90822-5199
- N68092—Naval Medical Command, Northeast Region Great Lakes, IL 60088
- N68093 (MAJ00018) MCG—H—Naval Hospital, Camp LeJeune, NC 28542-5008
- N68094 V9—Naval Hospital, Camp Pendleton, CA 92055-5008
- N68095 JF—Naval Hospital, Boone Road, Bremerton, WA 98312-1898
- N68096 (MAJ00018) J50—Commanding Officer, Naval Hospital (Guam), FPO San Francisco 96630-1600
- N68097 QA—Naval Medical Command, Northwest Region Oakland, CA 94627
- N68101 (MAJ00018) MDT—V—Naval Hospital, 17th Street and Pattison Avenue, Philadelphia, PA 19145-5199
- N68139 (MAJ00062) 8AZ—Commanding Officer, Naval Reserve Officers Training Corps Unit, Florida A&M University Tallahassee, FL 32307
- N68141 (MAJ00062) L9P—Commanding Officer, Naval Reserve Officers Training Corps Unit, Maine Maritime Academy, Castine, ME 04421-0902
- N68166 (MAJ00015) LO1—Naval Technical Intelligence Support Center, 4301 Suitland Road, Washington, DC 20390
- N68171 M3—Commanding Officer, Naval Regional Contracting Center, (Naples, Italy) FPO New York 09521
- N68175 (MAJ62980) MQA—Navy Recruiting District, New Jersey Parkway Towers, Bldg A, 485 US Route 1, So. Iselin, NJ 08830-3012
- N68199—Commanding Officer, Navy Office of Information, Southeast 1459 Peachtree Street, NE—Suite 300, Atlanta, GA 30309
- N68200 VM—Director, Navy Office of Information, Southwest, 1114 Commerce Street, Suite 811 Dallas, TX 75242
- N68221 7J—Commanding Officer, Naval Personnel Research and Development Center, San Diego, CA 92152
- N68248, V6—Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Naval Submarine Base, Kings Bay, GA 31547
- R68251 (MAJ00070) LPC—Shore Intermediate Maintenance Activity, Pearl Harbor Box 141, Pearl Harbor, HI 96860
- N68292 (MAJ00018) J5A—Naval Hospital, (Yokosuka, Japan) FPO Seattle 98765-1615
- N68297 ET—Naval Magazine, Lualualei, Oahu HI 96792-4301
- N68303 (MAJ00062) ROC—Commanding Officer, Naval Reserve Officer, Training Corp Unit, State University of New York Maritime College, Fort Schuyler, Bronx, NY 10465-4198
- N68306 (MAJ00072) 9TF—Commander, Naval Reserve Readiness Command, Region Six, WNY Bldg 200 Washington, DC 20374-2003
- N68307—Commander, Code 431 Naval Reserve Readiness Command Region Ten, New Orleans, LA 70142
- N68308 (MAJ00072) 9TQ—Naval Reserve Readiness Command, Region 20, Bldg 1, NAVSTA Treasure Island, San Francisco, CA 94130-5032
- N68311, JL—Naval Station, Long Beach, CA 90822
- N68322 7Z, Naval Education & Training Program, Management Support Activity, Code SU1 Saufley Field, Pensacola, FL 32509
- N68328 (MAJ00072) 9TJ—Naval Reserve Readiness Command, Region 22, Bldg 9, Naval Station Seattle, WA 98115-5009
- N68330 (MAJ00072) 9TN—Naval Reserve Readiness Command, Region 13, Bldg 1, Code 712, NTC Great Lakes, IL 60088-5026
- N68332 9TO—1—Commander, Naval Reserve Readiness Command, Region 18, 301 Navy Drive, Industrial Airport, KS 66031-0031
- N68335 4Y—Commanding Officer, Naval Air Engineering Center, Supply Dept., Purchase Division Lakehurst, NJ 08733
- N68348 (MAJ00072) 9TG—Commander, Naval Reserve Readiness Command, Region Nine NAS Memphis (76), Bldg E-35 Millington, TN 38054
- N68355 (MAJ00062) ROJ—Commanding Officer, Naval Reserve Officers Training Corps Unit, Virginia Military Institute, Lexington, VA 24450-2697
- N68356 (MAJ00072) 9TD—Commander, Naval Reserve Readiness Command, Region Seven, Naval Base, Charleston, SC 29408
- N68357 (MAJ00072) 9TL—Commander, Naval Reserve Readiness Command, Region Two, Scotia, NY 12302-9465
- N68358 (MAJ00072) 9TA—Commander, Naval Reserve Readiness Command, Region Eight, Naval Air Station, Jacksonville, FL 32212
- N68359—Commander, Naval Reserve Readiness Command, Region Eleven, Bldg 11, Naval Air Station, Dallas, TX 75211
- N68378 KQ—Navy Public Works Center, San Francisco Bay, Oakland, CA 94623
- N68391 (MAJ62980) MLB—Navy Recruiting District, Harrisburg, 310 North Second Street, Harrisburg, PA 17101-1304
- N68401 (MAJ62980) MLJ—Navy Recruiting District, San Diego Naval Training Center, Bldg 335, San Diego, CA 92133-6800
- N68402 (MAJ31699) V8E—Navy Office of Information, New England Branch, 408 Atlantic Avenue, Boston, MA 02210-2203
- N68409 (MAJ00018) MDC—Naval Dental Clinic, San Francisco, CA 94130-5030
- N68436 KC J6—Naval Submarine Base, Bangor, Code 863, Bremerton, Wa 98315
- N68441—Commanding Officer, Naval Dental Clinic, Naval Air Station, Pensacola, FL 32508
- N68443 7T—Commanding Officer, Naval Dental Clinic, Bremerton, Wa 98314
- N68451 MF—Navy Regional Data Automation Center, Naval Air Station, San Francisco, Alameda, CA 94501
- N68470 (MAJ00018) J5J—Naval Hospital (Okinawa, Japan), FPO Seattle, 98778-1610
- N68478 7H—Naval Plant Branch Representative Office, Westinghouse Electric Corporation, Oceanic Division, PO Box 1488, Annapolis, MD 21404
- N68497—Commanding Officer, Code 40, Naval Administrative Command, Naval Training Center, Orlando, FL 32813



- N68499 LX—Director, Naval Council of Personnel Boards, Ballston Center Tower #2, 801 North Randolph Street, Arlington, VA 22203-1989
- N68518—Commanding Officer, Naval Reserve Support Office, Internal Supply, Code S43, 4400 Dauphine Street, New Orleans, LA 70146 N68520 7P—Aviation Depot Operations Center, Naval Air Station, Patuxent River, MD 20670
- N68525 7Q—Naval Plant Representative Office, General Electric Company, Aircraft Engine Group, 1000 Western Avenue, Lynn, MA 01910
- N68548 QG—Navy Environmental Health Center, Naval Station, Norfolk, VA 23511
- N68547 (MAJ00060) LHQ—Personnel Support Activity, Norfolk, VA 23511-5115
- N68561 (MAJ00039) NSE—Navy Management Systems Support Office, Norfolk, VA 23511-6894
- N68593 (MAJ00060) LHE—Naval Ocean Processing Facility, Dam Neck, VA 23461-5450
- N68610 GF—Officer in Charge, Fleet Hospital Support Office, 620 Central Ave., Bldg #5, Alameda, CA 94501-3874
- N68646 (MAJ00024) EHJ-K—Naval Sea Systems Command, Automated Data Systems Activity, PO Box 100, Indian Head, MD 20640-0100
- N68679 3N—Commanding Officer, Naval Plant Representative Office, 4800 East River Road, Minneapolis, MN 55421
- N68691 JW—Naval Plant Representative Office, (Melbourne, Australia), APO San Francisco 96405
- N68692 (MAJ00062) 8AX—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of San Diego/San Diego State University, Alcalá Park, San Diego, CA 92110-2498
- N68693 JZ—Naval Plant Representative Office, McDonnell Douglas Corp, P.O. Box 516, St. Louis, MO 63166
- N68695 (MAJ00060) LHG—Shore Intermediate Maintenance Activity, Naval Reserve Maintenance Facility, Bldg 133, Naval Base, Philadelphia, PA 19112-5066
- N68699 (MAJ00062) 8AP—Commanding Officer, Naval Reserve Officers Training Corps Unit, Hampton Roads, 5215 Hampton Blvd., Norfolk, VA 23508-8556
- N68707 (MAJ00072) 9TU—Naval Reserve Maintenance Training Facility, Puget Sound, Tacoma, WA
- N68710 (MAJ00062) L9K—Commanding Officer, Naval Reserve Officers Training Corps Unit, Virginia Polytechnic Institute and State University, Blacksburg, VA 24061-2306
- N68717 (MAJ00062) L9L—Commanding Officer, Naval Reserve Officers Training Corps Unit, Boston University, 116 Bay State Road, Boston, MA 02215
- N68725 (MAJ00062) R0Q—Commanding Officer, Naval Reserve Officers Training Corps Unit, University of Arizona, Tucson, AZ 85721
- N68726 (MAJ00062) R0T—Commanding Officer, Naval Reserve Officers Training Corps Unit, The George Washington University, Washington, DC 20052
- N68727 (MAJ00062) 8AF—Commanding Officer, Naval Reserve Officers Training Corps Unit, Memphis State University, Memphis, TN 38152-0001
- N68728 (MAJ00062) 8AQ—Commanding Officer, Naval Reserve Officers Training Corps Unit, Norwich University, Northfield, VT 05863-1097
- N68733 (MAJ00030) EKC—Strategic Weapons Facility, Atlantic, Kings Bay, GA 31547-6600
- N68742 (MAJ00070) LPA—Naval Base, Seattle, WA 98115-5012
- N68790—Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Diego Garcia, FPO San Francisco 96685
- N68831 (MAJ00070) LPG—Shore Intermediate Maintenance Activity San Francisco, Bldg 162, NAS, Alameda, CA 94501-5065
- N68836 J9—Commanding Officer, Naval Supply Center, Jacksonville, FL 32212
- N68857 (MAJ00062) 8AC—Commanding Officer, Naval Reserve Officers Training Corps Unit, Texas Tech University, Lubbock, TX 79409-4559
- N68860 KR—Naval Supply Center—Pensacola, Pensacola, FL 32508-6200
- N68863 LU—Naval Commercial Communications Office, 4401 Mass Avenue, NW, Washington, DC 20390-5290
- N68877 (MAJ00062) RQY—Commanding Officer, Naval Reserve Officers Training Corps Unit, Carnegie Mellon University, Pittsburgh, PA 15213
- N68881 (MAJ00062) L9E—Commanding Officer, Naval Reserve Officers Training Corps Unit, Morehouse College, Atlanta, GA 30314
- N70092 (MAJ00069) 8QJ—Naval Security Station, 3801 Nebraska Avenue, NW, Washington, DC 20390-8230
- N70240 M6—Commanding Officer, Naval Communication Station, San Diego, 937 N. Harbor Drive, San Diego, CA 92132
- N70272 8G, ND—Naval Communication Area, Master Station Atlantic, Norfolk, VA 23511-6898
- N70273, V3—Naval Radio Station, Jim Creek, Oso, WA 98223
- N70278 V4—Naval Communication Station, (Yokosuka, Japan), Box 3, FPO Seattle 98762
- N70283 (MAJ00069) 8QE—Commanding Officer, Code 30, Naval Security Group Activity, (Galeta Island, Canal Zone), FPO Miami 34060-9998
- N70294 8H—U.S. Naval Communication Area, Master Station MED, (Naples, Italy), FPO New York 09524
- N70295 8J—U.S. Naval Communication Station, (Nea Makri, Greece), FPO New York 09525
- N70310 N2—Naval Radio Station R, Sugar Grove, WV 26815
- M00027, MS\*, MSO-9—Headquarters, U.S. Marine Corps, Washington, DC 20380
- M00146, MT—Marine Corps Air Station, Cherry Point, NC 28533
- M00243, NE—Marine Corps Recruit Depot, San Diego, CA 92140
- M00263, MX—Marine Corps Recruit Depot, Parris Island, SC 29905
- M00264, MY—Marine Corps Development and Education Command, Quantico, VA 22134
- M00318—Marine Corps Air Station, (Kaneohe Bay, Oahu, HI), FPO San Francisco, CA 96628
- M00681, NG—Marine Corps Base, Camp Pendleton, Oceanside, CA 92054
- M60050, MV—Marine Corps Air Station, El Toro, (Santa Ana), CA 92709
- M62204, MW—Marine Corps Logistics Base, Barstow, CA 92311
- M62974, NA—Marine Corps Air Station, Yuma, AZ 85364
- M67001, NB—Marine Corps Base, Camp Lejeune, NC 28542
- M67004, NC—Marine Corps Logistics Base, Albany, GA 31704
- M67011, (MAJ00027), MSA—Director, 1st Marine Corps District, Garden City, Long Island, NY 11530
- M67013, (MAJ00027), MSC—Director, 4th Marine Corps District, Philadelphia, PA 19112-5072
- M67015, (MAJ00027), MSE—Director, 6th Marine Corps District, Atlanta, GA 30303
- M67016, (MAJ00027), MSG—Director, 8th Marine Corps District, New Orleans, LA 70113
- M67017, (MAJ00027), MSJ—Director, 9th Marine Corps District, Shawnee Mission, KA 66204
- M67019 (MAJ00027), MSL—Director, 12th Marine Corps District, San Francisco, CA 94130
- M67021, (MAJ00027), MUC—Marine Aircraft Wing 4, New Orleans, 4400 Dauphine Street, New Orleans, LA 70146-9125
- M67025—Headquarters, Fleet Marine Force, Pacific, Oahu, FPO San Francisco, CA 96610



- M67029, (MAJ00027), MSN—Marine Barracks, Washington, DC 20003
- M67030, (MAJ00027), MUP—Marine Corps Security Force Battalion Pacific, NAVSTA Mare Island, Vallejo, CA 94592-5022
- M67290, (MAJ00027), MSY—Marine Aviation Training Support Group-90, NATTC, NAS Memphis, Millington, TN 38054-5123
- M67351—Marine Detachment, London, APO New York 09510
- M67353, (MAJ00027), MSQ—Headquarters Battalion, Marine Corps, Henderson Hall, Arlington, VA 22214
- M67354—Post Supply Officer, Headquarters Marine Corps, Navy Annex, Arlington, VA 20380
- M67385, (MAJ00027), MUC-1—Camp H.M. Smith, U.S. Marine Corps, Halawa Heights, Oahu, Hawaii 96881
- M67391, KY—Marine Corps Camp Det, Atlantic, (Camp Elmore), Norfolk, VA 23511
- M67399, NF—Marine Corps Air-Ground Combat Center, Twentynine Palms, CA 92278
- M67400, QJ, MUA—Marine Corps Procurement Office, Okinawa, Marine Corps Base, Camp Smedley D. Butler, (Ryuku Island), Southern, FPO Seattle, WA 98773
- M67428, JA—Marine Corps Air Bases Western Area, MCAS El Toro, Santa Ana, CA 92709
- M67443, LG—Marine Corps Finance Center, Kansas City, MO 64197
- M67842, K6—East Coast Commissary Complex, Marine Corps Base, Camp Lejeune, NC 28542
- M67853, (MAJ00027), MUR—Marine Corps Security Force Battalion Atlantic, Naval Base, Norfolk, VA 23511-5697
- M67854, (MAJ00027), MU8-8—Marine Corps Research, Development and Acquisition Command, Washington, DC
- M68479, (MAJ00027), MSU—4th Marine Division (Rein), FMF, USMCR, 4400 Dauphine Street, New Orleans, LA 70146-5400
- M68522, (MAJ00027), MSW—Marine Corps Reserve Support Center, Purchasing Department, 16950 El Monte, Overland Park, KS 66211-1408
- Department of the Air Force*
- (C) Denotes a Central Contracting Activity
- F01600, 5A—3800 ABW/LGC, Maxwell AFB, AL 36112-5320
- F01620, 6K—HQ SSC/PK, Gunter AFS, AL 36114-6343
- F02600, 5B—82 FTW/LGC, Williams AFB, AZ 85240-5004
- F02601, 5C—836 AD/LGC, Davis-Monthan AFB, AZ 85707-5320
- F02604, 5D—832 AD/LGC, Luke AFB, AZ 85309-5320
- F02610, SR—AFPRO, Hughes Missile Systems Group, P.O. Box 11337, Emery Park Station Tucson, AZ 85734-1337
- F03601, 5E—97 BMW/LGC, Eaker AFB, AR 72317-5320
- F03602, 5F—314 TAW/LGC, Little Rock AFB, AR 72076-5320
- F04604, 5G—93 BMW/LGC, Casle AFB, CA 95342-5320
- F04805, 5H—22 AREFW/LGC, March AFB, CA 92518-5320
- F04606, SM—SM-ALC/PM, Sacramento Air Logistics Center, McClellan AFB, CA 95652-5320
- F04607, 5J—63 MAW/LGC, Norton AFB, CA 92409-5320
- F04609, 5K—831 AD/LGC, George AFB, CA 92394-5320
- F04611, QQ—AFFTC/PK (C), Edwards AFB, CA 93523-5320
- F04612, 5L—323 FTW/LGC, Mather AFB, CA 95655-5320
- F04620, S6—AFPRO, TRW Electronics & Defense Sector, One Space Park, Redondo Beach, CA 90278-1078
- F04626, 5M—60 MAW/LGC Travis AFB, CA 94535-5320
- F04630, RY—AFPRO, RI Rocketdyne Division, 6633 Canoga Avenue, Canoga Park, CA 91303-2790
- F04666, 5N—9 SRW/LGC Beale AFB, CA 95903-5320
- F04679, QR—AFPRO, Northrop Corp, One Northrup Avenue, Hawthorne, CA 90250-3296
- F04681, QS—AFPRO, RI Corp, Los Angeles Division, PO Box 92098, Los Angeles, CA 90009-2098
- F04682, QT—AFPRO, Hughes Aircraft Company, PO Box 92463, Los Angeles, CA 90009-2463
- F04684, QW—4392 AEROSW/LGC, Vandenberg AFB, CA 93437-5320
- F04688, QV—AFPRO, Aerojet-General Corp, PO Box 15846, Sacramento, CA 95852-1846
- F04689, RN—1004 Space Support Group, Onizuka AFB, PO Box 3430, Sunnyvale, CA 94088-3430
- F04690, CSTC/PM, PO Box 3430, Sunnyvale, CA 94088-3430
- F04891, QX—AFPRO, Lockheed Missile & Space Corp, 1111 Lockheed Way, P.O. Box 3504, Sunnyvale, CA 94088-3504
- F04693, MG—SSD/PMB, Base Contracts, PO Box 92960, Worldway Postal Center, Los Angeles, CA 90009-9260
- F04696, RB—AFPRO, RI Anaheim, 3370 Miraloma Ave., Anaheim, CA 92803-3110
- F04699, Q5—SM-ALC/PMK, Base Contracts, McClellan AFB, CA 95652-5320
- F04700, Q2—AFFTC/PKB, Base Contracts, Edwards AFB, CA 93523-5000
- F04701, TB—SSD/PM (C), Space Systems Division, PO Box 92960, Worldway Postal Center, Los Angeles, CA 90009-9260
- F04702, HQ AAVS/LGC, Norton AFB, CA 92409-5439
- F04703, R8—WSMC/PM (C), Western Space and Missile Center, Vandenberg AFB, CA 93437-6021
- F04704, R9—BSD/PK (C), Ballistic Systems Division, Norton AFB, CA 92409-6463
- F04705, RT—Det 6, 2762 Logistics Sq. (AFLC), Norton AFB, CA 92409
- F04709, S5—Det 42, SM-ALC, Norton AFB, CA 92409-6447
- F04710, TC—AFPRO, Douglas Aircraft Company, 3855 Lakewood Boulevard, Long Beach, CA 90846-0001
- F04720, RD—AFPRO RINAAO, OI-AA, 2825 East Avenue P, Palmdale, CA 93550-0319
- F04735, 6M—SM-ALC/QL, McClellan AFB, CA 95652-5990
- F05600, 5P—LTTC/LGC, Lowry AFB, CO 80230-5320
- F05603—HQ Air Force Space Command/PK, Peterson AFB, CO 80914-5001
- F05604, SX—3d Space Support Wing/CMB, Peterson AFB, CO 80914-5000
- F05611, 5Q—USAF/LGC, USAF Academy, CO 80840-0189
- F05617, RE—AFPRO, Martin Marietta Denver Aerospace, PO Box 179, Denver, CO 80201-0179
- F06700, T5—AFPRO, Pratt & Whitney, 400 Main Street, East Hartford, CT 06108-0969
- F07603, 5R—436 MAW/LGC, Dover AFB, DE 19902-5320
- F08602, 5S—56 TTW/LGC, MacDill AFB, FL 33608-5320
- F08606, RG—ESMC/PM (C), Eastern Space & Missile Center, Patrick AFB, FL 32925-5472
- F08620, 5T—1 SOW/LGC, Hurlburt Field, FL 32544-5320
- F08621, 5U—31 TFW/LGC, Homestead AFB, FL 33039-5320
- F08635, RH—MSD/PM (C), Munition Systems Division, Eglin AFB, FL 32542-5000
- F08637, 5V—HQ USAF ADWC/LGC, Tyndall AFB, FL 32403-5320
- F08650, TJ—ESMC/PMK, Base Contracts, Patrick AFB, FL 32925-5472
- F08651, Q3—MSD/PMK, Base Contracts, Eglin AFB, FL 32542-5320
- F08675, T2—AFPRO, Pratt & Whitney Aircraft, PO Box 109600, West Palm Beach, FL 33412-9600
- F09603, RJ, RR—WR-ALC/PM, Warner Robins Air Logistics Center, Robins AFB, GA 31098-5320
- F09604, RU—Det 8, 2762 Logistics Sq (AFLC), Robins AFB, GA 31098



- F09607, 5W—347 TFW/LGC, Moody AFB, GA 31699-5320
- F09609, 5X—94 CSG/LGC, Dobbins AFB, GA 30069-5320
- F09632, RK—AFPRO, Lockheed-GA Co., Marietta, GA 30063-0001
- F09634, 5Y—HQ AFRES/LGC, Robins AFB, GA 31098-6001
- F09650, Q6—WR-ALC/PMK, Base Contracts, Robins AFB, GA 31098-5320
- F10603, 5Z—366 TFW/LGC, Mountain Home AFB, ID 83648-5320
- F11602, 6A—CTTC/LGC, Chanute AFB, IL 61868-5320
- F11603, 6B—928 TAG/LGC, Chicago O'Hare ARFF, IL 60666-5000
- F11623, 6C—375 AAW/LGC, Scott AFB, IL 62225-5320
- F11624, X4—2026 CS/PGZ, Scott AFB, IL 62225-60001
- F11626, RL—HQ MAC/TRC, Scott AFB, IL 62225-5001
- F12617, 6D—305 AREFW/LGC, Grissom AFB, IN 46971-5320
- F14614, 6E—384 BMW/LGC, McConnell AFB, KS 67221-5320
- F14615, RP—AFPRO, Boeing Military Airplane Company, 3801 South Oliver Street, Wichita, KS 67277-7730
- F16600, 6F—23 TFW/LGC, England AFB, LA 71311-5320
- F16602, 6G—2BMW/LGC, Barksdale AFB, LA 71110-5320
- F17600, 6H—42 BMW/LGC, Loring AFB, ME 0475-5320
- F18400, S2—AFPRO, Westinghouse Defense and Electronics Systems Center, PO Box 1693, Baltimore, MD 21203-1693
- F18600, RQ—HQ AFSC/PK (C), Andrews AFB, DC 20334-5000
- F19617, XO—439 CSG/LGC, Westover AFB, MA 01022-5320
- F19620, SQ—AFPRO, Textron Defense Systems, 201 Lowell Street, Wilmington, MA 01887-2941
- F19629, RS—ESD/PK (C), Electronic Systems Division, Hanscom AFB, MA 01731-5000
- F19630, RV—AFCAC/PK (C), Hanscom AFB, MA 01731-6340
- F19650, SH—ESD/PKU, Base Contracts, Hanscom AFB, MA 01731-5320
- F20603, 6J—379 BMW/LGC, Wurtsmith AFB, MI 48753-5320
- F20613, 6L—410 BMW/LGC, K.I. Sawyer AFB, MI 49843-5320
- F21611, 6N—934 TAG/LGC, Minneapolis-St. Paul IAP, MN 55450-5000
- F22600, RC—KTTC/LGC, Keesler AFB, MS 39534-5000
- F22608, 6Q—14 FTW/LGC, Columbus AFB, MS 39701-5000
- F23606, 6R—351 SMW/LGC, Whiteman AFB, MO 65305-5320
- F23608, 6S—442 CSG/LGC, Richards-Gebaur AFB, MO 64030-5000
- F24604, 6T—341 SMW/LGC, Malmstrom AFB, MT 59402-5320
- F25600, 6U—55 SRW/LGC, Offutt AFB, NE 68113-5320
- F25606, TD—3908 CONS/LGC, Offutt AFB, NE 68113-5000
- F26600, S4—554 OSW/LGC, Nellis AFB, NV 89191-5320
- F27604, R5—509 BMW/LGC, Pease AFB, NH 03803-5320
- F28609, 6V—438 MAW/LGC, McGuire AFB, NJ 08641-5320
- F29601, RW—Air Force Space Technology Center (AFSC)/PKR, Kirtland AFB, NM 87117-5320
- F29605, 6W—27 TFW/LGC, Cannon AFB, NM 88103-5320
- F29650, R3—Air Force Space Technology Center (AFSC)/PKB, Kirtland AFB, NM 87117-5320
- F29651, 6X—833 AD/LGC, Holloman AFB, NM 88330-5320
- F30602, RX—RADC/PK (C), Rome Air Development Center, Griffiss AFB, NY 13441-5700
- F30617, 6Y—914 TAG/LGC, Niagara Falls IAP, NY 14304-5320
- F30625, ST—AFPRO, Eaton AIL, Eaton Corporation, AIL Div., Commack Road, Deer Park, Long Island, NY 11729-9998
- F30635, S3—416 BMW/LGC, Griffiss AFB, NY 13441-5320
- F30636, 6Z—380 BMW/LGC, Plattsburgh AFB, NY 12903-5320
- F31601, BU—317 TAW/LGC, Pope AFB, NC 28308-5320
- F31610, BW—4 TFW/LGC, Seymour Johnson AFB, NC 27531-5320
- F32604, BX—57 AD/LGC, Minot AFB, ND 58705-5320
- F32605, BY—321 SMW/LGC, Grand Forks AFB, ND 58205-5320
- F33600, RZ—WPCC/PMR, PMS, PMT & PMY, Wright-Patterson AFB, OH 45433-5320
- F33601, Q7—WPCC/PMK, Base Contracts, Wright-Patterson AFB, OH 45433-5320
- F33615, SG—ASD/PMR, Directorate of R&D Contracting, Wright Patterson AFB, OH 45433-6503
- F33620, SN—AFPRO RI NAAO, OL-AB, Rockwell International, PO Box 1259, Columbus, OH 43216-1259
- F33630, C1—910 TAG/LGC, Youngstown MAP, OH 44473-0910
- F33654, SB—AFPRO, General Electric Company, Cincinnati, OH 45215-6303
- F33657, SC—ASD/PM (C), Aeronautical Systems Division, Wright-Patterson AFB, OH 45433-6503
- F33659, Q8—2803 ABG/PM, Newark AFS, OH 43055-5320
- F33661—Air Force Contract Maintenance Center (AFCMC), Wright-Patterson AFB, OH 45433-5000
- F33661, S1—AFCMC/CM Wright-Patterson AFB, OH 45433-5000
- F33661, MJ—Det 33, AF Contr. Maint. Center, APO New York 09667-6207
- F33661, SS—Det 16 AFCMC, APO New York 09633-5000
- F33661, S8—AFLC Logistics Support Group—Saudi Arabia, AFCMC Contract Management Division, APO New York 09238-5002
- F33661, SV—Det 17 AFCMC, APO New York 09378-5000
- F33661, R1—Det 28 AFCMC, APO SF 96214-0006
- F33661, SU—Det 19 AFCMC, APO New York 09285-0001
- F33661, YE—Det 32 AFCMC, APO New York 09672-0008
- F33661, TQ—Det 34 AFCMC, APO New York 09254-5365
- F33661, VF—Det 36 AFCMC, APO New York 09240-5000
- F33733, J8—HQ AFSC/PLMM, Wright-Patterson AFB, OH 45433-6503
- F34600, C2—71 FTW/LGC, Vance AFB, OK 73705-5000
- F34601, SD, TA, TG—OC-ALC/PM, Oklahoma City Air Logistics Center, Tinker AFB, OK 73145-5320
- F34608, TF—HQ EID/PK, Tinker AFB, OK 73145-6343
- F34612, C3—443 MAW/LGC, Altus AFB, OK 73523-5320
- F34650, Q9—OC-ALC-PMK, Base Contracts, Tinker AFB, OK 73145-5320
- F35610, C4—114 TFTS/LCG, Kingsley Field, Klamath Falls, OR 97601
- F36629, C7—911 TAG/LGC, Greater Pittsburgh IAP, PA 15231-5320
- F36700, C8—913 TAG/LGC, Willow Grove ARF, PA 19090-5130
- F36701, SF—AFPRO, GE Re-Entry Div, P.O. Box 8555, Philadelphia, PA 19101-8555
- F38601, C9—363 TFW/LGC, Shaw AFB, SC 29152-5320
- F38604, T3—HQ USCENAF/LGC, Shaw AFB, SC 29152-5002
- F38606, CA—354 TFW/LGC, Myrtle Beach AFB, SC 29579-5320
- F38610, CR—437 MAW/LGC, Charleston AFB, SC 29404-5320
- F39601, CT—44 SMW/LGC, Ellsworth AFB, SD 57706-5320
- F40600, Q4—AEDC/PK (C), Arnold Engineering Development Center, Arnold AFB, TN 37389-5000
- F40650, D1—AEDC/PMK, Base Contracts, Arnold AFB, TN 37389-5000
- F41608, SA, QU—SA-ALC/PM, San Antonio Air Logistics Center, Kelly AFB, TX 78241-5320
- F41612, D4—STTC/LGC, Sheppard AFB, TX 76311-5000
- F41613, D5—7 BMW/LGC, Carswell AFB, TX 76127-5320
- F41614, E2—GTTC/LGC, Goodfellow AFB, TX 76908-5000



- F41620, E3—64 FTW/LGC, Reese AFB, TX 79489-5000
- F41621, SJ—HQ ESC/LEC, San Antonio, TX 78243-5000
- F41622, QY—HSDPKO, Brooks AFB, TX 78235-5320
- F41624—HSD/PK (C), Brooks AFB, TX 78235-5320
- F41636, ZV—3700 Contracting Squadron, Lackland AFB, TX 78236-5000
- F41640—HQ AFCOMS/DOC, Kelly AFB, TX 78241-6290
- F41650, YA—SA-ALC/PMK, Base Contracts, Kelly AFB, TX 78241-5320
- F41652, E5—96 BMW/LGC, Dyess AFB, TX 79607-5320
- F41685, E6—47 FTW/LGC, Laughlin AFB, TX 78840-5000
- F41687, E9—67 TRW/LGC, Bergstrom AFB, TX 78743-5320
- F41689, SK—3303 CS, Randolph AFB, TX 78150-5001
- F41691, YO—12 FTW/LGC, Randolph AFB, TX 78150-5000
- F41695, SL, TH—AFPRO, General Dynamics, P.O. Box 371, Fort Worth, TX 76101-0371
- F41800, T9—San Antonio Contracting Center, Ft Sam Houston AIN, P.O. Box 8218, San Antonio, TX 78208-8218
- F41853, WP—AFPRO LTV, LTV Aerospace and Defense Co., P.O. Box 655907, Dallas, TX 75265-5907
- F41999—AFNAF Purchasing Office, HQ AFMPC/DPMSK, 9504 IH 35 North, Rm 330, San Antonio, TX 78233
- F42600, QP, SY—OO-ALC/PM, Ogden Air Logistics Center, Hill AFB, UT 84056-5320
- F42650, R2—OO-ALC/PMK, Base Contracts, Hill AFB, UT 84056-5320
- F42651, R6—AFPRO, Morton Thiokol Corp, PO Box 524/MS Z-10, Brigham City, UT 84302-0524
- F44600, F3—1 FTW/LGC Langley AFB, VA 23665-5320
- F4450, Q1—4400 CONS/LGCN (C), Langley AFB, VA 23665-5000
- F45603, F5—62 MAW/LGC McChord AFB, WA 98438-5320
- F45613, F8—92 BMW/LGC, Fairchild AFB, WA 99011-5320
- F45632, SP—AFPRO, The Boeing Company, PO Box 3707, Seattle, WA 98124-3707
- F47606, G7—440 TAW/LGC, Gen. Billy Mitchell Field, 300 College Ave., Milwaukee, WI 53207-5000
- F48608, G9—90 SMW/LGC, F.E. Warren AFB, WY 82001-5320
- F49620, SE—AFOSR/PK (C), AF Office of Scientific Research, Bolling AFB, DC 20332-8448
- F49642, J1—1100 CNS/CN (AFDW), Andrews AFB, DC 20331-5320
- F61040, M1—1605 MASW/LGC, APO New York 09406-5320
- F61051—USDAO, American Embassy—Brussels, APO New York 09667
- F61060—USDAO, American Embassy—Sofia, APO New York 09757
- F61080—USDAO, American Consulate General—Prague, APO New York 09757
- F61100—USDAO, American Embassy—Copenhagen, APO New York 09170
- F61101, T1—3d Space Support Wing/Det 1, APO New York 09170-5000
- F61121, RF—USAFE Contracting Office, DL A DET 4, 7000 CONS/LGC APO New York 09193-5320
- F61130—USDAO, American Embassy—Helsinki, APO New York 09664
- F61171—USDAO, American Embassy—Athens, APO New York 09223
- F61173, N1—USAFE Contracting Region—Greece, Det 7, 7000 CONS/LGC, APO New York 09223-5320
- F61180—USDAO, American Consulate General—Budapest, APO New York 09757
- F61210—USDAO, American Embassy—Rome, APO New York 09794
- F61211, N9—USAFE Contracting Region—Italy, Det 6, 7000 CONS/LGC, APO New York 09293-5320
- F61214, U9—USAFE Contracting Office, OL-A Det 6, 7000 CONS/LGC, APO New York 09240-5320
- F61220, BZ—AFLC/SCE-PM, Support Center Europe, APO New York 09240-5320
- F61250, TP—USAFE Contracting Office, OL-B Det 6, 7000 CONS/LGC, APO New York 09694-5320
- F61256—USAFE Contracting Office, OL-C DET 6, 7000 CONS/LGC, APO New York 09161-5320
- F61260—USDAO, American Embassy—The Hague, APO New York 09159
- F61264—USAFE Contracting Office, OL-B DET 10, 7000 CONS/LGC, APO New York 09669-5320
- F61270—USDAO, American Embassy—Oslo, APO New York 09085
- F61271, T8—USAFE Contracting Office OL-A Det 2, 7000 CONS/LGC, APO New York 09085-5320
- F61280—USDAO, American Consulate General—Belgrade, APO New York 09757
- F61290—USDAO, American Embassy—Lisbon, APO New York 09678
- F61301—USDAO, American Embassy—Bucharest, APO New York 09757
- F61308, W3—USAFE Contracting Region—Spain, Det 5, 7000 CONS/LGC, APO New York 09263-5320
- F61310—USDAO, American Embassy—Madrid, APO New York 09285
- F61354, W8—7241 ABG/LGC, APO New York 09224-5320
- F61355, T4—HQ TUSLOG/LGC, APO New York 09254-5320
- F61358, W9—39 TACC/LGC, APO New York 09289-5320
- F61503, UC—435 TAW/LGC, APO New York 09057-5320
- F61504, T6—7350 ABG/LGC, APO New York 09611-5320
- F61517, UF—USAFE Contracting Region—Eifel, Det 3, 7000 CONS/LGC, APO New York 09132-5320
- F61519, R4—USAFE Contracting Region—Mosel, Det 10, 7000 CONS/LGC, APO New York 09109-5320
- F61521, UH—USAFE Contracting Office—Rhineland Pfalz, Det 2, 7000 CONS/LGC, APO New York 09012-5320
- F61527—USAFE Contracting Office, OL-C Det 10, 7000 CONS/LGC, APO New York 09027-5320
- F61546, UJ—USAFE Contracting Center, Det 1, 7000 CONS/LGC, APO New York 09633-5320
- F61560, 4C—AFLC Logistics Support Group—Europe, APO New York 09012
- F61700, TM—USAFE Contracting Office, OL-A Det 9, 7000 CONS/LGC, APO New York 09150-5320
- F61708, UK—USAFE Contracting Region—Thames Valley, Det 9, 7000 CONS/LGC, APO New York 09194-5320
- F61712, UM—USAFE Contracting Office, OL-B Det 4, 7000 CONS/LGC, APO New York 09755-5320
- F61730, UQ—USAFE Contracting Office, OL-C Det 4, 7000 CONS/LGC, APO New York 09238-5320
- F61775, UV—USAFE Contracting Region—UK North, Det 4, 7000 CONS/LGC, APO New York 09179-5320
- F61815, T7—USAFE Contracting Office OL-A Det 10, 7000 CONS/LGC, APO New York 09292-5320
- F61817, UW—USAFE Contracting Office, OL-A Det 5, 7000 CONS/LGC, APO New York 09286-5320
- F61910, WJ—USAFE Contracting Office, OL-A Det 3, 7000 CONS/LGC, APO New York 09188-5320
- F62032, 4D—HQ USMTM/SAS-LGC, APO New York 09616-5320
- F62321, RA—313 AD Contracting Center/LGC, APO SF 96239-5320
- F62509, QZ—432 TFW Base Contracting Division/LGC, APO SF 96519-5000
- F62562, SW—475 ABW Contracting Center/LGC, APO SF 96328-5320
- F62600—5 DSCS/LGC, APO SF 96287-5000
- F63197, UX—USAFE Contracting Office, OL-A Det 7, 7000 CONS/LGC, APO New York 09291-5320
- F64133, 99—48 BMW/LGC, APO SF 96334-5320
- F64605, TN—15 ABW Contracting Center/LGC, Hickam AFB, HI 96853-5320
- F64608—Communications/ADPE Branch, 15 ABW Contracting Center, Hickam AFB, HI 96853-5320
- F64620, SZ—HQ PACAF/LGC, Hickam AFB, HI 96853-5001



- F64719, TK—13 AF Contracting Center/  
LGC APO SF 96274-5320
- F65501, WF—Det 2, 5000 CONS/LGC,  
Elmendorf AFB, AK 99506-5001
- F65503, WH—Det 1, 5000 CONS/LGC,  
Eielson AFB, AK 99702-5320
- F65517, QN—HQ AAC/LGC, Elmendorf  
AFB, AK 99506-5001
- F66501, R7—USAFSO/LGC, APO Miami  
34001-5320
- Defense Logistics Agency*
- DLAHO0, YK—DLA ADP/  
Telecommunications Contracting  
Office, Cameron Station, Alexandria,  
VA 22304-6100
- DLA002, TS—Defense Industrial Plant  
Equipment Center, Defense Depot  
Memphis, Memphis, TN 38114-5297
- DLA003, TT—Defense Depot Ogden,  
Ogden, UT 84407-5000
- DLA005, TV—Defense Depot Tracy,  
Tracy, CA 95376-5000
- DLA100, TW—Defense Personnel  
Support Center, Directorate of  
Clothing & Textiles, 2800 South 20th  
Street, Philadelphia, PA 19101-8419
- DLA120, TW—Defense Personnel  
Support Center, Directorate of  
Medical Materiel, 2800 South 20th  
Street, Philadelphia, PA 19101-8419
- DLA13H, UE—Defense Personnel  
Support Center, Directorate of  
Subsistence, 2800 South 20th Street,  
Philadelphia, PA 19101-8419
- DLA132, U8—Defense Subsistence  
Office, Kansas City, 601 E. 12th Street,  
Room 1768, Kansas City, MO 64106
- DLA135, W4—Defense Subsistence  
Office, New Orleans, 4400 Dauphine  
Street, New Orleans, LA 70146
- DLA136, W5—Defense Subsistence  
Office, Cheatham, Cheatham Annex,  
Bldg 113, Williamsburg, VA 23185
- DLA137, W6—Defense Subsistence  
Region, Pacific, 2155 Mariner Square  
Loop, Alameda, CA 94501
- DLA139, U6—Defense Subsistence  
Region, Europe, APO New York, NY  
09052
- DLA140, W7—Defense Personnel  
Support Center, (Installation Support),  
2800 South 20th Street, Philadelphia,  
PA 19101-8419
- DLA200, X1—Defense Reutilization and  
Marketing Service, Federal Center,  
Battle Creek, MI 49016-3092
- DLA400, TY—Defense General Supply  
Center, Richmond, VA 23297-5000
- DLA410, XH—Defense General Supply  
Center, Base Support Branch,  
Richmond, VA 23297-5000
- DLA420, XK—Defense General Supply  
Center, Educational Supplies Branch,  
Richmond, VA 23297-5000
- DLA500, TZ—Defense Industrial Supply  
Center, 700 Robbins Avenue,  
Philadelphia, PA 19111-5096
- DLA600, UA—Defense Fuel Supply  
Center, Cameron Station, Alexandria,  
VA 22304-6160
- DLA700, UB—Defense Construction  
Supply Center, Columbus, OH 43216-  
5000
- DLA710, YL—Defense Construction  
Supply Center, Commercial Services &  
Supplies Branch, Contracting Division  
II, Columbus, OH 43216-5000
- DLA720, YM—Defense Construction  
Supply Center, Wood Products  
Branch, Contracting Division I,  
Columbus, OH 43216-5000
- DLA8AC, UG—DCASMA, Santa Ana, 34  
Civic Center Plaza, P.O. Box C, 12700,  
Santa Ana, CA 92712-2700
- DLA8AG, Z3—DCASPRO, Aero, Route  
3, Box 9, Lake City, FL 32055-8705
- DLA8AL, Y1—DCASMA, Atlanta, 805  
Walker Street, Marietta, GA 30060-  
2789
- DLA8AM, YQ—DCASPRO McDonnell  
Douglas, PO Box 600, Mailstop 12,  
Titusville, FL 32781-0600
- DLA8AT, UL—DCASR, Atlanta, 805  
Walker Street, Marietta, GA 30060-  
2789
- DLA8BA, UN—DCASMA, Birmingham,  
2121 8th Avenue North, Birmingham,  
AL 35203-2376
- DLA8BC, UP—DCASMA, Bridgeport,  
Lordship Blvd, Stratford, CT 06497-  
5000
- DLA8BL, Y4—DCASPRO AVCO  
Lycoming Division, 550 South Main  
Street, Stratford, CT 06497-7554
- DLA8BM, UR—DCASMA, Baltimore,  
300 East Joppa Road, Towson, MD  
21204-3099
- DLA8BN, US—DCASPRO, AT&T  
Technologies, Inc., 204 Graham  
Hopedale Road, Burlington, NC 27215-  
2941
- DLA8BP, UT—DCASR, Boston, 495  
Summer Street, Boston, MA 02210-  
2184
- DLA8BS, Y3—DCASMA, Boston, 495  
Summer Street, Boston, MA 02210-  
2184
- DLA8BT, UU—DCASPRO, Bendix Corp.,  
Route 46, Teterboro, NJ 07068-1173
- DLA8BU, XC—DCASMA Buffalo, 1103  
Federal Building, 111 W. Huron Street,  
Buffalo, NY 14202-2392
- DLA8BV, YT—DCASPRO, General  
Electric, Lakeside Avenue, Burlington,  
VT 05401-4984
- DLA8CD, UZ—DCASMA, Cedar Rapids,  
1231 Park Place, NE, Cedar Rapids, IA  
52402-1251
- DLA8CH, UY—DCASR, Chicago,  
O'Hare International Airport, P.O. Box  
66475, Chicago, IL 60666-0475
- DLA8CL, VB—DCASR, Cleveland, J.  
Celebrezze Federal Bldg., 1240 East  
Ninth Street, Cleveland, OH 44199-  
2064
- DLA8CN, Y5—DCASMA, Cleveland, J.  
Celebrezze Federal Bldg., 1240 East  
Ninth St, Cleveland, OH 44199-2064
- DLA8CO, X6—DCASPRO, Goodyear  
Aerospace, c/o Goodyear Aerospace  
Corp., 1210 Massillon Road, Akron,  
OH 44306-4136
- DLA8CS, VE—DCASPRO, General  
Dynamics, 5001 Kearny Villa Road,  
P.O. Box 80847, San Diego, CA 92138-  
0847
- DLA8DA, VG—DCASR, Dallas, 1200  
Main Street, Dallas, TX 75202-4399
- DLA8DB, 27—DCASMA, Dallas, P.O.  
Box 50500, Dallas, TX 75250-5050
- DLA8DC, VH—DCASMA, San Diego,  
Bldg. 4, AF Plant 19, 4297 Pacific Coast  
Highway, San Diego, CA 92110-3289
- DLA8DD, U4—DCAPRO, Rockwell  
International Corporation, 3200 E  
Renner Rd, Richardson, TX 75081-  
6209
- DLA8DM, Y7—DCASMA, Detroit,  
McNamara Federal Bldg., 477  
Michigan Avenue, Detroit, MI 48226-  
2506
- DLA8DN, VK—DCASMA, Denver, 750  
W Hampden Ave., Suite 250,  
Englewood, CO 80110-2199
- DLA8DP, VL—DCASMA, Dayton, c/o  
Defense Electronics Supply Center,  
Bldg. 1, Dayton, OH 45444-5300
- DLA8EC, YP—DCASMA, Chicago,  
O'Hare International Airport, 6400 N.  
Manneheim Road, P.O. Box 66911,  
Chicago, IL 60666-0911
- DLA8FL, VN—DCASPRO, ITT, Defense  
Group, 500 Washington Ave., Nutley,  
NJ 07110-3698
- DLA8FS, VR—DCASPRO, FMC, 333  
Brokaw Rd, P.O. Box 367, San Jose,  
CA 95103-0367
- DLA8FT, Y2—DCASPRO, Ford Newport  
Beach, Admin Bldg, Rm 313, Ford  
Road, Newport Beach, CA 92660-1400
- DLA8GD, YB—DCASPRO, Gould, 18901  
Euclid Ave, Cleveland, OH 44117-1388
- DLA8GL, VV—DCASPRO, General  
Electric (27753), 1100 Western Ave,  
Lynn, MA 01910-0001
- DLA8GM, VW—DCASMA, Grand  
Rapids, Riverview Center Bldg., 678  
Front Street, N.W., Grand Rapids, MI  
49504-5352
- DLA8GN, VX—DCASMA, Garden City,  
605 Stewart Avenue, Garden City, NY  
11530-4761
- DLA8HB, WA—DCASPRO, Hayes  
Birmingham, Hayes International  
Corporation, P.O. Box 2583,  
Birmingham, AL 35202-2583
- DLA8HC, WB—DCASMA, Hartford, 96  
Murphy Road, Hartford, CT 06114-  
2173
- DLA8HD, WC—DCASPRO, Singer, 25  
Continental Dr, Wayne, NJ 07424-0400
- DLA8HE, Z2—DCASPRO, Hayes  
(Dothan), Napier Field, Dothan, AL  
36303-9236
- DLA8HM, WD—DCASPRO, Honeywell,  
2701 Fourth Ave S, Minneapolis, MN  
55408-1792



- DLA8HR, Z9—(DCASMA—SF) Hawaii Residency, Federal Building, Room 4115, 300 Ala Moana Blvd., Honolulu, HI 96813-4908
- DLA8HS, XT—DCASPRO, Hamilton Standard, Bradley Field, Windsor Locks, CT 06096-0463
- DLA8HU, XG—DCASPRO, Hughes Aircraft Company, Bldg. 600, Mail Station B104, P.O. Box 3310, Fullerton, CA 92633-2177
- DLA8JJ, WG—DCASMA, Indianapolis, Building 1, Fort Benjamin Harrison, Indianapolis, IN 46249-5701
- DLA8JK, Z6—DCASPRO, GMC Detroit Diesel Allison, 2001 S Tibbs Ave, Indianapolis, IN 46241-4812
- DLA8JL, X2—DCASPRO, Magnavox, 1616 Directors Row, Fort Wayne, IN 46808-1288
- DLA8KA, XY—DCASPRO, Kaman Aerospace Corp., Old Windsor Road, Bloomfield, CT 06002-0002
- DLA8LA, WL—DCASR, Los Angeles, 222 N Sepulveda Blvd, El Segundo, CA 90245-4320
- DLA8LB, WM—DCASPRO, Litton, 5490 A Canoga Ave, Woodland Hills, CA 91367-6619
- DLA8LC, Y8—DCASMA, El Segundo, 222 N Sepulveda Blvd, El Segundo, CA 90245-4320
- DLA8LT, WN—DCASPRO, E-Systems, Inc., P.O. Box 379, Greenville, TX 75401-0379
- DLA8MB, V1—DCASPRO, Harris Melbourne, 1465 Clearmont Street, N.E., Palm Bay, Florida 32905-4093
- DLA8MC, V2—DCASPRO, Rockwell International—MSD, P.O. Box 1367, Duluth, GA 30136-4099
- DLA8MF, QF—DCASMA, San Juan, P.O. Box 34167, Ft. Buchanan, PR 00934
- DLA8MH, X9—DCASPRO, McDonnell Douglas, Astronautics Co., 5301 Bolsa Avenue, Huntington Beach, CA 92647-2048
- DLA8MM, XL—DCASPRO, Martin Marietta, Orlando Aerospace, P.O. Box 5837, Mail Point 49, Orlando, FL 32855-5837
- DLA8MN, WQ—DCASMA, Twin Cities, 2305 Ford Parkway, St. Paul, MN 55116-1893
- DLA8MW, WR—DCASMA, Milwaukee, S. Reuss Federal Bldg, Suite 340, 310 W. Wisconsin Ave., Milwaukee, WI 53203-2216
- DLA8NC, WV—DCASMA, Ottawa, Journal Tower South, 14th Floor, 365 Laurier Ave. West, Ottawa, ONT, Canada K1A 0S5
- DLA8NF, WW—DCASMA, Orlando, 3555 Maguire Blvd., Orlando, FL 32803-3276
- DLA8NH, YS—DCASPRO, Sanders Associates, Daniel Webster Highway S, P.O. Box 868, Nashua, NH 03061-0868
- DLA8NJ, WT—DCASMA, Springfield, 240 Route 22, Springfield, NJ 07081-3170
- DLA8NL, Z1—DCASMA, New Orleans, 13800 Old Gentilly Highway, Bldg. 350, P.O. Box 29283, New Orleans, LA 70189-2218
- DLA8NM, YR—DCASPRO, IBM, Route 17C, Owego, NY 13827-1298
- DLA8NN, YN—DCASPRO, Harris, 6801 Jericho Turnpike, Syosset, NY 11791-4465
- DLA8NY, WU—DCASR, New York, 201 Varick Street, New York, NY 10014-4811
- DLA8NZ, Y9—DCASMA, New York, 201 Varick Street, New York, NY 10041-4811
- DLA8PA, WY—DCASMA, Phoenix, The Monroe School, 215 N. 7th St., Phoenix, AZ 85034-1012
- DLA8PH, XA—DCASR, Philadelphia, P.O. Box 7478, Philadelphia, PA 19101-7478
- DLA8PL, X3—DCASMA, Philadelphia, P.O. Box 7699, Philadelphia, PA 19101-7699
- DLA8PM, XB—DCASPRO, IBM, Manassas, 9500 Godwin Drive, Manassas, VA 22110-4198
- DLA8PP, XD—DCASMA, Pittsburgh, 1612 S. Federal Bldg., 1000 Liberty Ave., Pittsburgh, PA 15222-4190
- DLA8PR, X7—DCASPRO, RCA, Marne Highway and Borton Landing Road, Moorestown, NJ 08057-3095
- DLA8PW, XE—DCASPRO, Ford Aerospace, 3939 Fabian Way, Palo Alto, CA 94303-4606
- DLA8RB, XF—DCASPRO, Raytheon, Spencer Laboratory, Wayside Ave., Burlington, MA 01803-4608
- DLA8RP, XM—DCASMA, Reading, 45 S. Front Street, Reading, PA 19602-1094
- DLA8SA, XN—DCASMA, San Antonio, 615 E. Houston, P.O. Box 1040, San Antonio, TX 78294-1040
- DLA8SD, X8—DCASPRO, Sundstrand, P.O. Box 5066, Rockford, IL 61125-0066
- DLA8SF, XR—DCASMA, San Francisco, 1250 Bayhill Drive, San Bruno, CA 94066-3070
- DLA8SK, XQ—DCASPRO, Singer-Link, Kirtland Plant, Binghamton, NY 13902-1237
- DLA8SL, XS—DCASCR, St. Louis, 1136 Washington Avenue, St. Louis, MO 63101-1194
- DLA8SN, XU—DCASMA, Syracuse, U.S. Courthouse & Federal Bldg., 100 S. Clinton St., Syracuse, NY 13260-0115
- DLA8ST, X5—DCASMA, St. Louis, 405 S. Tucker Blvd., Room 5101, St. Louis, MO 63102-1181
- DLA8SW, XW—DCASMA, Seattle, Bldg. 5D, Naval Station, Seattle, WA 98115-5010
- DLA8SY, XX—DCASPRO, GTE Communications Systems Corp., 360 First Ave., Needham, MA 02194-9123
- DLA8TC, YF—DCASPRO, Teledyne CAE, 1330 Laskey Rd., P.O. Box 6971, Toledo, OH 43612-0971
- DLA8TE, XZ—DCASPRO, Texas Instruments, Inc., P.O. Box 660246, MS 258, Dallas, TX 75226-0246
- DLA8TO, U3—DCASPRO, McDonnell Douglas/ Rockwell, 2000 North Memorial Dr., Tulsa, OK 74115-3833
- DLA8VC, YC—DCASMA, Van Nuys, 6230 Van Nuys Blvd., Van Nuys, CA 91401-2713
- DLA8WK, YD—DCASMA, Wichita, 435 Southwater, Wichita, KS 67202-3617
- DLA8WR, YH—DCASPRO, Williams International, 2280 West Maple Rd., Walled Lake, MI 48088-0200
- DLA8WS, YG—DCASPRO, Westinghouse, 401 E. Hendy Avenue, P.O. Box 499 MS 11-7, Sunnyvale, CA 94088-3499
- DLA8WT, Z8—DCASPRO, Grumman, P.O. Drawer 1137, Stuart, FL 33495-1137
- DLA8WU, VA—DCASPRO, Northrop, 600 Hicks Rd., Rolling Meadows, IL 60008-1098
- DLA8WV, VD—DCASPRO, AM General, 701 W. Chippewa Ave., South Bend, IN 46680-2841
- DLA900, UD—Defense Electronics Supply Center, 1507 Wilmington Pike, Dayton, OH 45444-5000
- DLA910—Defense Electronics Supply Center, Base Contracting Section, 1507 Wilmington Pike, Dayton, OH 45444-5000
- Defense Communications Agency*
- DLA100, CO—Defense Communications Agency, Attn.: Contract Management Division, Code 680, Washington, DC 20305-2000
- DCA200—DCA/DECCO, Code D510, Bldg. 3189, Scott AFB, IL 62225-8300
- DCA300—DECCO-PAC, 1154 Bishop Street, Honolulu, HI 96813
- DCA400—DECCO-EUR, APO New York, NY 09136-5000
- Defense Mapping Agency*
- DMA600, BQ—Hqtrs., Defense Mapping Agency, 8301 Greensboro Drive, Suite 800, McLean, VA 22102-3672
- DMA650—Defense Mapping Agency, Inter-American Geodetic Survey, Ft. Sam Houston, TX 78234-5000
- DMA700, 8Y—Defense Mapping Agency Aerospace Center, 3200 South Second Street, St. Louis, MO 63118-3399
- DMA800, YZ—Defense Mapping Agency, Hydrographic/Topographic Center, Attn.: LOCC4, 6500 Brooks Lane, Washington, DC 20315-0030



*Defense Nuclear Agency*

DNA001, 8Z—Defense Nuclear Agency, Attn.: OAAM, Washington, DC 20305-1000

DNA002, ON—Hqtrs. Field Command, Defense Nuclear Agency, Attn.: Office of Procurement, Kirtland AFB, NM 87115-5000

DNA004—Defense Nuclear Agency, Armed Forces Radiobiology Research Institute, Bethesda, MD 20814-5145

*Miscellaneous Defense Activities*

MDA902—American Forces Radio and Television Service, 10888 La Tuna Canyon Road, Sun Valley, CA 91352-2058

MDA903, F7—Defense Supply Service—Washington, Room 1D245, The Pentagon, Washington, DC 20310-5200

MDA904, BE—Maryland Procurement Office, Attn.: P&P Directorate, 9800 Savage Road, Ft. George G. Meade, MD 20755-6000

MDA905, B4—Uniformed Services, University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799

MDA906—Office for the Civilian Health & Medical Program of the Uniformed Services (CHAMPUS), Aurora, CO 80045-6900

MDA907—P&C Office, Menwith Hill Station, APO, New York, NY 09210

MDA908, F3—Virginia Contracting Activity, P.O. Box 46353, Washington, DC 20050-6563

MDA946—Procurement & Contracting Office, Attn.: DOD/OSD/WHS, Rm 1D198, The Pentagon, Washington, DC 20310-1155

MDA970—Defense Test & Evaluation Support Agency, 4308 Carlisle N.E., Suite 101, Albuquerque, NM 87107

MDA972, WS—DARPA Contract Management Office, 1400 Wilson Blvd., Arlington, VA 22209-2309

*Strategic Defense Initiative Organization*

SDI084—Strategic Defense Initiative Organization, Attn.: SDIO/CP, Washington, DC 20301-7100

[FR Doc. 89-20603 Filed 9-1-89; 8:45 am]

BILLING CODE 3810-01-M

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

50 CFR Part 21

RIN 1018-AA93

**Migratory Bird Permits; Permit Exceptions for Captive-Reared Mallards**

AGENCY: Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule finalizes the Fish and Wildlife Service's (Service) proposal to require the use of nontoxic shot on game preserves, in field trials and during bona fide dog training activities when taking captive-reared mallards. This action is being taken to correct the regulatory anomaly that, heretofore, has allowed lead shot to be used for taking captive-reared mallards in nontoxic (steel) shot zones. The effective date of this requirement has been delayed until the 1990-91 hunting season.

**EFFECTIVE DATE:** September 1, 1990.

**FOR FURTHER INFORMATION CONTACT:** Dr. Byron K. Williams, Acting Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 634, Arlington Square, 4401 Fairfax Drive, Arlington, Virginia 22203, or write Director (FWS/MBMO), Mail Stop 634-Arlington Square, 18th & C Streets NW., Washington, DC 20240 (703/358-1714).

**SUPPLEMENTARY INFORMATION:****Background**

In 1987, it was brought to the attention of the Service by several States that existing exemptions to take captive-reared mallards in nontoxic shot zones with lead shot are inconsistent with the goal of the Service to eliminate lead poisoning in waterfowl and bald eagles. These situations exist because the provisions of this part 21 (§ 21.13) are specifically exempted from the provisions of part 20. In the rule titled "Zones in which lead shot will be prohibited for the taking of waterfowl, coots and certain other species in the 1988-89 season" (52 FR 47428), the Service proposed that § 21.13, Permit exceptions for captive-reared mallards, be changed to make it subject to the requirements of § 20.108 of part 20, Nontoxic shot zones. The proposed rule schedule would have required shooting preserves within existing nontoxic shot zones to convert simultaneously in the 1988-89 season. Other shooting preserves would have been required to convert in the 1989-90, 1990-91 and 1991-92 seasons according to the appendix N schedule of the 1986 Supplemental Environmental Impact Statement on the Use of Lead Shot for Hunting Migratory Birds in the United States (SEIS).

This proposal was based on the knowledge that shooting preserve areas, including "tower shoot" operations, usually host wild waterfowl and raptors at one time or another; the birds are then exposed to the spent shot. Also, when lead shot is used to take captive-

reared mallards during field trials or bona fide dog training activities, it results in the deposition of spent shot and potential lead exposure for wild migratory birds. Application of § 20.108 to shooting preserves and these other activities would eliminate additional sources of lead shot and potential lead poisoning mortality for waterfowl and other migratory birds. In fact, the 1986 SEIS did not anticipate waterfowl hunting lead shot enclaves continuing in existence. The nationwide strategy to convert totally to nontoxic shot to eliminate lead poisoning in migratory birds was implemented on the basis that *all* hunting of waterfowl, coots and certain other species would be done with nontoxic shot.

Because of the known interest and paucity of comments received when the proposed rule comment period closed on January 13, 1988, the Service published a clarification, correction and comment period reopening in the *Federal Register* on March 25, 1988 (53 FR 9781). The reopening notice clarified the Service proposal by pointing out the following:

- The section proposed to be revised deals only with captive-reared mallards that are taken under the permit requirements of the Federal regulations.

- This proposal would not change the existing regulations restricting hunting of any other captive-reared species, or use of other captive-reared species in dog trials or dog training. The subsection to which this amendment will be added begins "Captive-reared and properly marked mallard ducks \* \* \* may be acquired \* \* \* and disposed of by any person without a permit, subject to the following conditions \* \* \*" (50 CFR 21.13, Permit exceptions for captive-reared mallards.)

- This regulation is not aimed at bona fide dog training or trials where it is apparent that no one is attempting to take migratory birds. While the words being amended might appear to relate to such trials, the section into which they fit related only to the taking of captive-reared mallards.

- The proposed revision is aimed at establishing a uniform zone requirement for requiring nontoxic shot to take waterfowl, thus eliminating the potential for wild waterfowl and bald eagles to be lead-poisoned from ingestion of lead shot. This regulatory change will ensure that when a county is phased-in for nontoxic shot use the "game farms" or bona fide dog training or field trial operations within that county that are shooting captive-reared mallards are phased-in at the same time.

- Among these other objectives, this proposal would provide regulatory



consistency across nontoxic shot zones and, therefore, consistency in enforcement.

Additionally, the Service pointed out that the taking of wild waterfowl on game preserves has been and will continue to be subject to the nontoxic shot requirement of the county(ies) in which they are located and other regulations of part 20. Likewise, any taking of wild waterfowl during dog training activities or during field trial operations remains subject to *all* Part 20 regulations.

#### Summary of Comments

Over the period December 14, 1987, to April 25, 1988, when the last comment period closed, approximately 103 letters of comment representing about 99 commentors were submitted specifically on the § 21.13 proposal. Of this number, 10 States provided 15 letters of comment, 82 letters were received from private individuals or owners on behalf of shooting preserves, 3 letters were received from public interest organizations and 3 from members of Congress. The States responding largely supported the proposal; virtually all of the other comments submitted were in opposition to the proposal.

#### State Comments

Of those potentially affected by this proposal, only 10 State wildlife management agencies provided written comments. Of the 10, only a single State totally opposed the proposal. Most, if not all, of the nonresponding States were contacted by phone to determine if the proposed rule had been received and to obtain oral comments. The States had been sent two separate mailings of the Service's intent to promulgate this rule. Those States not commenting are considered to have provided passive concurrence for the proposal. Written comments of State wildlife management agencies are as follows:

#### California

The California Department of Fish and Game (Department) advised that Licensed Domesticated Migratory Game Bird Shooting Clubs in that State are required to hunt in a prescribed manner that includes a prohibition against shooting over water. For this reason, the Department argues that no threat of lead poisoning exists for wild waterfowl and, therefore, the proposed regulation is inappropriate to such clubs in California.

#### Colorado

The Colorado Division of Wildlife (Division) provided general support for the proposal but noted what is

perceived as a problem with its inflexibility. The Division agreed that steel shot for captive-reared mallards should become mandatory on areas where spent shot would be scattered in water or wetland areas, utilized by wild waterfowl, or even on adjacent upland areas, including croplands, where wild waterfowl normally feed. However, the Division cited situations where facilities are specifically constructed for field trial or tower-to-pond shooting of captive-reared mallards that are removed from wetlands utilized by wild waterfowl. The Division maintains that these areas that are seldom, if ever, utilized by wild waterfowl should be subject to a process that could provide exemptions to the steel shot requirement on site-by-site basis.

#### Delaware

The Delaware Division of Fish and Wildlife (Division) stated that nontoxic shot and other applicable Federal regulations should apply to the taking of all waterfowl whether in a "game farm" environment, a regulated shooting area, or elsewhere, because there is a potential to expose wild waterfowl to lead poisoning in most of these areas. However, the Division did not support requiring nontoxic shot for dog training and during field trials outside of wetlands habitat because these areas are open to other forms of hunting where lead is customarily used.

#### Florida

The Florida Game and Fresh Water Fish Commission supported the proposal, without qualification, to require nontoxic shot for taking captive-reared mallards.

#### Indiana

The Indiana Department of Natural Resources, Division of Fish and Wildlife (Division) noted a nonobjection to the proposal to require the use of nontoxic shot for taking captive-reared mallards. The Division noted that pen-reared mallards are shot over water and whether it is a pen-reared or wild duck makes no difference in respect to lead being deposited in a wetland.

#### Kansas

The Kansas Department of Wildlife and Parks (Department) responded that it supports the proposal to require the use of nontoxic shot to take captive-reared mallards. The Department noted that nontoxic shot rules should apply equally to all hunting of waterfowl as a deposit of lead occurs whether fired at wild or captive-reared waterfowl.

#### Maryland

The Maryland Department of Natural Resources responded that it strongly supports the proposed rule and cited as reasons for doing so: the decoy effect of captive-reared mallards that increases the risk to wild waterfowl—ducks and geese; public relations problems with regard to allowing a segment of the hunting community to use lead shot while others are required to use nontoxic shot; law enforcement problems associated with identifying where nontoxic shot is or is not required; and the problem of continuing exposure of bald eagles to waterfowl containing embedded and/or consumed lead shot.

#### Minnesota

The Minnesota Department of Natural Resources responded that it favors the requirement to use nontoxic shot for taking captive-reared mallards on shooting preserves and similarly affected areas.

#### New York

The New York Department of Environmental Conservation (Department) advised that few, if any, of shooting preserve operators in New York were aware of this proposed rule until they were contacted by the State in the second comment period. Thus, the Department requested that "tower shoot" operations be exempted from having to shoot nontoxic shot for 1988-89 only, in order to avert financial problems related to inventories of lead shot that were purchased in anticipation of needs this current season.

#### Texas

The Texas Parks and Wildlife Department (Department) requested a delay on implementation of this rule until the last year of the nationwide phase-in. This delay of implementation was requested to allow acquisition of specific information concerning the use and impact of lead shot on shooting resorts in Texas.

Issues identified in this group of official State comments, such as deferral of the effective date, exemptions for "tower shoots," etc., are addressed later in this rule, with those of the general public.

#### Other Comments

As set out above, 88 letters of comment were received from individuals and organizations other than State wildlife management agencies. Public interest organizations submitting comments on the proposals to require nontoxic shot for taking captive-reared



mallards on shooting preserves are the International Shooting and Hunting Alliance (ISHA), the National Rifle Association (NRA), the National Wildlife Federation (NWF) and the Wildlife Legislative Fund of America (WLFA); the NWF supported, and the others opposed, the proposal.

The ISHA stated that the proposal justification is not supported by even a " \* \* \* minimum of factual data or biological information." The ISHA disagreed with the manner in which the justification for the strategy to phase out lead shot nationwide was applied to this proposal because the conditions for lead poisoning to impact wild waterfowl, as set out by the Bellrose Report, are not met. Too, the ISHA submits that the Service abandoned the logical and justifiable "hot spot" approach in considering the use of nontoxic shot " \* \* \* because of ease of law enforcement, unwillingness to allocate personnel and funds to ascertain geographical areas where nontoxic shot was necessary and, quite obviously, bowing to political pressure from the anti-sportsmen community." The ISHA also stated that, despite the disclaimer, no one would be able to use captive-reared mallards for field trials or dog training as "taking" does, in fact, take place. This group also requested a public hearing to provide a record upon which to act.

The NRA is opposed to the proposed rule and urged that private shooting preserves continue to be exempted from the nontoxic shot requirements. The NRA stated that application of nontoxic shot requirements to shooting preserves may result in fewer captive-reared waterfowl being produced and released without any potential for lead poisoning impacts on waterfowl and/or bald eagles. The NRA also stated that many shooting preserves are not visited by wild waterfowl at any time and, thus, lead shot use does not pose a threat to wild waterfowl and/or bald eagles. Lastly, this group stated that in all likelihood less excise taxes and permit fees will be collected because many thousands of captive-reared mallards are raised and harvested than would otherwise be the case if nontoxic shot was required, which would ultimately work to the detriment of the resource.

The NWF strongly supported the proposed rule, stating that "[t]here is no biological reason to assume that lead shot incidental to the covered activities would be any less susceptible to ingestion by waterfowl than shot spent pursuant to the taking of wild waterfowl." The NWF stated that, in this regard " \* \* \* steel shot regulations

correctly make no distinction between the taking of wild waterfowl in uplands or wetlands since there is no evidence to suggest that waterfowl or eagles are immune from the effects of ingested or embedded lead shot in upland locations." Further, the NWF stated that the line should logically be drawn around the target species rather than create an enforcement problem associated with attempting to make distinctions between "waterfowl habitat" and wetlands. Too, the NWF cited the anomaly with regard to the exception created for captive-reared mallards by § 21.13 and the unfair situation that further exempting shooting preserves would create for hunters that have no access to such areas and the responsibility that all hunters should share to " \* \* \* pursue their sport in a manner that conserves America's waterfowl and endangered species for the enjoyment of future generations." Finally, the NWF stated that the proposal is viewed by that group as an important component of the nationwide conversion to steel shot.

The WLFA questioned the basis for the decision to effect a nationwide ban on the use of lead shot for waterfowl and coot hunting by the 1991-92 season, and reiterated their support for the "hot spot" approach to the lead poisoning problem. The WLFA then specifically protested the proposed rule on the grounds that it is being done for the convenience and ease of the Service, charging that it is an unwarranted intrusion on private activities and is being done at the expense of legitimate private interests. The WLFA asked that the requirement be eliminated.

The Service also received comments on the proposed rule from one member of the United States House of Representatives and two United States Senators.

The House member stated that the exemption for shooting preserves should be retained on the basis that the exposure of wild waterfowl to lead is minimal because of the limited amount of hunting that occurs on a limited number of shooting preserves. The House member also stated a common objection to nontoxic shot rules that there is still a great deal of controversy and argument in the scientific community regarding the actual overall effect of lead shot on the waterfowl population. Further, shooting preserves are not open to the general public and most of these birds are raised specifically for the purpose of sport hunting.

One Senator urged the Service to take a closer look at the proposed rule, and

to leave intact the exemption for privately raised waterfowl on game farms on the basis that the proposal eliminates the exemption wholesale without any regard for the particular circumstances under which a game preserve shoots captive-reared mallards. Further, the Senator stated that some game preserves arrange their shoots such that no shooting occurs over water or where mallards feed, and that the proposal contained no factual data to support the assertion that the exemption should be eliminated.

The other Senator requested that an alternative be developed to preserve options for lead shot usage and to ensure that wild migratory waterfowl would be unlikely to ingest spent lead pellets.

Sixty-five of the letters received on this issue represent shooting preserve interests in the State of New York. Fourteen letters were received from a scattering of other States, including Illinois (1), Iowa (2), Louisiana (1), Minnesota (1), Missouri (1), South Carolina (2), Texas (4), Virginia (1) and Wisconsin (1). Three letters were received from the District of Columbia. Of the 65 New York letters, 16 are from members of the State legislature and offer two themes. One theme is that preserves not shooting over water areas do not expose migratory birds (waterfowl) to lead poisoning and should be exempted. The other theme is that States should be given regulatory authority to allow preserves exemptions on a case-by-case basis. Many, if not most, of the other New York responses and the 17 from the other States and the District also contain these two themes, and expand the bases for objection by citing other factors.

Although the exact manner in which the two themes are expressed varies somewhat from letter group to letter group, the following is representative of the comments received:

" \* \* \* we hunt over dry land, are not part of the flyway and are never visited by migratory wild birds, it is hard to see how the application of the proposed amendment " \* \* \* would be consistent with the intent of the steel shot regulations.

If the amendment is approved " \* \* \* we request that the states in which the affected hunting preserves exist be granted the authority to permit exceptions.

Other factors injected into the arguments against this requirement by those commenting vary considerably; some are not relevant to this proposed rulemaking and will not be addressed here because they have been responded to in earlier nontoxic shot zone rulemakings. Commentors should refer



to the following sources for responses to comments not addressed in this final rulemaking. (References are to the pertinent portions of the Supplemental Environmental Impact Statement on the Use of Lead Shot for Hunting Migratory Birds in the United States (1986) and the final rulemaking for the 1986-87 nontoxic zones (51 FR 31429; September 3, 1986).)

- Arguments against the lead shot-lead poisoning connection in waterfowl and bald eagles, including situations involving shooting over fields and over deep water, observers noting absence of carcasses, perceived documentation deficiencies, etc. (see, for example, Issues 1, 2, 7 and 8 and chapter III of the SEIS);

- Relative merits of the "hotspots" approach vs. the current phase-in strategy (see, for example, Issue 5 and chapters II and IV of the SEIS);

- Crippling and shooting performance of lead vs. steel shot (see, for example, Issue 12 and chapter III, page 86, of the SEIS);

- Cost of steel shot vs. lead shot and availability of steel shot (see, for example, Issue 14 and chapter III, page 90, of the SEIS);

- Capability of steel shot with weapons and safety (see, for example, Issue 13 and chapter IV, pages 11-15, of the SEIS);

- General allegations of arbitrariness in Service actions to eliminate lead poisoning as a mortality factor in waterfowl and coot (see, for example, Issue 3);

- Enforcement concerns (See chapter IV, page 57, of the SEIS); and

- Finding a suitable nontoxic alternative to lead (see, for example, Issue 14 and chapter III, page 90, of the SEIS).

#### Relevant Issue Identification and Responses

After review of the letters of comment provided to the Service on this proposal, a relatively few relevant common issues emerge. The following is an identification of those relevant common issues raised by commentators and the Service's response to each. Two of those identified, the "themes" mentioned earlier, predominate among the comments submitted and are addressed first as issues 1 and 2.

*Issue No. 1:* Although expressed in various ways, the essence of this concern is that in the more controlled shooting situations, i.e., "tower shoots," there is little or no potential for exposing wild migratory birds to spent lead shot and consequent lead poisoning.

*Response:* The Service recognizes that there exists a spectrum of shooting

preserve types, from the wild bird/natural habitat conditions on one end to the captive-reared bird/tower-pond shoots on the other; there is also a concomitant spectrum of potential for spent shot exposure. However, even for the "tower shoots," it is virtually impossible to ensure that no exposure to spent lead shot results for wild waterfowl and raptors. Most of those commenting referenced only that the risks were minimal or nonexistent for wild waterfowl. Raptors are an important part of the overall lead shot-lead poisoning equation; bald eagles were a primary consideration in the litigation that resulted in adoption of the nationwide lead shot ban strategy.

Wild waterfowl are attracted to shooting preserves because of the "decoy effect" and/or because "tower shoot" ranges ordinarily include a wetland collection point for the flighted birds. Raptors are attracted to debilitated birds on or off preserves that have embedded and/or ingested shot because of the vulnerability resulting.

Too, it is not necessary for raptors to visit the shooting area to be exposed to ingested and/or embedded lead shot. One commentator pointed out that the club, to which he belongs, raises 25,000 mallards for "tower shoots" and, of that number, 10-15 percent are lost to the wild. Others cited losses of captive-reared birds to the wild at their clubs but stated that it was a positive factor because it supplemented wild populations. Despite the lack of evidence that released or escaped captive-reared mallards are benefiting wild populations of mallards in any significant way, captive-reared mallards undoubtedly transport imbedded or ingested lead shot that can be ingested by bald eagles and other predators remotely from the game preserves.

*Issue No. 2:* Authority should be delegated to the individual States to certify qualified shooting preserves to be nonproblem lead shot-lead poisoning areas, on a case-by-case basis.

*Response:* In light of the information presented here and elsewhere in these issues and responses, it should be apparent that the problem is not as simple as visiting game preserves and certifying that problems with lead shot-lead poisoning do not exist on-site because the lead problem is in all probability not that obvious on-site, spatially or temporally, and can be exported off-site as well. Lead poisoning problems traditionally are not readily identified or believed by the casual observer because of the nature of the illness. There are also considerable problems associated with establishing standards/definitions for what does or

does not constitute a problem and the administrative burdens associated with inspection, certification and enforcement. Most importantly, exempting certain areas from nontoxic shot requirements is a significant departure from the strategy adopted to eliminate lead poisoning and does not treat the problem evenhandedly. Too, no responding States have suggested that the problem be resolved on the basis that they be empowered to certify game preserves as lead shot-lead poisoning nonproblem sites.

*Issue No. 3:* The proposal justification is not supported by factual data/biological information.

*Response:* Although the charges made are much broader than this proposal and are largely answered in the references noted earlier for nonrelevant issues, the Service believes a general response is appropriate. As previously stated, the purpose of this rule is to correct an anomaly existing under the current regulations relating to nontoxic shot requirements. The justification for this action is the same justification presented in the 1986 Supplemental Environmental Impact Statement on the Use of Lead Shot for Hunting Migratory Birds in the United States for implementing a nationwide ban of lead shot for hunting waterfowl. The intent continues to be to cover all hunting activities involving waterfowl, coots and certain other species. (For the purposes of the Migratory Bird Treaty Act, as amended (16 U.S.C. 703 *et seq.*; 40 Stat. 755), captive-reared mallards are migratory waterfowl and subject to Federal regulation.)

It is also important to this discussion to note that a major stimulus for the action to phase out nationwide the use of lead shot for waterfowling is the *NWF vs. Hodel* court decision of 1985 (Civ. No. 585-0837 EJC). In this decision, the court found, on the basis of the factual data/biological information, that a lead poisoning problem does exist and that the Department of the Interior had not responded to this problem commensurate with its statutory responsibilities. Since the 1985 decision, the Court has on two separate occasions relied upon that same factual data/biological information to support the Service's actions to eliminate lead poisoning in migratory birds through the cessation of lead shot use for waterfowling.

*Issue No. 4:* Game farm mallards do not have lead poisoning problems, therefore, lead poisoning cannot be a problem for wild waterfowl or bald eagles; there are no waterfowl and/or eagles in the vicinities of some of the



preserves; wild waterfowl and eagles are kept away from the preserves by all the activities; etc.

*Response:* Some of the comments provided on this issue were somewhat contradictory. A game preserve operator pointed out that lead poisoning was recognized as a problem for game farm mallards years ago and, therefore, it is in the best interests of the game preserves to ensure that the lead shot does not fall into lakes and streams where feeding occurs. Others stated that the lead shot could not conceivably cause lead poisoning because it is deposited in upland areas away from the flight terminus—usually a pond. Others readily agreed that the lead shot does reach areas where it is accessible to wild and captive-reared waterfowl but stated that lead poisoning has never been noted in the captive-reared birds that utilize the pond areas for as long as 9 months out of the year. Assurances were also given that some of these areas were not within any flyway, and are not frequented by bald eagles.

For captive-reared waterfowl, there are probably few studies illustrating the lead risk. One such study of Hungarian mallards (Salyi et al. 1987) showed an associated decreased flying ability and wing and leg paralysis from physiological damage after ingestion of lead shot in the shooting area. In a recent (1988) radiological evaluation of captive-reared mallards shot in an upland area at Winchester's Nilo Farms, fully 12 percent of the birds had ingested lead shot although that "tower" shooting operation had been steel-only for 2 years.

As captive-reared mallards return overland to the release site from the flight terminus there is ample opportunity to ingest shot when picking up grit for the gizzard. Thus, the fact that ponds at the flight terminus are not shot-over may not preclude captive-reared mallards from ingesting spent lead shot. Certainly, many do carry embedded shot.

The concept of a "flyway" can be misunderstood. Although the number of birds passing through a given area in the north may be quite small in comparison to that of a comparably-sized area in the south, both are a part of a "flyway." All of the States of the contiguous States and Alaska are part of a "flyway." Eagles and other raptors also have migratory routes, "flyways," that may bring them to the vicinities of game preserves on a seasonal basis. However, their absence in a given area may mean only that bald eagle recovery there has not been as successful as it should be. Although bald eagle recovery is very encouraging in some parts of the United

States, there are large portions of the historical range that are still unused or the numbers there are still below established recovery goals. The use of lead shot for captive-reared and wild waterfowl shooting is clearly inimical to the long-term recovery objectives for bald eagles.

*Issue No. 5:* Two concerns addressed in this single response relate to the charges that the proposal totally eliminates lead shot use from game preserves and is a "foot-in-the-door" to require nontoxic shot for taking other species.

*Response:* As stated earlier, the reopening Federal Register notice of March 25, 1988, explains that the proposal is restricted to § 21.13 of 50 CFR, Permit exceptions for captive-reared mallards, and does not change the existing regulations restricting hunting of any other captive-reared species, or use of other captive-reared species in dog trials or dog training. The implementation of nontoxic shot zones affects only the taking of waterfowl, coots and certain other species—"certain other species" referring to species taken in an aggregate with waterfowl or coots. Thus, the use of lead shot is not disallowed for taking other game preserve species that would otherwise be allowed by Federal and/or State regulations. The regulation change being implemented still allows shooting captive-reared mallards over water areas, it simply requires that it be done with nontoxic shot.

There are currently no data available that suggest a necessity to expand a nationwide requirement for nontoxic shot to other species of migratory birds. States may be, and sometimes are, more restrictive in their regulations to take other species (migratory and nonmigratory) in instances where there are lead poisoning problems.

One person commenting on the upland game bird aspect of this situation remarked that it is illogical to require nontoxic shot for captive-reared mallards and not pheasants when on preserves both may be hunted in the same areas. States customarily have primary authority for managing upland game birds. It would be a State's prerogative to require nontoxic shot for pheasants and other upland game species except where Federal lands involve a cooperative effort by the State and the managing Federal agency. In this regard, on Service managed lands, the Service is cooperating with the States to require the use of nontoxic shot to hunt pheasants and other upland game species in wetlands. Some States have taken the initiative to require

nontoxic shot on all State-regulated hunting areas.

*Issue No. 6:* Steel shot is not compatible with some double barreled shotguns used by members of game preserves; game preserves are the last areas where the expensive, "classic" American and European double guns may be used for waterfowling because of the exemption there for lead shot.

*Response:* The Service has consistently stated to waterfowlers and other members of the interested public that, in the process of converting the nation from lead shot to steel shot for waterfowl and coot hunting to eliminate lead poisoning in migratory birds, there are shotguns having thin-walled or soft steel barrels that likely could not be used with steel shot. Nevertheless, the Service has not given exemptions for hunters who have traditionally used these antique or "classic" shotguns with such barrels—even off game preserves. Neither has the Service given exemptions to the relatively small number of waterfowlers who hunt with muzzleloading guns of recent or early ("originals") manufacture. Although their use for waterfowling may have to be discontinued under this regulatory change, these breechloading antique or "classic" shotguns may still be used for hunting upland birds and/or migratory birds other than waterfowl or coot. For the game preserves that require the use of double guns, there are doubles sold currently that are certified for steel shot. Some older, "classic" doubles are reputedly suitable for use with steel shot, but should be approved for use by the manufacturer or a qualified gunsmith.

*Issue No. 7:* Field trials and bona fide dog training activities should be exempted because in the areas where these two activities occur it is also common for other game birds to be hunted.

*Response:* This comment has been substantially addressed in Issue No. 5. Further, training and field trials with captive-reared mallard taking usually involves retrieving dogs in water and field areas that often are available to wild waterfowl. Requiring nontoxic shot for these activities will help to ensure that such areas do not present lead exposure opportunities and lead poisoning. Where these same areas have upland game bird hunting, the State has the prerogative to expand nontoxic shot coverage beyond captive-reared and wild waterfowl and coots. However, it should be recalled that the developing nationwide ban on the use of lead shot for waterfowling involves uplands as well as wetlands.



*Issue No. 8:* The implementation of this rule as proposed will place an economic burden on shooting preserves because they have already purchased ammunition supplies that will not be legal to use in the coming season.

*Response:* Recognizing that some shooting preserve operators may have inventories of lead shot ammunition, and consistent with its approach of "phasing-in" steel shot use in proportion to the risks posed to migratory birds, the Service is delaying the implementation of this rule requiring the use of nontoxic shot for taking captive-reared mallards until September 1, 1990.

In summary, this final rule makes § 21.13 of part 21, Permit exceptions for captive-reared mallards, subject to the requirements of § 20.108, Nontoxic shot zones, and becomes effective on September 1, 1990. All game preserves and other affected areas in existing nontoxic shot zones will convert to steel shot for taking captive-reared mallards simultaneously in the 1990-91 waterfowl hunting season. Game preserves and dog training/field trial areas not affected by the 1990-91 zoning will convert to steel shot in the final year of the nationwide phase-in, i.e., in the 1991-92 waterfowl hunting season.

This action is taken under the authority granted the Secretary of the Interior by the Migratory Bird Treaty Act and the Endangered Species Act, as amended (16 U.S.C. 1531-1543; 87 Stat. 884). Justification for this action is based on: The 1988 SEIS analyses of the effects of the use of lead shot in waterfowl and coot hunting on migratory birds; scattered and light response from the general public and the States; the support of the majority of the States responding; the discriminatory effect that continuing this exemption would have on a portion of the waterfowl hunting community; and the need to be consistent in the approach to eliminating lead poisoning in waterfowl and raptors, nontoxic shot zoning and enforcement and compliance with nontoxic shot requirements.

#### Economic Effect

Executive Order 12291, "Federal Regulation," of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of \$100 million or

more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which includes small businesses, organizations and/or governmental jurisdictions.

In accordance with Executive Order 12291, a determination has been made that this rule is not a major rule. In accordance with the Regulatory Flexibility Act, a determination has been made that this rule, if implemented without adequate notice, could result in lead shot ammunition supplies for which there would be no local demand. Conversely, nontoxic shot zones could conceivably be established where little or no nontoxic shot ammunition would be available to hunters. The Service believes, however, that adequate notice has been provided and that sufficient supplies of nontoxic shot ammunition will be available to hunters. Therefore, this rule would not have a significant economic effect on a substantial number of small entities.

#### Paperwork Reduction Act

This rule will not result in the collection of information from, or place recordkeeping requirements on, the public under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### Environmental Considerations

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), a Final Environmental Statement (FES) on the use of steel shot for hunting waterfowl in the United States was published in 1976. As stated above, a supplement to the FES was completed in June 1986. In this supplement, pursuant to the Endangered Species Act, a section 7 consultation was done on the potential impacts of the provisions of this rule on bald eagles. The section 7 opinion concluded that implementation of the preferred alternative would not be likely to jeopardize the continued existence of the bald eagle. More recently, a section

7 opinion concluded that the actions being carried out to ban the use of lead shot nationwide for waterfowl hunting is not likely to jeopardize the continued existence of the Aleutian Canada goose.

#### Authorship

The primary author of this final rule is Dr. Keith A. Morehouse, Staff Specialist, Office of Migratory Bird Management.

#### List of Subjects in 50 CFR Part 21

Exports, Imports, Reporting requirements, Wildlife.

Accordingly, part 21, subchapter B, chapter I of title 50 of the Code of Federal Regulations is amended as follows:

#### PART 21—[AMENDED]

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

*Authority:* Migratory Bird Treaty Act, sec. 3, Pub. L. 85-186, 40 Stat. 755 (16 U.S.C. 704); sec. 3(h)(3), Pub. L. 95-616, 92 Stat. 3112 (16 U.S.C. 712).

2. Section 21.13(d) is amended by revising the language beginning with "Provided further," and ending with the words "preserve operations," to read as follows (the introductory paragraph is being republished):

#### § 21.13 Permit exceptions for captive-reared mallard ducks.

Captive-reared and properly marked mallard ducks, alive or dead, or their eggs may be acquired, possessed, sold, traded, donated, transported and disposed of by any person without a permit subject to the following conditions, restrictions and requirements.

(d) \* \* \* *Provided further,* That the provisions of:

(1) The hunting regulations (part 20 of this subchapter), with the exception of § 20.108 (Nontoxic shot zones), and

(2) The Migratory Bird Hunting Stamp Act (duck stamp requirement) shall not apply to shooting preserve operations. \* \* \*

Dated: August 19, 1989.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 89-20677 Filed 9-1-89; 8:45 am]

BILLING CODE 4310-95-M



# Proposed Rules

Federal Register

Vol. 54, No. 170

Tuesday, September 5, 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.

## OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 841

RIN 3206-AD62

### Federal Employees Retirement System; General Administration; Cost of Living Adjustments

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management (OPM) is proposing regulations concerning computation of the cost-of-living adjustment (COLA) on basic benefits under the Federal Employees Retirement System (FERS). These regulations state which benefits are subject to COLA's and provide the methodology for computing COLA's on each type of FERS basic benefit subject to COLA's. These regulations also provide the methodology for determining the COLA's on mixed annuities (partially computed under FERS and partially computed under the Civil Service Retirement System (CSRS)). These regulations are necessary to implement the Federal Employees Retirement System Act of 1986.

**DATE:** Comments must be received on or before November 6, 1989.

**ADDRESS:** Send comments to Reginald M. Jones, Jr., Assistant Director for Retirement and Insurance Policy; Retirement and Insurance Group; Office of Personnel Management; P.O. Box 57; Washington, DC 20044; or deliver to OPM, Room 4351, 1900 E Street NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Harold L. Siegelman, (202) 632-4682.

**SUPPLEMENTARY INFORMATION:** FERS COLA's are effective December 1 of each year and first appear in the January annuity payments for those eligible for the increases.

### 1. COLA's on FERS Basic Annuities and Survivor Annuities

Generally, FERS COLA's are 1 percent less than the actual increase in the cost of living as determined under the law. However, if the actual increase is between 2 and 3 percent, FERS COLA's are 2 percent and, if the actual increase is 2 percent or less, FERS COLA's match the inflation rate. FERS COLA's apply to retirees' basic annuities only (not annuity supplements), but for survivor annuitants they apply to both the basic survivor annuities and the annuity supplements. In addition, FERS COLA's do not apply for annuitants who are under age 62 as of December 1, except:

1. Spouse, former spouse, or insurable interest survivor annuitants;
2. Certain disability annuitants;
3. Those who retired under the special provisions for law enforcement officers and firefighters;
4. Those who retired under the special provision for air traffic controllers; and
5. Those who retired under the special provision for military reserve technicians because they ceased satisfying the requirements of their position due to a disability.

Under FERS, children's annuities are increased under CSRS provisions rather than FERS provisions. However, children's benefits under FERS are offset by social security children's benefits (which also receive a cost-of-living increase effective December 1). In most cases the social security benefit will exceed the FERS benefit, with the result that no FERS benefit is actually paid.

Generally, COLA's are not payable on disability annuities during the first year (nor does the social security offset increase during the first year). However, COLA's are payable during the first year if the annuity rate payable is the retiree's earned benefit or if the annuity is being redetermined because the retiree has reached age 62 during the first year. After the first year, both the disability benefit and the social security offset (if any) are increased by FERS COLA's. Disability annuitants' earned benefits also increase with COLA's, even when we are not paying the earned benefits. After application of the COLA, we compare the increased earned benefit to the increased 40 percent disability benefit offset by social security and pay the greater benefit until the annuity is redetermined at age 62. After age 62, we compare the

redetermined annuity with the earned annuity after application of COLA's and we pay the greater benefit.

Full COLA's are paid only to annuitants who have been on the annuity roll for the full period covered by the COLA. Others receive only prorated shares of full COLA's. For example, FERS COLA's were payable on annuities having a commencing date before December 1, 1988. The full 1988 FERS COLA rate was 3.0 percent, but, only FERS annuities that commenced before January 1, 1988, received the full 1988 COLA. Annuities that began on or after January 1, 1988, received prorated COLA's according to the commencing date of the annuity. For survivors (other than children) of deceased annuitants, the proration was determined by the date the annuity was first payable to the deceased annuitant, and COLA's were applied to annuity supplements as well as basic survivor annuities. Eligible FERS annuitants received prorated COLA's effective December 1, 1988, according to the following chart:

| Month annuity commenced | Proportion of full 3.0% increase | Prorated percentage |
|-------------------------|----------------------------------|---------------------|
| January 1988.....       | 11/12                            | 2.8                 |
| February 1988.....      | 10/12                            | 2.5                 |
| March 1988.....         | 9/12                             | 2.3                 |
| April 1988.....         | 8/12                             | 2.0                 |
| May 1988.....           | 7/12                             | 1.8                 |
| June 1988.....          | 6/12                             | 1.5                 |
| July 1988.....          | 5/12                             | 1.3                 |
| August 1988.....        | 4/12                             | 1.0                 |
| September 1988.....     | 3/12                             | 0.8                 |
| October 1988.....       | 2/12                             | 0.5                 |
| November 1988.....      | 1/12                             | 0.3                 |

Annuitants who do not get COLA's during their first year because they are under age 62 will have been on the annuity roll for over a full year when eligible for their first COLA's; therefore, their first COLA's are not prorated. The same is true for disability annuitants barred from receiving COLA's during their first year as annuitants.

### 2. COLA's on Basic Employee Lump Sum Death Benefits

Under FERS, a basic lump sum benefit is payable to the surviving spouse (or by court order to a former spouse) of a deceased employee with at least 18 months creditable civilian service. The law provides that this lump sum benefit is an amount equal to half the employee's final annual pay (or high-3



average pay, if higher) plus \$15,000, adjusted for COLA's under CSRS rules.

Since the COLA's under CSRS rules were 4.2 percent and 4.0 percent effective December 1, 1987, and 1988, respectively, the \$15,000 has increased to \$16,255.20.

### 3. Applying COLA's to Combined CSRS/FERS Annuities

To compute COLA's on mixed benefits, we first compute the initial retired employee annuity rate. After applying CSRS rules to CSRS service and FERS rules to FERS service to obtain the annual amount payable for each component, we make any applicable FERS reductions for age and/or survivor benefits to each component. The sum of the two components is the initial annual annuity rate. The initial monthly installment is  $\frac{1}{12}$ th (with cents dropped) of the initial annual annuity rate. Then, we determine the initial whole-dollar amount of the monthly CSRS component by dividing the annual CSRS component by 12 and dropping any odd cents. The initial whole-dollar amount of the monthly FERS component equals the initial monthly rate minus the initial monthly whole-dollar CSRS component. The following example illustrates the computation of the initial whole-dollar amount of monthly CSRS and FERS components for an annual CSRS component of \$11,987.76 and an annual FERS component of \$15.30:

- Initial monthly installment: \$1,000
- Annual CSRS component divided by 12: 998.980
- Annual FERS component divided by 12: 1.275
- Drop odd cents from CSRS component \$998
- Subtract CSRS component (less any cents) from monthly installment.
- The balance—\$2—is the FERS component.

In some cases an employee with only a month or two of FERS service would have a monthly FERS component of zero under the method described above for determining the amounts of the components. In such cases, the FERS component will be the minimum of \$1 per month in addition to the CSRS component. This FERS component receives a \$1 COLA. (Employees with less than a month of FERS service have no FERS components and are not due any FERS COLA's.)

After computing the initial retired employee annuity rates, we can apply COLA's to employee annuities. COLA's are determined by applying the appropriate increase to each component and rounding to the next lower dollar (each component must increase by at

least one dollar) before adding them together for the new monthly amount payable. The components are already whole-dollar amounts to which we can apply future COLA's. For example:

|                  | CSRS     | FERS | Monthly amount payable |
|------------------|----------|------|------------------------|
| Component.....   | \$998    | \$2  | \$1,000                |
| COLA.....        | 1.05     | 1.04 |                        |
| Total.....       | 1,047.90 | 2.08 |                        |
| New amounts..... | 1,047    | 3    | 1,050                  |

Survivor annuities do not have CSRS/FERS components. The initial survivor annuity is 50 percent (or in some cases 25 percent) of the annual amount of the retiree's annuity before reduction for the survivor benefit. The initial monthly survivor rate is  $\frac{1}{12}$ th of the annual survivor rate, rounded down to the next lower dollar (but not less than one dollar).

Because the CSRS and FERS COLA's are usually computed using different rates and because FERS generally does not pay COLA's for retirees under age 62, the total annuity increases at a rate different from either of its components.

When the retiree dies, the monthly rate payable to the survivor is the initial monthly survivor rate increased by the total percent by which the deceased's annuity had increased since retirement.

For example:

#### A. At Retirement

- Retiree's annual annuity rate before reduction for survivor annuity: \$17,567.89
- Retiree's rate after 10 percent reduction for survivor benefit and conversion to monthly rate:  $\$17,567.89 \times .90 = \$15,811.10$ , divided by 12 and rounded to the next lower dollar: \$1,317
- Initial monthly survivor rate (50 percent of retiree's annual rate before reduction for survivor benefit, divided by 12 and rounded to the next lower dollar):  $\$17,567.89 \times .50 = \$8,783.95$ , divided by 12 and rounded to the next lower dollar: \$731

#### B. At Retiree's Death

- Retiree's monthly annuity rate at death: \$2,174
- Total percent of increase in retiree's monthly annuity rate since retirement began: 65 percent
- Initial monthly survivor annuity payable ( $\$731 \times 1.65$ , rounded to next lower dollar): \$1,206

#### C. After the Retiree Dies and the Survivor Annuity Has Begun

- The survivor annuity increases according to FERS COLA provisions.

### 4. COLA's for Certain Military Reserve Technicians

Under section 8462(c)(3)(B)(ii) of title 5, United States Code, military reserve technicians who retired under section 8414(c) of title 5, United States Code, as a result of a disability are excepted from the bar against COLA increases for retirees under age 62. Section 841.708 provides that for this purpose disability means medical disability.

Military reserve technicians who meet the requirements that apply to the general employee population may retire under the general disability retirement rule, section 8451(a)(1)(B) of title 5, United States Code. This allows retirement of military reserve technicians who are medically disabled for their positions and who meet the same disability provisions as other disabled Federal employees.

In addition, military reserve technicians may retire under either of two special provisions depending on their age and length of service. Section 8414(c) of title 5, United States Code, provides a special form of discontinued service retirement for military reserve technicians. It allows retirement of military reserve technicians who may not be disabled for their positions, but are medically or nonmedically disqualified for military service or the rank required to hold the position, and who are at least age 50 with 25 years of service.

Section 8456 of title 5, United States Code, allows military reserve technicians who are not eligible under section 8451(a)(1)(B) or section 8414(c) but who are medically disqualified for military service or the rank required to hold their positions to retire on disability. These technicians retire under the general disability provision, but the annuity stops if they are rehired in the Federal service or they decline a Federal job offer.

Technicians who retire under the disability provisions (section 8451(a)(1)(B) or section 8456) get COLA's after their first full year on the disability rolls. In providing COLA's for military reserve technicians retiring under the discontinued service provision (section 8414(c)) only when the technicians are disabled, section 8462(c)(3)(B)(ii) distinguishes between medical and nonmedical disqualification from military service or rank.

Usually, when technicians retire under section 8414(c), neither OPM nor the technician's employing office receives information about the reason for disqualification. These regulations provide that when we receive no



information about the reason for the disqualification, we will process the case assuming that the disqualification was for a nonmedical reason. We will inform these retirees that they will not receive COLA's until they reach age 62 unless they provide an official certification from the military showing that their disqualification was for medical reasons.

#### E.O. 12291, Federal Regulation

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

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect Federal agencies and retirement payments to retired Government employees, spouses, and former spouses.

#### List of Subjects in 5 CFR Part 841

Administrative practice and procedure, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Law enforcement officers, Pensions, Retirement.

U.S. Office of Personnel Management.

Constance B. Newman,  
Director.

Accordingly, OPM proposes to amend 5 CFR part 841 as follows:

#### PART 841—FEDERAL EMPLOYEES RETIREMENT SYSTEM—GENERAL ADMINISTRATION

1. The authority citation for part 841 is revised to read as follows:

Authority: 5 U.S.C. 8461; Section 841.108 also issued under 5 U.S.C. 552a; subpart D also issued under 5 U.S.C. 8423; Section 841.504 also issued under 5 U.S.C. 8422; Section 841.507 also issued under section 505 of Public Law 99-335; Subpart j also issued under 5 U.S.C. 8469.

#### Subpart A—General Provisions

2. In § 841.102, paragraph (a)(7) is revised to read as follows:

#### § 841.102 Regulatory structure for the Federal Employees Retirement System.

(a) \* \* \*

(7) Cost-of-living adjustments [subpart G];

\* \* \* \* \*

3. Subpart G is added to read as follows:

#### Subpart G—Cost-of-Living Adjustments

- Sec.
- 841.701 Purpose and scope.
- 841.702 Definitions.
- 841.703 Increases on basic annuities and survivor annuities.
- 841.704 Proration of COLA's.
- 841.705 Increases on basic employee death benefits.
- 841.706 Increases on combined CSRS/FERS annuities.
- 841.707 COLA's affecting computation of survivor supplements.
- 841.708 Special provisions affecting retired military reserve technicians.

#### Subpart G—Cost-of-Living Adjustments

##### § 841.701 Purpose and scope.

(a) The purpose of this subpart is to regulate computation of cost-of-living adjustments (COLA's) for basic benefits under the Federal Employees Retirement System (FERS).

(b) This subpart provides the methodology for—

(1) Computing COLA's on each type of FERS basic benefit subject to COLA's; and

(2) Computing COLA's on mixed annuities (partially computed under FERS and partially computed under the Civil Service Retirement System (CSRS)).

(c) COLA's on children's annuities are not covered by this subpart because COLA's on children's annuities are computed under CSRS rules.

##### § 841.702 Definitions.

In this subpart—

*Annuity supplement* means the benefit under subpart E of part 842 of this chapter. An "annuity supplement" is only payable to retirees.

*Basic annuity* means the benefits computed under subpart D of part 842 of this chapter and payable to retirees.

*Basic employee death benefit* means the basic employee death benefit as defined in § 843.102 of this chapter.

*Beneficiary of insurable interest annuity* means a person receiving a recurring benefit under FERS that is payable (after the employee's, Member's, or retiree's death) to a person designated to receive such an annuity under § 842.605 of this chapter.

*COLA* means a cost-of-living adjustment.

*Combined CSRS/FERS annuity* means the recurring benefit with a CSRS component and a FERS component. A "combined CSRS/FERS annuity" is only payable to a retiree who as an employee elected to transfer to FERS under part 846 of this chapter, who at the time of transfer had at least 5 years of civilian service creditable under CSRS

(excluding service that was subject to both social security and partial CSRS deductions), and who was covered by FERS for at least 1 month.

*CSRS* means the Civil Service Retirement System as described in subchapter III of chapter 83 of title 5, United States Code.

*CSRS component* means the portion of a combined CSRS/FERS annuity that is computed under CSRS rules.

*Current spouse annuity* means a current spouse annuity as defined in § 842.602 of this chapter.

*Disability retiree* means a retiree who retired under part 844 of this chapter

*Effective date* means the date annuities increased by a COLA begin to accrue at the higher rate.

*FERS* means the Federal Employees Retirement System as defined in chapter 84 of title 5, United States Code.

*FERS component* means the portion of a combined CSRS/FERS annuity computed under FERS rules.

*Former spouse annuity* means a former spouse annuity as defined in § 842.602 of this chapter.

*Initial monthly rate* means the monthly annuity rate that a retiree (other than a disability retiree) is entitled to receive at the time of retirement (as defined in § 842.602 of this chapter).

*Percentage change* means the percent change in the price index as defined in section 8462(a)(2) of title 5, United States Code.

*Retiree* means a retiree as defined in § 842.602 of this chapter.

*Survivor* means a person receiving a current spouse annuity or a former spouse annuity, or the beneficiary of an insurable interest annuity. As used in this subpart, "survivor" does not include a child annuitant.

*Survivor supplement* means the recurring benefit payable to a survivor under § 843.308 of this chapter.

##### § 841.703 Increases on basic annuities and survivor annuities.

(a) Except as provided in §§ 841.704, 841.706, and 841.707, and paragraph (e) of this section COLA's on basic annuities and survivor annuities are the greater of—

- (1) One dollar per month; or
- (2)(i) If the percentage change is less than 2 percent, the percentage change;
- (ii) If the percentage change is at least 2 percent and not greater than 3 percent, 2 percent; and
- (iii) If the percentage change exceeds 3 percent, 1 percentage point less than the percentage change.

(b) After survivor annuities commence, they are subject to COLA's



computed under paragraph (a) of this section, even if they are based on a basic employee annuity that includes a CSRS component.

(c) COLA's apply to basic annuities (not to annuity supplements), survivor annuities, and survivor supplements.

(d) COLA's do not apply for annuitants who are under age 62 as of the effective date, except—

- (1) Survivors;
- (2) Disability retirees (other than disability retirees whose benefit is based on 60 percent of high-3 average salary);
- (3) Retirees who retired under § 842.208 of this chapter (the special provisions of law enforcement officers and firefighters);
- (4) Retirees who retired under § 842.207 of this chapter (the special provision for air traffic controllers);
- (5) Retirees who retired under § 842.210 of this chapter (the special provision for military reserve technicians who ceased satisfying the requirements of their position) due to a disability.

(e)(1) Except as provided in paragraph (e)(2) of this section, COLA's are not payable to disability retirees during the first year.

(2) COLA's are payable to disability retirees during the first year if the annuity rate payable is the retiree's earned benefit or the annuity is redetermined because the retiree has reached age 62.

(3) After the first year, both the disability benefit and the social security offset (if any) are increased by COLA's. Disability retirees' earned benefits also increase with COLA's, even when earned benefits are not paid. After application of the COLA, the greater of the increased 40 percent benefit offset by social security or the increased earned benefit is paid until the annuity is redetermined at age 62. After age 62, the redetermined annuity and earned annuity are compared after application of COLA's and the greater benefit is paid.

(f) COLA's are payable to retirees and survivors whose annuities commence before the effective date.

#### § 841.704 Proration of COLA's.

(a) The full amounts of COLA's are payable on annuities having a commencing date more than 11 months before the effective date.

(b)(1) Prorated portions of COLA's are payable on annuities having a commencing date within 11 months before the effective date.

(2) Proration is based on the number of months (with any portion of a month counting as a month) between the

annuity commencing date and the effective date.

(3) For survivors of deceased retirees, proration is determined by the date the annuity was first payable to the deceased retiree. COLA's apply to survivor supplements as well as basic survivor annuities.

(4) Proration applied to the assumed social security disability insurance benefit is based on the commencing date of the disability annuity, not the beginning of the social security disability benefit.

#### § 841.705 Increases on basic employee death benefits.

(a) COLA's on the basic employee death benefit increase the \$15,000 component by the percentage change.

(b) Recipients of the basic employee death benefit are entitled to COLA's if the employee or Member died on or after the effective date.

#### § 841.706 Increases on combined CSRS/FERS annuities.

(a) COLA's on combined CSRS/FERS annuities are computed by increasing the CSRS component by the percentage change and the FERS component by the amount of COLA's under § 841.703(a).

(b) The initial monthly CSRS component is computed by—

(1) Applying CSRS rules to CSRS service and FERS rules to FERS service to obtain the annual amount payable for each component, then

(2) Making any applicable FERS reductions for age and/or survivor benefits to each component; then

(3) Dividing the annual amount of the CSRS component by 12, then

(4) Dropping any cents from the CSRS component.

(c) The initial monthly FERS component is computed by subtracting the initial monthly CSRS component from the initial monthly rate.

(d) A retiree who was covered under FERS for at least 1 month has an FERS component. If the amount of the FERS component as computed above is zero (because the CSRS component is equal to the monthly installment, leaving no balance for the FERS component), the FERS component is \$1 per month. The retiree is due a full dollar increase on the FERS component with the next COLA. (An employee with less than a month of FERS service has no FERS component and is not due any FERS COLA's.)

(e) COLA's are determined by applying the appropriate increase to each component and rounding to the next lower dollar (each component must increase by at least 1 dollar if a COLA applies to each component) before

adding them together for the new monthly amount payable.

#### § 841.707 COLA's affecting computation of survivor supplements.

For purposes of computing the assumed CSRS annuity under § 843.308 of this chapter, the assumed CSRS annuity includes COLA's computed under CSRS rules.

#### § 841.708 Special provisions affecting retired military reserve technicians.

(a) Military reserve technicians who retire as a result of a medical disability are excepted from the bar against COLA increases for retirees under age 62.

(b) Military reserve technicians have retired as a result of a medical disability if they retire under—

(1) Section 8451(a)(1)(B) of title 5, United States Code, (that allows retirement by military reserve technicians who are medically disabled for their positions); or

(2) Section 8456 of title 5, United States Code, (that allows military reserve technicians who are not disabled for their positions and who are not eligible under the special military reserve technician discontinued service provisions (section 8414(c)) but who are medically disqualified for military service or the rank required to hold their positions).

(c)(1) Military reserve technicians have not retired as a result of a medical disability if they retire under section 8414(c) of title 5, United States Code, (that allows retirement of military reserve technicians who may not be disabled for their positions, but are medically or nonmedically disqualified for military service or the rank required to hold the position, and who are at least age 50 with 25 years of service) unless they provide OPM official documentation from the military showing that their disqualification was for medical reasons.

(2) When OPM receives no information about the reason for the disqualification of a military reserve technician retiring under section 8414(c) of title 5, United States Code, OPM will process the case assuming that the disqualification was for nonmedical reasons. OPM will inform these retirees that they will not receive COLA's until they reach age 62 unless they provide an official certification from the military showing that their disqualification was for medical reasons.

[FR Doc. 89-20787 Filed 9-1-89; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## 7 CFR Part 982

[Docket No. FV-89-020PR]

## Filberts/Hazelnuts Grown in Oregon and Washington; Proposed Administrative Changes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

**SUMMARY:** This action invites comments on deletions, revisions, and additions to the administrative rules and regulations under the Federal marketing order for filberts/hazelnuts grown in Oregon and Washington. These proposed changes were unanimously recommended by the Filbert/Hazelnut Marketing Board (Board), which is responsible for local administration of the order. These changes are intended to reflect the Board's current needs and practices by making administrative changes to improve administration of the order.

**DATES:** Comments must be received by October 5, 1989.

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

**FOR FURTHER INFORMATION CONTACT:** Maureen T. Pello, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 382-1754.

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

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

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

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

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

There are approximately 26 handlers of filberts/hazelnuts subject to regulation under the filbert/hazelnut marketing order, and approximately 1,300 producers in the Oregon and Washington production area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having gross annual revenues for the last three years of less than \$500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than \$3,500,000. The majority of handlers and producers of filberts/hazelnuts may be classified as small entities.

This proposed rule would make several changes to the administrative rules and regulations of the filbert/hazelnut marketing order. Several changes are necessary to update administrative rules and regulations to reflect the August 19, 1986, (51 FR 2947) amendments to the marketing order.

Form numbers specified in the administrative rules and regulations need to be changed to reflect the current form numbers used by the Board. Additionally, for clarity, the Board has recommended that other specific form references be inserted into sections that previously contained only a general reference to reporting requirements. No new forms are added as a result of reference changes.

Further, the Board has recommended that the term "hazelnuts" be used in the rules and regulations to reflect the fact that filberts may also be called hazelnuts. This is reflected by the definition of filberts in the order. In addition, hazelnuts is the term used in Europe where a portion of the domestic crop is marketed. Therefore, this rule would change all references to filberts to filberts/hazelnuts.

The first change would delete § 982.432 from the rules and regulations. This section describes nomination procedures which independent growers should follow when nominating independent grower members for Board

membership. During the formal rulemaking process completed in 1986, § 982.30 was changed to no longer distinguish between independent and cooperative grower members on the Board. Therefore, it is proposed that § 982.432 be deleted as it is unnecessary.

Most of § 982.446, dealing with inspection documentation of restricted filberts/hazelnuts is no longer applicable. The industry no longer uses seals, stamps, or tags as specified in § 982.446(a) to identify product. Rather, the industry uses the identification procedures specified in current § 982.446(c). Therefore, this rule would delete paragraph (a) of § 982.446 from the rules and regulations and § 982.446 would be revised to reflect the current identification procedures contained in paragraph (c).

Paragraphs (b) (1), (2), and (3) of § 982.446 should also be deleted from the rules and regulations because the industry no longer has reason to physically identify stored inshell filberts/hazelnuts as free or restricted filberts/hazelnuts. Currently, filberts/hazelnuts declared as restricted are identified by lot numbers on records kept by handlers. In the past, handlers stored free and restricted filberts/hazelnuts in 100-pound sacks that were labeled free or restricted. Handlers no longer use these sacks. Rather, large bins or cartons are used to store such filberts/hazelnuts. Such designation is easily identifiable in handlers' records.

Section § 982.450 provides procedures for handling restricted filberts/hazelnuts. The Board has recommended that specific form references be inserted in § 982.450 (a), (b), and (c) to identify the forms that handlers are currently required to submit. Under this proposal, references to F/H Form 1d would be added to paragraph (a) of § 982.450, F/H Form 4 would be added to paragraph (b), and F/H Form 1d and F/H Form 7 would be added to paragraph (c).

Paragraphs (a)(1), (a)(2), and (b) of § 982.452 provide procedures for the disposition of restricted filberts/hazelnuts and contain outdated form number references. The Board recommended that these be changed to the new form number references. In paragraph (a)(1) of § 982.452 the form reference would be changed to F/H Form B, and in paragraph (a)(2) the form reference would be changed to F/H Form 7. The form reference for the export agreement between handlers and the Board found in paragraph (b) would be stated as F/H Form A. Paragraph (b) of § 982.452 provides authority for handlers to act as agents of the Board in arranging sales of inshell filberts/



hazelnuts into export markets. The Board recommended revising the language of paragraph (b) to reference the provisions of § 982.52(b) of the order. Therefore, the phrase "including those as set forth in § 982.52(b)" would be added to this paragraph if this proposal is adopted. In addition, proposed revisions of paragraphs (a) (1) and (2) of § 982.452 provide gender neutral language.

Handlers are required to be bonded if they intend to defer their withholding obligations under the order into the next season. Section § 982.454 describes the types of bonds accepted by the Board. The Board currently requires handlers to submit F/H Form C to document handlers' use of this provision. Therefore, based on the Board's recommendation, this proposal would add the specific form reference to § 982.454.

Section 982.456 describes procedures for interhandler transfers of filberts/hazelnuts and contains an outdated form reference. Under this proposal, the form reference would be changed to F/H Form 2.

In 1986, § 982.57 of the order was amended to allow growers acting as handlers to sell unlimited quantities of their own production directly to consumers from their orchards, at roadside stands, or at farmers' markets. Quantities of filberts/hazelnuts sold in this manner are exempt from the volume regulation and assessment provisions of the order. Section 982.457 allows handlers to be exempt from certain order requirements (inspection, certification, restricted obligation, assessments, and reporting requirements) if they handle less than 250 pounds of inshell filberts/hazelnuts during any fiscal year. Section 982.457 was originally implemented to allow growers who acted as handlers by selling small quantities of their filberts/hazelnuts directly to consumers to be exempt from the order's regulatory and assessment provisions. Section 982.57, however, now provides authority for growers to sell unlimited quantities of the grower's own production directly to consumers. Therefore, since the 250-pound limitation no longer applies, § 982.457 would be deleted from the rules and regulations.

Section 982.460 provides procedures for transferring excess restricted credits of filberts/hazelnuts and contains outdated form references. The Board recommended that these be changed to the new form references. In paragraphs (b) and (c) of § 982.460, the form reference should be changed to F/H Form 3. In addition, the proposed

revision of paragraph (b) would provide gender neutral language.

The Board recommended that § 982.466 include a reference to the complete series of forms currently used. Reference to F/H Forms 1a through 1e should be added to § 982.466. Also, the Board proposed changing the frequency of reports on these forms. The Board has indicated that handlers have found it difficult to submit weekly reports of shipments in October, November, and December (the busiest time of the marketing season) in a timely manner. The Board, therefore, recommended that F/H Form 1a through 1e be submitted once a month, rather than weekly. Accordingly, this change would reduce the information collection requirements subject to the Paperwork Reduction Act, 44 U.S.C. chapter 35. Such reports would include shipment transactions from the beginning of the month to the end of the month. Such reports would be due in the Board office 10 days following the end of the reporting period. The Board indicated that monthly reporting would provide sufficient and timely information essential to the filbert/hazelnut industry. Therefore, this proposal would revise § 982.466 accordingly.

Section 982.468 contains two outdated form references that would be changed to reflect new form references. The outdated form references would be changed to F/H Form 5 and F/H Form 6 in § 982.468. The Board also recommended that the dates of the reporting periods be changed to make them correspond with the Board's marketing year and that provisions be made for the Board to request reports on other duties, with the approval of the Secretary. Section 982.17 of the order was amended in 1986 to change the dates of the marketing year.

Sections 982.453, 982.455, and 982.471 would be revised to change references to "filberts" to "filberts/hazelnuts." The Board recommended that "filbert" be changed to "hazelnuts." The order provides that the term "filberts" means filberts or hazelnuts produced in the States of Oregon and Washington from trees of the genus *Corylus*. However, the Department has proposed substituting the term "filbert/hazelnut" in this rule and in appropriate sections of the rules and regulations. The term "filbert/hazelnut" would accomplish the Board's purpose. It would also avoid the confusion which might occur when the order refers to "filberts" alone and the rules and regulations would refer to "hazelnuts."

Based on available information, the Administrator of the AMS has

determined that the issuance of this proposed rule would not have a significant economic impact on a substantial number of small entities.

The information collection requirements contained in the sections of the regulations proposed to be revised have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB No. 0581-0144.

#### List of Subjects in 7 CFR Part 982

Filberts/hazelnuts, Marketing agreements and orders, Oregon, and Washington.

For the reasons set forth in the preamble, 7 CFR part 982 is proposed to be amended as follows:

#### PART 982—FILBERTS/HAZELNUTS GROWN IN OREGON AND WASHINGTON

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

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

#### Subpart—Administrative Rules and Regulations

##### § 982.432 [Removed]

2. Section 982.432 is removed.
3. Section 982.446 is revised to read as follows:

##### § 982.446 Inspection documentation.

Pursuant to § 982.46(b), handlers are required to use the following identification on bags and cartons of 25 pounds or larger capacity which contain certified filberts/hazelnuts:

- (a) The words "This Produce Inspected and Certified Per Federal Marketing Order No. 982" shall be contained within an outline of the combined States of Oregon and Washington; and
- (b) This identification shall be printed on the upper right quarter of the printed side of a bag; or
- (c) This identification shall be printed on the upper right quarter of one of the side panels of a carton.

4. Section 982.450 is revised to read as follows:

##### § 982.450 Application of restricted obligation.

(a) Each handler required to withhold restricted filberts/hazelnuts pursuant to § 982.50 or § 982.51 shall hold such filberts/hazelnuts separate from all other filberts/hazelnuts and shall maintain the identity of each lot so withheld. The restricted product withheld must be reported to the Board



on F/H Form 1d, Restricted Inshell Certified.

(b) Each handler making the election pursuant to § 982.50(c) in connection with certified merchantable filberts/hazelnuts which have not been handled, shall thereupon give written notification to the Board on F/H Form 4 of the particular election and of the weight and identity of the filberts/hazelnuts involved.

(c) Pursuant to § 982.50(d), a handler may withdraw from withholding restricted filberts/hazelnuts in excess of his restricted obligation upon advising the Board of the weight and lot identity of the filberts/hazelnuts to be withdrawn. When the quantity of restricted filberts/hazelnuts to be withdrawn from withholding consists of a part of a lot of ungraded filberts/hazelnuts, no part of such lot shall be withdrawn unless the remainder of such lot is reinspected and meets the requirements of § 982.51. Handlers will use F/H Form 1d prior to the end of the marketing year or F/H Form 7 after the end of the marketing year, when reporting the withdrawal of restricted filberts/hazelnuts from withholding status.

5. Section 982.452 is amended by revising paragraph (a)(1) introductory text and paragraph (a)(1) (i)-(iii), (a)(2) and (b) to read as follows:

**§ 982.452 Disposition of restricted filberts/hazelnuts.**

(a) *Shelling.* (1) Any person desiring to shell restricted filberts/hazelnuts during a fiscal year may do so upon being designated by the Board as an authorized sheller for such year. Application for such designation shall be made in duplicate on F/H Form B and include, in addition to the conditions specified in § 982.52(a), the following: (i) The location of the applicant's shelling operation; (ii) the number of years such person has operated a filbert/hazelnut shelling plant; and (iii) the daily (8-hour) shelling capacity of the plant. \* \* \*

(2) When an authorized sheller completes the shelling of a lot of restricted filberts/hazelnuts, the sheller shall submit a report thereon to the Board on F/H Form 7 showing:

- (i) The date shelling was completed;
- (ii) The inspection certificate or lot number;
- (iii) The quantity shelled;
- (iv) The weight of the kernels produced; and

(v) The location where restricted filberts/hazelnuts were held immediately prior to shelling.

(b) *Exports.* Any handler who desires to act as agent of the Board in

negotiating export sales of certified merchantable restricted filberts/hazelnuts may do so upon the execution of an "Export Agreement", F/H Form A, wherein the handler agrees, among other things, to negotiate such export sales at not less than such price as the Board may prescribe, and in conformity to and compliance with the other terms and conditions of the Export Agreement including those set forth in § 982.52(b).

6. Section 982.453 is revised to read as follows:

**§ 982.453 Disposition of small size filberts/hazelnuts.**

Any inshell filberts/hazelnuts that are substandard only because they are small size, as the term "small size" is defined in the Oregon Grades Standards For Filberts in Shell, may be disposed of in export in the same manner and under the same conditions and procedures pursuant to § 982.52(b) for sales in export of certified merchantable restricted filberts/hazelnuts. Such small size filberts/hazelnuts are not eligible for restricted credit.

7. Section 982.454 is revised to read as follows:

**§ 982.454 Sureties acceptable to the Board.**

Bonds secured by cash, cashier's or certified checks, or by assets that are entirely separate and apart from the handler named in the bond may be accepted by the Board pursuant to § 982.54(a). As a condition of accepting any surety, the Board may require such financial statements or other information relating to the ability of such surety to guarantee a handler's bond as it deems necessary. Handlers are also required to submit F/H Form C to the Board to document the handler's execution of a bond.

8. Section 982.455 is revised to read as follows:

**§ 982.455 Exchange of certified merchantable filberts/hazelnuts withheld.**

Each handler desiring to exchange filberts/hazelnuts pursuant to § 982.55 shall prior thereto file a written notification with the Board setting forth for the respective quantities of filberts/hazelnuts involved in the exchange, the inspection certificate numbers, quantities, locations, and applicable lot numbers.

9. Section 982.456 is revised to read as follows:

**§ 982.456 Interhandler transfers.**

Each interhandler transfer of filberts/hazelnuts pursuant to § 982.56 (a) and (c) may be made upon notification to the Board in triplicate by the receiving

handler on F/H Form 2 signed by both the transferring handler and the receiving handler which shall include the following information:

- (a) Date of transfer;
- (b) Names of the transferring and receiving handlers;
- (c) Locations between which the filberts/hazelnuts were transferred;
- (d) Whether uncertified inshell or certified merchantable;
- (e) Net weight of the filberts/hazelnuts transferred, by size and variety;
- (f) The inspection certificate, or lot number covering the filberts/hazelnuts; and
- (g) If certified merchantable, the name of the handler responsible for compliance with the applicable requirements pursuant to this part relating to such filberts/hazelnuts.

**§ 982.457 [Removed]**

10. Section 982.457 is removed.

11. Section 982.460 is amended by revising the first sentence in paragraph (b) and revising paragraph (c) to read as follows:

**§ 982.460 Transfer of excess restricted credits.**

(a) \* \* \*

(b) *Application.* Each handler who has excess restricted credits and desires to transfer them to another handler, may submit such request to the Board on F/H Form 3. \* \* \*

(c) *Transfer.* The Board shall transfer the requested amount of the excess restricted credits from one handler to a designated handler upon receipt of a completed F/H Form 3 together with such information as may be required by the section.

12. Section 982.466 is revised to read as follows:

**§ 982.466 Reports of inshell filberts/hazelnuts handled, shelled and withheld.**

Each handler shall report to the Board monthly on F/H Form 1 and F/H Forms 1a through 1e, as applicable, the quantities of inshell filberts/hazelnuts handled or withheld for restricted use and all product shelled and certified since the last report. All reports shall be submitted to include transactions through the end of each month, or other reporting periods established by the Board, and are due in the Board office on the tenth day following the end of the reporting period. The quantities of inshell filberts/hazelnuts handled shall be reported by size. The respective quantities of merchantable or ungraded filberts/hazelnuts withheld as restricted product shall be reported separately.



and with respect to filberts/hazelnuts certified for shelling, or certified kernels withheld, the kernel weight and inshell equivalent weight shall be reported separately by size.

13. Section 982.468 is revised to read as follows:

**§ 982.468 Report of filbert/hazelnut receipts, disposition, and inventory.**

On or before January 15 and July 15, or any other date requested by the Board with the approval of the Secretary, each handler shall:

(a) Report to the Board on F/H Form 6 receipts and disposition of inshell filberts/hazelnuts and production of filbert/hazelnut kernels during the respective preceding six-month period of July 1 to December 31, and the preceding 12-month period of July 1 to June 30, and

(b) Report to the Board on F/H Form 5 inventory of filberts/hazelnuts as of January 1 and July 1, respectively, showing the quantities of inshell filberts/hazelnuts separately in terms of certified merchantable, graded uncertified merchantable, restricted, and ungraded.

The certified merchantable filberts/hazelnuts shall be reported on the basis of whether located within or outside the production area and whether or not the restricted obligation has been met.

14. Section 982.471 is revised to read as follows:

**§ 982.471 Records.**

Each handler shall maintain complete and accurate records showing the receipt, shipment and sale of all filberts/hazelnuts handled, used or otherwise disposed of and shall retain such records for the two-year period prescribed in § 982.71. Handlers shall also maintain a current record of all filberts/hazelnuts held in inventory.

Dated: August 29, 1989.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89-20708 Filed 9-1-89; 8:45 am]

BILLING CODE 3410-02-M

**Animal and Plant Health Inspection Service**

**9 CFR Part 92**

[Docket No. 87-060]

**Procedures for Importing Animals Through the Harry S Truman Animal Import Center; Approval of Embarkation Quarantine Facilities**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** We propose to amend the regulations concerning the Harry S Truman Animal Import Center (HSTAIC) to establish more efficient procedures for allocating space in that facility. To help streamline procedures for the use of HSTAIC, we would eliminate provisions for giving multiple importers use of HSTAIC for the same importation. By granting to one importer only the exclusive right to use HSTAIC for the duration of an importation, we would exercise control over importations to an extent otherwise impossible. We are also proposing to establish priorities for granting use of HSTAIC. First, we propose that the Secretary of Agriculture may give priority to applications to use HSTAIC filed by federal agencies for importations of potential value to the general public. We would limit importations by government agencies to one per year. The order in which names of applicants are drawn during an annual lottery would determine the priority given to their applications for use of HSTAIC during the next calendar year. This lottery would consist of four categories, based on the types of animals intended for importation and the disease status of the countries or areas from which the animals would come. The priority list determined by the four-part lottery would determine the order in which we offered applicants the exclusive right to an importation through HSTAIC.

For animals from countries where certain exotic diseases exist, quarantine in an embarkation quarantine facility is used to establish the animals' eligibility for export to the United States, and is prerequisite to quarantine in HSTAIC. To reflect the changing conditions under which importations through HSTAIC now take place, including the geographic range of countries of export, we propose to change the criteria for approving embarkation quarantine facilities, so that one facility would receive Animal and Plant Health Inspection Service approval for a specific quarantine only. **DATE:** Consideration will be given only to comments received on or before October 5, 1989.

**ADDRESSES:** To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 87-060. Comments received may be inspected at USDA, Room 1141, South

Building, 14th Street and Independence Avenue, SW, Washington, DC, between 8 a.m. and 4:30 p.m. Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Dr. Harvey A. Kryder, Senior Staff Veterinarian, Import-Export Products Staff, Veterinary Services, APHIS, USDA, Room 753, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8695.

**SUPPLEMENTARY INFORMATION:**

**Background**

The regulations in 9 CFR part 92, §§ 92.41 and 92.42 (referred to below as the regulations) set forth the conditions under which importers may qualify animals to enter the United States through the Harry S Truman Animal Import Center (HSTAIC) in Fleming Key, Florida.

When HSTAIC was being planned during the 1960's and 1970's, the importers urging its construction were interested in a quarantine facility for animals being systematically and unconditionally excluded from the United States because of the existence of an exotic disease, such as rinderpest or foot-and-mouth disease, in their country of origin. In particular, those importers focused their attention on cattle. We drafted the original regulations in direct response to market conditions as then understood.

Market conditions have changed during the 1980's, making revision of the regulations imperative. We now receive more applications for importations through HSTAIC of llamas and alpacas, for example, than we do for importations of cattle. Although this does not change the purpose for which HSTAIC was built—to make possible importation of breeds capable of improving domestic livestock production—we propose to meet the changing needs of importers by revising the regulations. The proposed regulations would delete outdated paragraphs 92.41(e) and 92.41(f), concerned with one-time importations of, respectively, water buffalo from Trinidad and llamas and alpacas from Chile.

The original HSTAIC regulations were based on conditions that did not remain fixed. Demand for animals from South America has exceeded that for animals from Europe; interest in llamas, alpacas, and other species has surpassed interest in cattle. Provisions for allocating space in HSTAIC either by lottery or by granting a single importer use of the entire facility have been complicated and confusing. The utilization rate of



HSTAIC was low; this situation represented lost opportunities for importers and \$25,000-losses to the Federal Government for each month HSTAIC was not being used.

Because the procedures established in the current and suspended HSTAIC regulations (suspension effective September 15, 1987; see 52 FR 35230-35231, Docket Number 87-122) created a situation that did not best serve the public interest, we are proposing a complete revision of those regulations. The alternative ways of applying for space in HSTAIC, previously set forth as "Procedures for special authorization issued on a lottery basis" and "Procedures for special authorization for exclusive use of the HSTAIC," caused, at least in part, some of the key problems associated with HSTAIC importations. Profiting from many years of experience with those problems, we are proposing a single, simpler system, one dependent on fewer variables. This new, streamlined procedure should ensure that only applicants financially prepared to proceed with a proposed importation appear on the HSTAIC priority list; moreover, it would equitably allocate space in HSTAIC, making more than one importation each year feasible in practice as well as one paper.

The involvement of more than one importer in each shipment of animals through HSTAIC inevitably compounds the technical, tactical, and logistical problems presented at any point in the HSTAIC importation process. Coordinating and consolidating arrangements among all the importers attempting to qualify their several animals during the same HSTAIC importation, authorized under current § 92.41(a), places great administrative burdens on the Animal and Plant Health Inspection Service. The system is not efficient; delays at every stage of the importation, from negotiating agreements to transporting animals, have been common. Certain problems are inherent in the multifaceted system of testing and quarantine that determines the eligibility of animals for export to, then importation into, the United States: Obtaining documents in foreign countries; construction delays; outbreaks of new strains of contagious diseases cannot be predicted. While we can do nothing about those problems, past example suggests that we can eliminate other problems administratively. In our proposed cooperative-service agreement with the importer, we set terms that would make control of much of the importation process possible. Experience indicates

that we can expedite the HSTAIC-importation process by working exclusively with one importer per importation. This practical reality, reinforced by the increasing demand for use of the entire quarantine facility by a single importer, convinced us to propose to discontinue allocating space in HSTAIC on any basis other than "exclusive right to use."

This means that, if the proposed regulations are adopted, we will put the animal quarantine facility at the disposal of one importer alone, the importer with whom we enter into the cooperative-service agreement authorizing the HSTAIC importation. Whether this importer, having been granted the exclusive right to use HSTAIC, includes in his/her importation animals of the same species, belonging to other parties, would be a private matter in which the Animal and Plant Health Inspection Service would not become involved. We would deal exclusively with the importer granted the right to use HSTAIC, who would assume responsibility for all costs (except capital expenditures at HSTAIC) incurred during the importation. The grantee's agreements with other importers would have nothing to do with the terms of the cooperative-service agreement with us. Exclusive responsibility, or liability, would rest with the importer granted the exclusive right to use HSTAIC, as provided in the cooperative-service agreement. This absolute, exclusive financial responsibility assigned to the importer in whose name the cooperative-service agreement was signed would apply under all circumstances, without qualification and without exception.

Capital expenditures at HSTAIC would constitute extraordinary operating costs and, as such, would constitute the sole category of HSTAIC-importation costs assumed by the Animal and Plant Health Inspection Service, and not the importer.

By proposing to require that each application for use of HSTAIC include a substantial deposit—\$50,000 by an irrevocable letter of credit—we are attempting to deter persons who might otherwise file applications only because of their nuisance value; persons who, lacking interest or lacking means, would not follow through with an importation. We consider it unlikely that persons not prepared to undertake an importation through HSTAIC would be financially prepared to deposit \$50,000 to assume a position on the priority list of prospective importers for as long as 15 months. In the past, applicants had nothing to lose by presenting themselves

as legitimately interested in an importation through HSTAIC; as a result, at little cost to themselves, they were able to delay the allocation of space in HSTAIC to the next eligible importer, who in some cases was no longer in a position to proceed with the proposed, legitimate importation. Therefore, in some instances, the facility was underused. We are limiting the method of deposit to an irrevocable letter of credit to minimize the administrative costs to the Animal and Plant Health Inspection Service of managing importations through HSTAIC. Administering deposits in the form of checks or money orders requires more agency resources and staff hours than does administering deposits in the form of irrevocable letters of credit.

Planned importations may fail to materialize for reasons beyond the control of the would-be importer. We are therefore proposing to allow the importer two weeks during which he/she may, without forfeiting his/her deposit, refuse the exclusive right to use HSTAIC being offered to him/her. Upon signing the cooperative-service agreement, however, the importer would become liable for all costs of the animal-qualification process (with the exception of capital expenditures at HSTAIC), with it understood that, by accepting the terms of this cooperative-service agreement, the importer granted the right to use HSTAIC is denying other prospective importers access to the facility, and that whatever happens during the course of the importation will not affect the fixed cost of maintaining the quarantine facility at HSTAIC. During the time the facility is unoccupied, while prospective importers lose opportunities, the Federal Government incurs expenses that, under the current regulations, it cannot recoup. Therefore, we propose to make a change that makes it clear that the importer is liable for all non-capital costs of operating HSTAIC during the period of his/her exclusive right to use the facility. Providing for a nonrefundable deposit would afford us the security of an "insurance policy." Our suspended practice, which required no deposits of this kind, cost the Federal Government hundreds of thousands of dollars [see 52 FR 35230-35231, September 18, 1987, suspending § 92.41(b)]. If we do not change it, as we are now proposing to do, economics might force us to stop operating HSTAIC as the only quarantine facility in the United States available to importers of domestic ruminants and swine from countries where certain diseases exist.



### Importation by Federal Agencies

From time to time, Federal agencies may require use of HSTAIC to import animals for projects of potential value to a broad sector of the general public. Therefore, we are proposing that the Secretary of Agriculture may give first priority to an application for the exclusive right to use HSTAIC for such an importation. In fairness to other applicants, we would require that, for lotteries held in years other than 1989, each such agency ensure that the Import-Export Animals Staff of Veterinary Services receive its application between the 1st and 15th of the September immediately before the calendar year during which the HSTAIC importation would take place. For the lottery held in 1989, we would publish the time period during which such applications must be received in a final rule in the *Federal Register*. We invite comments concerning the most appropriate time period for accepting such applications. At the time of application, the agency would be required to enter into an interagency agreement with APHIS to deposit \$50,000. The application would be submitted in accordance with the procedures established for participants in the annual lottery. An application submitted by a Federal agency at any other time would receive no priority; it would be handled no differently than other "late" applications. We would limit government agency importations to one per year—except when HSTAIC is available and the Import-Export Operations Staff of Veterinary Services has received no other applications for its use during that year—to make it likely that other importers will have access to HSTAIC, even in years in which a government importation is carried out.

### The Lottery

The priority allotted to each applicant for the exclusive right to use HSTAIC would be decided by the order in which his/her name were drawn during an annual, four-part lottery. We would draw the name of every eligible lottery applicant during the lottery; every one of those names would appear on the priority list, the waiting list comprising the name of all participants in the annual lottery.

Anyone could obtain the necessary application form from the Import-Export Animals Staff of Veterinary Services, Animal and Plant Health Inspection Service. To enter the lottery, the applicant would have to return this completed form, accompanied by a deposit in the amount of \$50,000, to the

Import-Export Animals Staff. The deposit would have to be in the form of an irrevocable letter of credit in the applicant's name, and each application would have to be accompanied by a separate letter of credit. For lotteries held in years other than 1989, applications received any time from September 1st through September 15th immediately preceding the annual lottery would qualify for the lottery; applications received at any other time would not be included in the lottery. For the lottery held in 1989, we would publish the time period for receipt of applications in a final rule in the *Federal Register*. We invite comments concerning the most appropriate time period for accepting such applications. Any applications received in 1989 at any time other than during the time period to be published in the *Federal Register* would not be included in the lottery for 1989. The irrevocable letter of credit would have to remain in effect until the end of the calendar year of the prospective importation, unless revised as discussed in this document under the heading "Costs."

In years other than 1989, the annual lottery would take place during the first seven days of October. In such years, we would publish a notice providing the exact date, which would vary from year to year, in the *Federal Register* at least 30 days before the lottery. In 1989, we would publish the date of the lottery in a final rule in the *Federal Register*. We invite comments concerning the most appropriate date for conducting the lottery in 1989.

The lottery would have four parts. Animals that are eligible for importation only through HSTAIC, because they are from countries or areas where certain exotic diseases exist, would take precedence over animals from other countries or areas. Also, in accordance with the intent of Congress in approving construction of HSTAIC, cattle, sheep, goats, and swine would take precedence over other animals.

Part one of the lottery would consist of a drawing of the names of applicants proposing to import cattle, sheep, goats, or swine from locations identified in 9 CFR 94.1 as those in which rinderpest or foot-and-mouth disease exists, or proposing to import swine from locations identified in 9 CFR 94.8, 94.9, or 94.12, respectively, as those in which African swine fever exists or the Administrator has reason to believe that it exists, hog cholera is known to exist, or swine vesicular disease is considered to exist. Part two would follow, and would be a drawing of the names of applicants proposing to import llamas,

alpacas, water buffalo, camels, or deer or other ruminants susceptible to rinderpest or foot-and-mouth disease and raised under domestic conditions, when these animals are from locations in which rinderpest or foot-and-mouth disease exist. Part three would follow, and would be a drawing of the names of applicants proposing to import cattle, sheep, goats, or swine from locations other than those in which rinderpest or foot-and-mouth disease exists, or proposing to import swine from locations we believe free of African swine fever, hog cholera, or swine vesicular disease. Part four would follow and would be a drawing of the names of applicants proposing to import llamas, alpacas, water buffalo, camels, or deer or other ruminants raised under domestic conditions, from locations other than those in which rinderpest or foot-and-mouth disease exists. (The lottery excludes animals not easily accommodated in the facility, which was structurally designed for ruminants and swine.) All lottery applicants' names would appear on the priority list in sequential order, exactly as they were drawn, with the names drawn during each part taking precedence over those drawn during subsequent parts.

The applicant first on the priority list would receive notification that he/she could proceed with plans for the HSTAIC-importation proposed for the next calendar year. To allow as many importers as possible to use HSTAIC, each importer would be limited to one importation during the period encompassing the calendar year for which the lottery is held and the following calendar year, except when no other lottery participants are prepared to use HSTAIC during the time it would be available those years. Once we have entered into the cooperative-service agreement scheduling the first HSTAIC importation for the year in question, we should be able to gauge whether and when we might expect space in HSTAIC to become available for other quarantines during that year. When we believe we can with some confidence predict HSTAIC arrival and release dates—by month if not day—we would be prepared to grant the right to use the facility to the applicant next on the priority list. The number of possible importations per year depends on too many variables for us to authorize more than one importation at the time of the lottery. Nonetheless, we consider it likely that, as in the past, more than one applicant remaining on the priority list would be granted an importation through HSTAIC during the calendar year. Because of this, we propose to



retain all applications for the exclusive right to use HSTAIC until the end of the next calendar year; the priority list established by the lottery would not change. The name of each applicant filing the requisite form, including the deposit, after the deadline for the lottery, would be added, in the order received, to the priority list. However, applicants with priority established by the lottery would always have priority over the late applicants, even if this means granting two HSTAIC importations to a single party. This last case could occur only if no other applicants participated in the lottery or if, having participated, other participants withdrew their applications.

By requesting that his/her deposit be returned, an applicant would automatically remove his/her name from the priority list.

In years other than 1989, we would cancel the annual lottery if we failed to receive more than one application between September 1st and September 15th. In 1989, we would cancel the annual lottery if we failed to receive more than one application during the time period for receipt of applications which would be published in a final rule in the *Federal Register*. In cases where the lottery would be cancelled, we would award the exclusive right to HSTAIC importations for the next calendar year on a first-come, first-served basis. The same conditions would govern any HSTAIC importation we authorized, regardless of how the importer received the grant. At any time during the year, the deposit of \$50,000 would have to accompany the completed application form; that application would go directly to the Import-Export Animals Staff; and all other phases of the importation process, described below, would proceed in accordance with these proposed regulations.

#### Cost

Past problems make it necessary for us to propose requiring advance payment in full of the amount estimated to cover the cost of every importation of animals eligible to enter the United States only after quarantine in HSTAIC. The amount could at best approximate the final cost, because each importation involves variable peculiar to itself. Among these variables: the number of animals the importer intends to qualify for importation, which may not tally with the number actually arriving at HSTAIC; the species of animals; conditions in the country of origin, including all aspects of the quarantine in the embarkation quarantine facility

(EQF), when quarantine in an EQF is required; medical treatment; and laboratory tests. With the fact understood that the amount quoted in the cooperative-service agreement represents an approximation only, we propose to require that the importer return that amount with the signed cooperative-service agreement.

Final costs of an importation cannot be calculated until we receive all billings, which can take several months. The exact cost of an importation is not usually known until all bills have passed through our accounting office; this process can usually be completed within 90 days of the end of the quarantine. If the final accounting eventually showed that the importer's advance payment had exceeded costs, we would refund the excess. If it showed that the amount advanced had not covered costs, we would, as before, bill the importer for the amount outstanding. As before, we would require the importer to pay those bills upon receipt.

The importer would submit, with the cooperative-service agreement, the amount due—that is, the estimated cost of the importation less than \$50,000 deposit. He/she could remit this in the form of a certified check, a money order, or an increase in the irrevocable letter of credit submitted with the application for importation. Such an increase in the irrevocable letter of credit would have to bear an effective date 90 days after the animal's scheduled release from HSTAIC. Whatever the form of payment, at the time the cooperative-service agreement is submitted, the effective date of the \$50,000 letter of credit submitted with the application for importation would have to be revised to extend to 90 days after the animals' scheduled release from HSTAIC. Each cooperative-service agreement would specify the scheduled release date.

#### Special Circumstances

The Import-Export Animals Staff would not screen the completed applications before the lottery, other than to decide, on the basis of the type and origin of the species specified on the application form, in which part of the lottery to enter the applicant. The first comprehensive review of particulars of a proposed importation would occur only when we were preparing to grant the prospective importer the exclusive right to use HSTAIC. This means that a grantee could unknowingly apply for permission to import animals from a location where officials will not authorize the Animal and Plant Health Inspection Service to proceed in accordance with our regulations. In that case, the animals of choice could not

meet the requirements for importation into the United States. We would notify the importer of his/her two options: to withdraw his/her application, or to import animals from another location. In the two weeks allowed for this decisionmaking, the exclusive right to use HSTAIC would take on a provisional status. The ramifications of delaying the schedule by more than two weeks make it necessary for us to propose imposing this deadline on the importer. Time constrains all activity involving HSTAIC, preventing us from introducing more flexibility into our scheduling procedures.

#### The Cooperative-Service Agreement

We are proposing to revise the agreement that is provided for in the current regulations to reflect the changes discussed elsewhere in this docket. To present its terms more clearly, we propose to revise the format of the agreement, to rewrite it in "Plain English," and to refer to it as a "cooperative-service agreement." These changes are editorial. Also, the agreement in the current regulations holds the "cooperator" liable for costs related to the HSTAIC importation process in two stages. This proposal would replace the two-stage liability system with a provision holding the importer liable for all costs, excluding capital expenditures at HSTAIC, attributable to qualifying animals for and through quarantined in an EQF and HSTAIC. We are proposing to make no other substantive changes, other than to delete provisions inapplicable to the proposed regulations.

#### Embarkation Quarantine Facility (EQF)

Animals eligible for importation only through HSTAIC must be quarantine in an EQF before being moved to HSTAIC. To reflect the changing conditions under which importations through HSTAIC now take place, we propose to change both the criteria according to which we approve EQF's and some of the specific standards an approved facility must meet.

The current regulations specify that we must approve only one EQF per continent, and only withdraw our approval if the EQF fails to comply with the requirements in § 92.42. When the distance from premises of origin to an EQF was relatively short, curbing transportation costs, that system worked well. Particularly when the animals being quarantined belonged to many importers, rather than to a single importer with the exclusive right to use HSTAIC, establishment of a permanent EQF has practical advantages. When the



number of importers per importation depended on the number of applicants, and when the number of applicants determined the number of animals an individual importer could attempt to qualify for importation, an importation through HSTAIC usually pooled animals from several countries. The permanent presence of an EQF in a third country provided importers with a place for assembling animals in sufficient number to make that joint importation economical. In Europe, the system proved reasonably efficient.

The source of most animals intended for importation through HSTAIC today, however, is South America. Requiring importers with animals originating in Chile or Peru, for example, to use a quarantine facility hundreds of miles away, only because of a regulatory requirement drafted in and for other conditions, serves no purpose. Shipping to a facility in another country on the same continent in fact increases the importer's costs. Further, it additionally complicates the HSTAIC-importation process which, by its nature, is unavoidably variable-dependent. As the number of variables increases, the odds that the importation will go smoothly decrease. We cannot justify requiring the continued use of a single EQF to serve an entire continent when all animals intended for importation through HSTAIC originate in a country able to offer an EQF meeting VS standards.

Granting to a single importer the exclusive right to use HSTAIC would make the original criteria for approving one EQF per continent irrelevant. The importer would assume responsibility for all costs incurred in conjunction with his/her importation; to deny the importer the right to request approval of the EQF of his/her choice would serve no purpose. Therefore, we propose to change the regulations. As proposed, an importer authorized to use HSTAIC would request approval of an EQF, when quarantine in an EQF is required, by submitting site-specific blueprints and location. This information would have to reach the Import-Export Animals Staff at the same time as the completed cooperative-service agreement. After reviewing this information and conducting an on-site inspection, APHIS personnel would approve any proposed facility that meets the requirements of § 92.42(b).

Approval of a facility would expire at the end of the specifically authorized quarantine. Subsequent importers granted use of HSTAIC and proposing to use one of the previously approved EQF's would have to apply for approval

in accordance with the procedures prescribed above. By confining approval to a specific importation, we would, we hope, prevent the creation of potentially discriminatory monopolies. To limit the number of variables involved in a single importation, achieving the greatest possible control over contingencies that could undermine or delay shipping the animals to HSTAIC, we propose to approve only one EQF per HSTAIC importation. If for any reasons that facility closes down or loses its "approved" status, the importer would, under the proposed regulations, follow the procedures described above to apply for approval of an alternative facility.

To reflect changing conditions, we propose to remove the requirement that an EQF be located near a dock that services ocean vessels, unless the animals for export are being shipped by sea. More animals today more by air than by sea; accordingly, we would require that the EQF be located near the point of embarkation through which the HSTAIC-bound animals would leave the country. This would probably, but not necessarily, be an airport. Therefore, for flexibility, we would amend the wording of § 92.42(b)(1)(i) and (ii) by replacing the word "docks" with "point of embarkation."

Finally, to ensure that no potential contaminants enter the quarantine facility, we would require that all animal feed come from a location free of foot-and-mouth disease and any other exotic disease necessitating the quarantine or that could jeopardize the quarantine.

We would also make nonsubstantive editorial changes to present the provisions of § 92.42 more clearly.

#### **Executive Order 12291 and Regulatory Flexibility Act**

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

This proposed rule would change the procedures according to which we allocate space in the Harry S Truman Animal Import Center. While demand

for use of space in that facility, the only one in the United States equipped and authorized to quarantine ruminants and swine from countries where certain exotic diseases exist, continues to exceed HSTAIC's capacity, competition among importers has caused administrative problems. We believe certain potential importers took advantage of the original application process, which they deliberately exploited, proceeding with negotiations solely as a delaying tactic while waiting for the United States Department of Agriculture to recognize countries such as Chile as FMD-free. While they were negotiating, possibly in bad faith, for the exclusive right to an importation through HSTAIC, they prevented importers seriously interested in importing animals from doing so. The regulations exacted no penalty from those applicants who prevented us from scheduling HSTAIC importations. As a result, while HSTAIC stood empty, other importers, as well as the Federal Government and the general public, "paid." Importers denied use of HSTAIC lost the opportunity to compete freely in both foreign and domestic markets. The money of taxpayers covered the cost of maintaining HSTAIC, a cost that should have been borne by the importer authorized to use it.

Having identified the flaws in the original procedures, we are proposing to establish a new system for allocating space in HSTAIC. By requiring all prospective importers to submit deposits of \$50,000 with their completed application forms, we are proposing to establish a screening system that should prevent parties who would otherwise submit "nuisance" applications from doing so. Similarly, by making it understood that the \$50,000 deposit of an importer granted the exclusive right to use HSTAIC becomes nonrefundable once the cooperative-service agreement is signed, we would ensure that this importer would cover the non-capital costs of maintaining HSTAIC during the planning period, whatever the ultimate outcome.

We are proposing to approve EQF's on a case-by-case basis to accommodate the interests of importers, who may choose to quarantine animals in any facility that meets the standards in our regulations; and to prevent EQF's from being controlled by monopolies. Monopoly control of EQF's would, in practical terms, translate to control of certain HSTAIC importations. Although the current regulations require that the operator of an EQF give permission to use the EQF to any person who has received permission to use HSTAIC, and



that nondiscriminatory and reasonable fees be charged for such use, the operator of an EQF could delay importations through HSTAIC by charging fees that are allegedly discriminatory or unreasonable. Even if the Administrator ultimately determines that the fees charged are discriminatory or unreasonable, the delays caused could have a negative economic impact on potential importers.

Our intent in proposing to establish a new system for granting importers use of HSTAIC is to ensure that they all compete equally; that our allocation system is the fairest possible. All proposed changes, from the administration of the annual lottery itself to required deposits and clarification of the HSTAIC-importer's responsibilities for all costs (other than capital expenditures at HSTAIC) incurred during every stage of the importation, would work to that end.

Under the proposed regulations, there is no formal provision—as there is under the current regulations—for importers of less than 50 animals to take part in a lottery to assemble an importation of at least 50 animals. However, under the proposed regulations, importers of less than 50 animals could organize independently and arrange to import a total of at least 50 animals in a single importation. Market demand in recent years, however, has indicated virtually no interest in such aggregate importations and has indicated instead increasing demand for exclusive use importations, which under the current regulations have been given priority over importations by lottery. Since 1984, only one lottery has been held—in 1985, for 17 importers and involving a total of 90 animals. On the other hand, in the approximately four years between November, 1984, and December, 1988, HSTAIC has been used for three exclusive use importations, involving 319, 167, and 472 animals, and importers continue to show increasing interest in exclusive use. Thus, with increasing demand for exclusive use, it is market demand that would be the primary limiting factor on importations by small importers, not the proposed changes to the regulations.

Section 92.41(a) of the current regulations requires a deposit of \$1,000 per animal from importers being allocated space in HSTAIC under the lottery system. An importer proposing to import 50 animals would, under the regulations now in effect, deposit \$50,000, the sum we propose to require of all applicants for use of HSTAIC. While this figure will remain constant, regardless of the size of the proposed

importation or the species involved, we expect applicants for the right to a HSTAIC-importation to propose to quarantine considerably more than 50 animals at a time. Our requirement that one importer assume complete responsibility for all non-capital expenditures incurred during the HSTAIC-importation process would not prevent small-scale importers from undertaking an importation in their common interest. However, in accordance with the regulations, the Animal and Plant Health Inspection Service would work exclusively with the importer signing the cooperative-service agreement, regardless of independently reached agreements among importers, or other private business matters involving the importer of record.

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

#### Paperwork Reduction Act

Information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 0579-0040.

#### Executive Order 12372

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

#### List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

Accordingly, 9 CFR part 92 would be amended as follows:

#### **PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON**

1. The authority citation for part 92 would continue to read as follows:

**Authority:** 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 92.41, paragraphs (a) through (f) would be removed, paragraph (g) would be redesignated as paragraph (e), and new paragraphs (a) through (d) would be added to read as follows:

#### **§ 92.41 Requirements for the importation of animals into the United States through the Harry S Truman Animal Import Center**

(a) *Exclusive right to use HSTAIC.* The Animal and Plant Health Inspection Service will enter into a cooperative-service agreement with only one importer for each importation through the Harry S Truman Animal Import Center (HSTAIC). An importer granted the exclusive right to use HSTAIC may include in his/her allotted number, animals of the same species belonging to other persons interested in importing animals through HSTAIC. However, the Animal and Plant Health Inspection Service will deal exclusively with the importer in whose name the application for use of HSTAIC was submitted. The Animal and Plant Health Inspection Service will hold this importer solely responsible for all costs (excepting capital expenditures at HSTAIC) incurred during the animal qualification process. HSTAIC can accommodate a finite number of animals at one time, but the maximum allowed for a particular importation will vary, depending on the size of the species; the Animal and Plant Health Inspection Service will specify this figure in the cooperative-service agreement, reproduced in paragraph (d) of this section.

(b) *Scheduling.* Applications for prospective users of HSTAIC are processed according to the following system:

(1) To qualify to use HSTAIC, an importer must submit a completed application,<sup>1</sup> providing estimates when exact information as required on the application form is unavailable. Each application must include a deposit, in the form of an irrevocable letter of credit, in the name of the applicant and in the amount of \$50,000, payable to the United States Department of Agriculture, Animal and Plant Health Inspection Service. Each application must be accompanied by a separate irrevocable letter of credit. The irrevocable letter of credit is to remain in effect until the end of the calendar year of the prospective importation, unless revised in accord with the cooperative-service agreement set forth in paragraph (d) of this section. The

<sup>1</sup> Application forms are available from, and must be submitted to the Administrator, c/o Import-Export Animals Staff, Veterinary Services, APHIS, USDA, Room 764, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.



deposits of all unsuccessful applicants will be cancelled at the end of the calendar year of the prospective importation, or whenever an applicant removes his/her name from the priority list described in paragraph (b)(4) of this section. The deposit of an importer whose application is selected, and who returns a signed cooperative-service agreement accepting the exclusive right to use HSTAIC, is nonrefundable.

(2) In years other than 1989, during the first seven days of October,<sup>2</sup> the Animal and Plant Health Inspection Service will hold a lottery, randomly drawing the names of applicants in an order that will determine the order in which they will be offered use of HSTAIC for an importation during the next calendar year. In 1989, such a lottery will be held [date to be inserted in the final rule]. One application, with deposit, is required for each importation proposed. In years other than 1989, to be included in the annual October lottery, applications must reach the Import-Export Animals Staff, Veterinary Services,<sup>3</sup> no earlier than September 1 and no later than September 15 of that year. In 1989, to be included in the annual lottery, applications must reach the Import-Export Animals Staff, Veterinary Services,<sup>4</sup> no earlier than [date to be inserted in the final rule] and no later than [date to be inserted in the final rule].

(3)(i) The annual lottery will consist of four parts, as follows:

(A) The first part will include the names of applicants proposing to import cattle, sheep, goats, or swine from locations identified in § 94.1 of this chapter as those in which rinderpest or foot-and-mouth disease exists, or proposing to import swine from locations identified in §§ 94.8, 94.9, or 94.12 of this chapter, respectively as those in which African swine fever exists or the Administrator has reason to believe that it exists, hog cholera is known to exist, or swine vesicular disease is considered to exist.

(B) The second part will include the names of applicants proposing to import llamas, alpacas, water buffalo, camels, or deer or other ruminants susceptible to rinderpest and foot-and-mouth disease and raised under domestic conditions, from locations identified in § 94.1 of this chapter as those in which rinderpest or foot-and-mouth disease exists.

(C) The third part will include the names of applicants proposing to import cattle, sheep, or goats from locations not identified in § 94.1, 94.8, 94.9, or 94.12 of this chapter, respectively, as those in which rinderpest or foot-and-mouth disease exists, African swine fever exists or the Administrator has reason to believe that it exists, hog cholera is known to exist, or swine vesicular disease is considered to exist.

(D) The fourth part will include the names of applicants proposing to import llamas, alpacas, water buffalo, camels, or deer or other ruminants raised under domestic conditions, from locations not identified in § 94.1 of this chapter as those in which rinderpest or foot-and-mouth disease exists.

(ii) All names will appear precedence established by the priority of the lottery list, with the order of precedence established by the priority of the lottery part: names drawn in the first part of the lottery would take precedence over those in subsequent parts; names in the second part would take precedence over those in the third and fourth parts, and names in the third part would take precedence over those in the fourth part. The priority list established by the annual lottery will remain effective from January 1 through December 31 of the next calendar year, superseding all previous lists.

(4) In years other than 1989, the names of all applicants whose applications, with deposits, have reached the Import-Export Animals Staff, Veterinary Services,<sup>5</sup> no earlier than September 1 and no later than September 15 (see paragraphs (b)(1) and (b)(2) of this section) will be drawn during the next month's lottery. In 1989, the names of all applicants whose applications, with deposits, have reached the Import-Export Animals Staff, Veterinary Services, no earlier than [date to be inserted in the final rule] and no later than [date to be inserted in the final rule] (see paragraphs (b) (1) and (2) of this section) will be drawn in the annual lottery. The order in which names appear on the priority list will correspond to that established by the lottery. If the person first offered the right to use HSTAIC does not ensure receipt of the cooperative-service agreement by the Import-Export Animals Staff, Veterinary Services, within 14 days of receiving the cooperative-service agreement, the Animal and Plant Health Inspection Service will void that offer, and make an offer to the applicant next on the priority list. The Animal and Plant

Health Inspection Service will limit importations to one per importer per the period encompassing the calendar year for which the lottery is held and the following calendar year, except when no other lottery participants are prepared to use HSTAIC during the time it would be available in those years. In years other than 1989, the priority list established during the October lottery will remain in effect during the calendar year following the lottery, and will take precedence over any applications received after September 15th. In years other than 1989, applications received after September 15th will be added to the priority list, with precedence established by the order in which the Import-Export Animals Staff, Veterinary Services, receives them. For the lottery held in 1989, the priority list established during the annual lottery will remain in effect during the calendar year following the lottery, and will take precedence over any applications received after [date to be inserted in the final rule]. In 1989, applications received after [date to be inserted in the final rule] will be added to the priority list, with precedence established by the order in which the Import-Export Animals Staff, Veterinary Services, receives them.

(5) In years other than 1989, if the Import-Export Animals Staff, Veterinary Services, does not receive more than one application between September 1st and September 15, the lottery for that year will be canceled, and the Animal and Plant Health Inspection Service will grant the exclusive right to use HSTAIC for an importation during the next calendar year in the order applications are received. In 1989, if the Import-Export Animals Staff, Veterinary Services, does not receive more than one application between [date to be inserted in the final rule] and [date to be inserted in the final rule], the lottery for 1989 will be cancelled, and the Animal and Plant Health Inspection Service will grant the exclusive right to use HSTAIC for an importation during the next calendar year in the order applications are received.

(6) The Secretary of Agriculture may grant priority over other applications to an application from an agency of the United States government, if for an importation potentially of value to the general public, and if, in years other than 1989, received between September 1 and September 15. The Secretary of Agriculture may grant priority over other applications to an application from an agency of the United States government, if for an importation potentially of value to the general public, and if, in 1989, received between

<sup>2</sup> In years other than 1989, the Animal and Plant Health Inspection Service will publish a notice announcing the exact date in the Federal Register at least 30 days in advance of the October drawing.

<sup>3</sup> See footnote 1 in § 92.41(b)(1).

<sup>4</sup> See footnote 1 in § 92.41(b)(1).

<sup>5</sup> See footnote 1 in § 92.41(b)(1).



[date to be inserted in the final rule] and [date to be inserted in the final rule]. However, an agency of the United States government must submit its application in accordance with this section, except that, in lieu of an irrevocable letter of credit, an agency of the United States government must enter into an interagency agreement with the Animal and Plant Health Inspection Service for a deposit of \$50,000. HSTAIC importations by agencies of the United States government will be limited to one per year, except when HSTAIC is available and the Import-Export Animals Staff, Veterinary Services, has received no other applications for its use during that year.

(c) *Responsibilities of the Applicant Selected.* By certified mail, return receipt requested, the Animal and Plant Health Inspection Service will send a cooperative-service agreement to the applicant being offered the exclusive right to use HSTAIC, as provided in paragraph (d) of this section. The applicant must, within 14 days of receipt, sign and ensure that the Import-Export Animals Staff, Veterinary Services, receives the cooperative-service agreement, accompanied by a certified check, a money order, or an increase in the irrevocable letter of credit (with an effective date 90 days after the animals' scheduled release date from HSTAIC), for the amount specified in the cooperative-service agreement. The \$50,000 deposit required as part of the application will be applied to the quarantine costs, and deducted from the balance due with the cooperative-service agreement. At the time the cooperative-service agreement is returned to the Import-Export Animals Staff, Veterinary Services, the effective date of the \$50,000 irrevocable letter of credit submitted with the application for importation must be revised to extend 90 days beyond the animals' scheduled release from HSTAIC. For importations requiring use of an embarkation quarantine facility (EQF), site-specific blueprints and location must be included when the cooperative-service agreement is returned to the Import-Export Animals Staff, Veterinary Services.

(1) An importer interested in animals ineligible for importation because officials in the exporting country or area will not allow the Animal and Plant Health Inspection Service to provide the services prescribed in the cooperative-service agreement, may, upon notification of this ineligibility from the Animal and Plant Health Inspection Service, propose to substitute animals available from another location. If this

importer has lost interest, is unable to make alternate arrangements, or for any other reason has not returned the signed cooperative-service agreement within the 14 days specified in the agreement, the Animal and Plant Health Inspection Service will return his/her deposit. In that case, the applicant next in priority will be offered the exclusive right to use HSTAIC, in accordance with the procedures in this section.

(2) The importer may not abrogate his/her responsibility for costs incurred during an importation authorized in his/her name, regardless of any occurrences that, after the signing of the cooperative-service agreement, prevent the importation from proceeding as planned.

(3) The importer signing the cooperative-service agreement returned to the Animal and Plant Health Inspection Service is responsible for paying all costs, excluding capital expenditures at HSTAIC, incurred in qualifying the specified animals for importation through HSTAIC. A partial list of costs for which the importer must assume responsibility includes: Expenses for sentinel animals in the United States, when required, and for tested animals prevented, for any reason, from moving from HSTAIC elsewhere within the United States; laboratory tests; medical treatment; official travel by Animal and Plant Health Inspection Service personnel, including per diem expenses in the country from which animals are being exported, when required; courier services to transport test samples to the Foreign Animal Disease Diagnostic Laboratory, when required; salaries of HSTAIC personnel; all supplies for animal care, maintenance, and testing during the quarantine and in the post-quarantine cleaning and disinfection of HSTAIC; utilities and overhead, including support staff, during the quarantine and post-quarantine cleanup.

(4) Capital expenditures at HSTAIC constitute the only costs for which the importer will not be held responsible.

(5) For costs incurred during any stage of the importation through HSTAIC—that is, costs not calculated into the amount collected from the importer in accordance with the cooperative-service agreement—the Animal and Plant Health Inspection Service will bill the importer at a later date. Payment will be due upon receipt of the bill.

(6) The Animal and Plant Health Inspection Service will return to the importer any money remitted with the cooperative-service agreement set forth in paragraph (d) of this section.

(d) *Cooperative-Service Agreement.* Each importer being granted the right to

use HSTAIC must sign, and comply with, the cooperative-service agreement with the Animal and Plant Health Inspection Service. A sample cooperative-service agreement for importers other than agencies of the United States government is reproduced in this paragraph. (Agencies of the United States government being granted the right to use HSTAIC must enter into an interagency agreement with the Animal and Plant Health Inspection Service.) The amount of money the importer must advance, left blank in the following sample, will depend on figures unique to a particular importation. This amount will be specified in the cooperative-service agreement the importer receives.

**COOPERATIVE-SERVICE AGREEMENT BETWEEN (NAME OF IMPORTER) AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

The importer, \_\_\_\_\_, wishes to qualify animals for importation into the United States. The United States Department of Agriculture, Animal and Plant Health Inspection Service, administers the Harry S Truman Animal Import Center (HSTAIC), a facility through which the importer may import animals into the United States.

To effect this importation, both parties agree to the following terms:

The importer agrees:

1. To have this cooperative-service agreement in the office of the Animal and Plant Health Inspection Service's Import-Export Animals Staff, Veterinary Services, within 14 days of the date of receipt, evidenced by the postal return-receipt.

2. To remit with this cooperative-service agreement a certified check, money order, or an increase in the irrevocable letter of credit submitted with the application for importation (with an effective date that extends 90 days beyond the animals' scheduled release from HSTAIC), payable to the United States Department of Agriculture, Animal and Plant Health Inspection Service, in the amount of \$\_\_\_\_\_. (This amount represents the estimated cost (except capital expenditures at HSTAIC) of qualifying the animals for importation through HSTAIC, less the \$50,000 deposited with the application for the exclusive right to use HSTAIC.)

3. To revise the effective date of the irrevocable letter of credit submitted with the original application for the importation to extend 90 days beyond the animals' scheduled date of release from HSTAIC, if the effective date of the irrevocable letter of credit does not extend 90 days beyond the animals' scheduled date of release from HSTAIC.

4. To limit \_\_\_\_\_ the number of animals, species \_\_\_\_\_, transported to HSTAIC for an importation scheduled to begin on or about \_\_\_\_\_ and to end with the animals' release from HSTAIC, scheduled for \_\_\_\_\_.



5. To assume liability for all costs (except capital expenditures at HSTAIC) attributable to qualifying animals for and through quarantine in the embarkation quarantine facility (EQF), when quarantine in an EQF is required, and in HSTAIC for importation into the United States. (A partial list of these costs would include expenses for sentinel animals in the United States and for tested animals prevented, for any reason, from moving from HSTAIC elsewhere within the United States; laboratory tests; medical treatment; official travel by Animal and Plant Health Inspection Service personnel, including per diem expenses in the country from which the animals are being exported; courier services to transport test samples to the Foreign Animal Disease Diagnostic Laboratory; salaries of HSTAIC personnel; all supplies for animal care, maintenance, and testing during the quarantine and in the post-quarantine cleaning and disinfection of HSTAIC; utilities and overhead, including support staff, during the quarantine and post-quarantine cleanup.)

6. To obtain from foreign government officials authorizations granting Animal and Plant Health Inspection Service personnel free access to the EQF, when quarantine in an EQF is required, and permits for export.

7. To secure from animal carriers permission for Animal and Plant Health Inspection Service personnel to accompany the animals to the EQF, when quarantine in an EQF is required, and from the EQF to HSTAIC.

8. To maintain and operate the EQF, when quarantine in an EQF is required, in compliance with title 9, part 92, section 42 of the Code of Federal Regulations.

9. To accept as final the findings of the Administrator, Animal and Plant Health Inspection Service, on the animals' eligibility to enter the EQF, when quarantine in an EQF is required, to enter HSTAIC, and to be released from HSTAIC.

10. To follow procedures prescribed by the Animal and Plant Health Inspection Service, appropriate to the disease and pest status of the quarantined animals. (When quarantine in an EQF is required, the presence in the EQF of even one animal either exposed to, or infected with, foot-and-mouth disease, rinderpest, hog cholera, African swine fever, swine vesicular disease, or certain other contagious, exotic diseases, automatically disqualifies all animals in the EQF from entering HSTAIC. Similarly, the presence in HSTAIC of even one animal either exposed to, or infected with, one of the diseases referred to in this paragraph, automatically disqualifies all animals in HSTAIC from moving anywhere within the United States after the period in quarantine.)

11. To assume responsibility for disposal of quarantined animals that do not qualify to move into or within the United States. (In the case of animals disqualified while quarantined in HSTAIC, the Animal and Plant Health Inspection Service will stipulate the conditions under which the disqualified animals in HSTAIC must be destroyed. The importer must, within 10 days of notification from the Animal and Plant Health Inspection Service, remove from the EQF or HSTAIC, animals untreatable or treated for, but not

cured of, a communicable disease other than foot-and-mouth disease or any of certain other exotic diseases; those removed from HSTAIC must be moved out of the United States or be destroyed under conditions stipulated by the Animal and Plant Health Inspection Service.)

12. To assume responsibility for all costs the Animal and Plant Health Inspection Service incurs during this importation, excluding capital expenditures at HSTAIC.

13. To pay, upon receipt, post-quarantine billings incurred during this importation, for costs exceeding the amount remitted with this cooperative-service agreement plus the initial \$50,000 deposit.

The Animal and Plant Health Inspection Service agrees:

1. To provide the personnel required to perform inspections, laboratory procedures, and examinations, and to provide on-site supervision of the isolation, quarantine, care and handling of animals on premises of origin, in the EQF when quarantine in an EQF is required, and in HSTAIC.

2. To inform the importer of any quarantined animals in the EQF or in HSTAIC that fail to qualify for entry into the United States, and to inform the importer that he/she must assume responsibility for their disposal.

3. To finance capital expenditures at HSTAIC without charging the importer.

4. To account for all money disbursed from the amount remitted, providing the importer with a complete written account upon termination of this cooperative-service agreement.

5. To refund to the importer any part of the amount remitted with this cooperative-service agreement that is not used to cover the non-capital costs of the importation through HSTAIC.

Both parties agree:

1. That this cooperative-service agreement is effective upon signature by both parties.

2. That this cooperative-service agreement will not be signed by the Administrator if the Import-Export Animals Staff, Veterinary Services, Animal and Plant Health Inspection Service, has not received this signed cooperative-service agreement, including the specified remittance for the amount due, by 4:30 p.m. on the fourteenth calendar-day after the date on the United States Postal Service's return receipt, evidencing its receipt by the importer.

3. That this cooperative-service agreement will not be signed by the Administrator if not accompanied by the physical plans for the EQF, including its location and site-specific blueprints (except when quarantine in an EQF is not required).

4. That this cooperative-service agreement will be voided if the Administrator, Animal and Plant Health Inspection Service, determines that the importer has not completed arrangements with the responsible officials in the exporting country by 4:30 p.m. on the date 42 calendar-days after the importer's signing of this cooperative-service agreement.

5. That, if both parties agree in writing, this cooperative-service agreement may be amended.

6. That either party may terminate this cooperative-service agreement upon giving 30

days' written notice to the other party, but premature termination will not relieve the importer of responsibility for costs incurred, as provided in this cooperative-service agreement, nor will it relieve the Animal and Plant Health Inspection Service of responsibility for providing the importer with a complete written accounting of money disbursed from the amounts remitted.

7. That during the performance of this cooperative-service agreement, the importer agrees to be bound by the Equal Employment Opportunity and Nondiscrimination provisions set forth in Exhibit A and the Nonsegregation of Facilities provisions set forth in Exhibit B, which are attached to and made part of this cooperative-service agreement.

8. That no member of, or delegate to, Congress may participate in, or benefit from, this cooperative-service agreement.

Date \_\_\_\_\_  
 Importer \_\_\_\_\_  
 Date \_\_\_\_\_  
 Administrator \_\_\_\_\_

Animal and Plant Health Inspection Service,  
 United States Department of Agriculture.

\* \* \* \* \*

3. In § 92.42, the phrase "approved embarkation quarantine facility" would be amended by revising the phrase to read "embarkation quarantine facility" wherever it appears.

4. In § 92.42, the introductory paragraph, and paragraphs (a)(2), (a)(4), (b)(1) (i) and (ii), and (b)(2)(iv) would be revised to read as follows:

**§ 92.42 Embarkation quarantine facility: criteria and standards for approval**

Criteria for the establishment of an embarkation quarantine facility outside the United States for the purpose of importing animals into the United States that are eligible for importation only through the Harry S Truman Animal Import Center are as follows:

(a) \* \* \*

(2) To qualify for designation as an embarkation quarantine facility (EQF) for a specifically authorized importation, the facility must meet the requirements of paragraph (b) of this section.

\* \* \* \* \*

(4) The Animal and Plant Health Inspection Service requires that the importer submit the physical plans for the EQF for which he/she is requesting approval. These plans must include location of facility and site-specific blueprints. The importer must send this information, due with the completed agreement as provided in § 92.41(d) of this part, to the Import-Export Animals Staff, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782. The



Animal and Plant Health Inspection Service will, after reviewing the importer's plans and conducting an on-site inspection, approve an EQF found to meet the requirements of this section. Approval of an EQF will expire at the end of the specifically authorized quarantine. Subsequent importers granted use of HSTAIC and proposing to use one of the existing EQFs must apply for approval as if for a new facility. No more than one EQF will receive approval for a specific HSTAIC importation. If an EQF closes down or loses its "approved" status for any reason, the Animal and Plant Health Inspection Service may approve a replacement following the method specified in this paragraph.

(b) *Standards for approval of embarkation quarantine facilities*—(1) *Location.* (i) The EQF must be in an area isolated from ruminants, swine, and poultry. It must be located near the point of embarkation: a dock, if the animals will travel by ocean vessel; and airport, if the animals will travel by plane.

(ii) The animals' route from the EQF to the point of embarkation will be limited to areas free of ruminants, swine, and poultry.

(2) *Building.* \* \* \*

(iv) Mesh double screens must protect all open areas, so that insects cannot gain access to the animal holding area. If the animals are removed from the double-screened building before export to the HSTAIC, or if the United States Department of Agriculture Veterinarian in Charge of the quarantine operation determines that insects capable of transmitting communicable animal diseases are entering the animal holding area, the Animal and Plant Health Inspection Service will require implementation of a program of insect vector control. This vector control program will involve treating animals, building interiors, and environs with United States Environmental Protection Agency-registered pesticides. The pesticides must be used in the manner prescribed on the United States Environmental Protection Agency-approved label, and in accordance with the requirements of the government of the country in which the EQF is located.

5. In § 92.42, paragraph (b)(4) would be redesignated as paragraph (b)(5) and new paragraph (b)(4) would be added to read as follows:

(b) \* \* \*

(4) *Feed.* The animal feed supply in the EQF must consist only of feed obtained from a country or area that is

listed as free of foot-and-mouth disease (see § 94.1(a)(2) of this chapter) and any other exotic disease necessitating the quarantine or that could jeopardize the quarantine.

Done in Washington, DC, this 30th day of August 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-20737 Filed 9-1-89; 8:45 am]

BILLING CODE 3410-34-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### 21 CFR Part 1306

#### Prescriptions

**AGENCY:** Drug Enforcement Administration (DEA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This rule proposes to amend the prescription requirements of 21 CFR part 1306 to clarify and facilitate the keeping of prescription information on original dispensing and refills by automated data processing systems. The action is necessary in order to make it easier for persons affected by the regulations to more readily comply with its provisions. The intended effect of the changes is to clarify the requirements to keep automated prescription data for controlled substances and to simplify the requirements to maintain these records.

**DATES:** Written comments and objections must be received on or before October 5, 1989.

**ADDRESSES:** Comments and objections should be submitted in quadruplicate to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative/CCR.

**FOR FURTHER INFORMATION CONTACT:** G. Thomas Gitchel, State and Industry Section, Office of Diversion Control, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, (202) 633-1216.

**SUPPLEMENTARY INFORMATION:** Section 1306 of title 21 of the CFR concerns the preparation and retention of prescription records for controlled substances.

Section 1306.21 concerns the requirements of a prescription. A new § 1306.21(d) would be added allowing a prescription in Schedule III or IV to be directly entered into a computer system when received by telephone. The

regulation requires that the same information which is required for a written prescription be entered into the computer system for those prescriptions received by telephone. When a pharmacy employs a computer system to maintain prescription records, written prescriptions received at the pharmacy must also be entered into the system.

Section 1306.22 concerns the filling and refilling of prescriptions for Schedule III and IV controlled substances, and provides a mechanism for maintaining original dispensing and refill records using an automated data processing system. The proposed rulemaking would amend § 1306.22(b)(1) to allow, with certain provisions, the use of an identity number in place of the name, strength and dosage form of the controlled substance in a computerized system. This, in some cases, would make it more readily compatible with some computerized systems. Section 1306.22(b)(2)(i) would be added requiring a monthly record of original prescription and refill information for Schedules III and IV controlled substances. Section 1306.22(b)(3) would be amended by eliminating the requirement of a daily printout of computerized prescription refills. In its place would be the requirement that the automated data processing systems employed must provide certain security procedures and back-up procedures which are enumerated in the proposed rulemaking. The proposed rule is intended to facilitate the use of computers in documenting prescription transactions and also to provide the necessary security requirements. Section 1306.22(b)(4) would be amended to provide for a printout of the current month's dispensing records of Schedule III and IV controlled substances and extend deadlines. Section 1306.22(b)(5) would be amended to include original, as well as refill, information. Section 1306.22(b)(6) is added to require a back-up copy in the event the original is damaged, destroyed or lost.

Section 1306.26 concerns the transfer between pharmacies of prescription information for Schedule III, IV and V controlled substances for refill purposes. Section 1306.26(c)(3) would be amended to clarify the requirement of an electronic transfer of prescription information.

Section 1306.31 concerns the dispensing of Schedule V controlled substances pursuant to a prescription. The proposed rulemaking would add a new paragraph to require that Schedule V prescriptions and refills be subject to the same requirements as set forth in § 1306.22 for Schedules III and IV



controlled substances. There is no change for Schedule V controlled substances dispensed without prescription as authorized in § 1306.32.

The proposed amendments would not require any additional paperwork and are intended to reduce and simplify present requirements. They are intended to alleviate some of the requirements of hard copy records for computerized prescription refills and prescription transfers while at the same time providing adequate security measures to protect against the diversion of controlled substances. Most of these proposed changes in the use of computer systems by pharmacies are being initiated at the request of several of the pharmaceutical groups, who have for some time recommended that DEA update its requirements in this area. The amendments would allow for the original and refill prescription information for Schedule III, IV and V controlled substances received verbally by telephone to be entered directly into the computer system.

The Deputy Assistant Administrator hereby certifies that this proposal will not have significant impact upon small entities whose interest must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. The changes will not impose any additional regulatory requirements. They will merely revise the method and type of computerized record required to be kept. In addition the changes will significantly reduce paperwork by not requiring a daily printout of computerized refills. They will eliminate the requirement that the pharmacist initial each computerized printout of refill information and in its place provide for other security measures to insure that the pharmacist filling or refilling the prescription can be properly identified.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Pursuant to section 3(c)(3) and (2)(B) of Executive Order 12291, this proposed action has been reviewed by the Office of Management and Budget.

#### List of Subjects in 21 CFR Part 1306

Drug traffic control, Prescription drugs.

Pursuant to the authority vested in the Attorney General by 21 U.S.C. 821 and 871(b) which has been delegated to the Administrator of the Drug Enforcement Administration and redelegated to the

Deputy Assistant Administrator, Office of Diversion Control, by 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator hereby proposes that 21 CFR part 1306 be amended as follows:

#### PART 1306—PRESCRIPTIONS

1. The authority citation for part 1306 continues to read as follows:

Authority: 21 U.S.C. 821, 829, 871(b) unless otherwise noted.

2. Section 1306.21 is amended by revising paragraph (a) and adding paragraph (d) to read as follows:

##### § 1306.21 Requirement of prescription.

(a) A pharmacist may dispense directly a controlled substance listed in Schedule III or IV, which is a prescription drug as determined under the Federal Food, Drug and Cosmetic Act, only pursuant to a written prescription signed by a prescribing individual practitioner, an oral prescription made by a prescribing individual practitioner and promptly reduced to writing by the pharmacist containing all information required in § 1306.05, except for the signature of the prescribing individual practitioner. In lieu of promptly reducing an oral prescription to writing, it may be directly entered into an automated data system pursuant to the requirements of § 1306.22.

(d) An original prescription received via the telephone for a controlled substance in Schedule III or IV which is directly entered into a computer system, as described in § 1306.22, must be designated as an original prescription in the computer system. The original prescription must be entered into the system by the pharmacist or designated person receiving the prescription. The number of authorized refills along with the information required by § 1306.22 must also be entered into the computer system. A written prescription received by a pharmacist is required to be maintained at the pharmacy for a period of two years and is subject to the requirements of § 1304.04. A pharmacy utilizing a computer system must also enter into the computer system the information on a written prescription including the number of refills, the fact that it is an original prescription and the information required by § 1306.22.

3. Section 1306.22 is amended by revising paragraphs (b) introductory text, (b)(1), (b)(3), (b)(4), and (b)(5) and adding paragraphs (b)(2)(i), (b)(2)(ii) and paragraph (b)(6) to read as follows:

##### § 1306.22 Refilling of prescriptions.

(b) As an alternative to the procedures provided by § 1306.21 and paragraph (a) of this section, an automated data processing system may be used for the storage and retrieval of original and refill information for prescription orders for controlled substances in Schedules III and IV, subject to the following conditions:

(1) Any such proposed computerized system must provide on-line retrieval (via CRT display or hard-copy printout) of original prescription order information. This shall include, but is not limited to, data such as the original prescription number, date of issuance of the original prescription order by the practitioner, name and address of the patient, name, address, and DEA registration number of the practitioner, the name, strength, dosage form, quantity of the controlled substance prescribed (and quantity dispensed if different from the quantity prescribed), the total number of refills authorized by the prescribing practitioner and the name or initials of the dispensing pharmacist. A unique numeric identifier (such as an N.D.C. number) may be used in place of the name, strength and dosage form, as long as the computerized system has the capability of replacing this unique identifier with the name, strength and dosage form for each original prescription and refill. When requested by an authorized official of the Administration or other authorized official, the information must be provided by name, strength and dosage form.

(2) \* \* \*

(i) At the end of each month a record shall be generated which documents all original prescriptions and refills of Schedule III and IV controlled substances dispensed during that month. This record must separate the original and refill information for Schedule III and IV controlled substances prescriptions from other prescriptions in the same data system. This record shall include, but is not limited to: the prescription number, date of issuance, name and address of the patient, name, address and DEA registration number of the practitioner, initials of dispensing pharmacist, and the name, strength, dosage form, quantity of the controlled substance prescribed (and quantity dispensed if different from the quantity prescribed).

(ii) The monthly printouts must be provided upon request from an authorized official of the Administration or other authorized official. These records shall be maintained in accordance with § 1304.04.



(3) Accuracy and completeness of the original and refill information entered into an automated system must be verified each time by the individual pharmacist who fills an original prescription or refill order for a Schedule III or IV controlled substance, i.e., thorough check of data screen prior to actual entry into the database. The system employed must be designed to protect against unauthorized access to, and use of, the automated system and associated data and be able to identify the pharmacist filling the original prescription or refill. Such protection shall be accomplished as follows:

(i) Each authorized pharmacist shall be assigned a unique access code of three or more characters to be entered prior to each and every original prescription, refill order or any edit of data, i.e., the automated system shall prompt the user for this unique code each and every time an original prescription or refill, or edit of data is entered in the computer system. Such code when entered shall not visibly appear on the screen. This will insure that the code is not compromised by onlookers.

(ii) Such access codes shall automatically cause the initials of the pharmacist assigned the code to appear within the appropriate data field and become part of the original prescription or refill order.

(iii) The knowledge or ability to change, delete or add assigned access codes shall be strictly limited. (For example, the owner, pharmacy manager, corporate security officer, or other authorized and appropriate individual.)

(4) Any such computerized system shall have the capability of producing a printout for the current month's original and refill data for Schedule III and IV prescriptions. Such a printout must include all the information required by paragraphs (b)(1) and (b)(2) of this section. This printout must be produced upon request of an authorized official of the Administration or other authorized official. In any computerized system employed by a user pharmacy which utilizes a central recordkeeping facility, as permitted by 21 CFR 1304.04, the central recordkeeping location must be capable, if requested, of producing and delivering the requested printout to the pharmacy within three working days. Such requests can be made by an authorized official of the Administration or other authorized official.

(5) In the event that a pharmacy which employs such a computerized system experiences system down-time, the pharmacy must have an auxiliary procedure which will be used for documentation of originals and refills of

Schedule III and IV controlled substance prescription orders. This documented auxiliary procedure must provide assurance that refills are authorized by the original prescription order, that the maximum number of refills has not been exceeded, and that all of the appropriate data is retained for on-line data entry as soon as the computer system is available for use again.

(6) A back-up copy of original prescription and refill information must be made daily for that day's transactions. The back-up copy can be stored on hard disk, floppy disk, or magnetic tape in lieu of a printed medium. The copy must be stored on an entirely separate storage medium distinct from the operating medium normally utilized and kept two years from the transaction date.

4. Section 1306.26 is amended by revising paragraph (c) to read as follows:

**§ 1306.26 Transfer between pharmacies of prescription information for Schedules III, IV and V controlled substances for refill purposes.**

\* \* \* \* \*

(c) Prescriptions can be electronically transferred on a one-time basis provided that:

(1) The electronic transfer contains the information required on a prescription and refill by § 1306.22 (b)(1) and (b)(2)(i).

(2) A system is devised where the pharmacy transferring the prescription can no longer refill the prescription once it is transferred to another pharmacy.

(3) A system is devised in the automated data system that will prevent subsequent transfers to other pharmacies in the network.

\* \* \* \* \*

5. Section 1306.31 is amended by revising the heading to the section and adding paragraph (d) to read as follows:

**§ 1306.31 Schedule V controlled substances dispensed on prescription.**

\* \* \* \* \*

(d) A pharmacy which employs an automated data system in filling or refilling a prescription for a Schedule V controlled substance shall comply with the requirements of § 1306.22 regarding the filing and retrieval of prescription information. Criteria that apply to Schedule III and IV prescriptions also apply to Schedule V prescriptions.

Dated: July 28, 1989.

Gene Haislip,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 89-20696 Filed 9-1-89; 6:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 943

#### Abandoned Mine Land Reclamation Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

**ACTION:** Request for public comment.

**SUMMARY:** Governor Clements of the State of Texas notified the Office of Surface Mining Reclamation and Enforcement (OSMRE) by letter, dated May 11, 1989, that the State had addressed the last known abandoned mine area having coal-related problems; and further, the State has adequate funds for any unforeseen coal problems that might arise during the life of the Abandoned Mine Land Reclamation (AMLR) program. Having satisfied the requirements of the Act in regard to abandoned coal mine reclamation, the State of Texas requests certification to proceed with noncoal reclamation projects as provided for under section 409 of title IV of the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87, 30 U.S.C. 1202 et. seq.).

This notice sets forth the times and locations for the public to submit written comments or to meet and discuss the request with OSMRE representatives or request public meetings.

**DATES:** OSMRE will accept written comments on the request until 4:30 p.m. c.s.t. on October 5, 1989.

Upon request, OSMRE will hold a public hearing on the request on September 25, 1989, beginning at 9:00 a.m. c.s.t. The public hearing will be held at the location shown under "ADDRESSES" below.

OSMRE will accept requests for a public hearing until 4:30 p.m. c.s.t. on September 20, 1989. If no person has contacted OSMRE by that date to express an interest in testifying at the hearing, it will be cancelled. If only one person requests an opportunity to speak at the public hearing, a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administrative Record.

**ADDRESSES:** Written comments should be mailed to the Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 E. Skelly Drive, Suite 550, Tulsa, Oklahoma 74135, or hand-delivered to the same address.

If requested, a public hearing will be held at the Tulsa Field Office of the



Office of Surface Mining Reclamation and Enforcement, 5100 E. Skelly Drive, Suite 550.

Requests for a public hearing should be made by contacting the individual listed under "**FOR FURTHER INFORMATION CONTACT.**"

Copies of the Texas AMLR program and the request for certification are available for inspection Monday through Friday, 8:30 a.m. to 4:00 p.m. excluding holidays, at the following addresses:

Railroad Commission of Texas, Surface Mining and Reclamation Division, 1701 N. Congress, Austin, Texas 78701; Telephone (512) 463-6900.

Office of Surface Mining Reclamation and Enforcement Administrative Record Room 5315, 1100 L. Street NW., Washington, DC 20240.

Office of Surface Mining Reclamation and Enforcement Tulsa Field Office, 5100 E. Skelly Drive, Suite 550, Tulsa, Oklahoma 74135; Telephone: (918) 581-6430.

**FOR FURTHER INFORMATION CONTACT:** Mr. James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 E. Skelly Drive, Suite 550, Tulsa, Oklahoma 74135; Telephone: (918) 581-6430.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Title IV of the Surface Mining Control and Reclamation Act (SMCRA) of 1977, Pub. L. 95-87, 30 U.S.C. 1201 et seq., establishes an Abandoned Mine Land Reclamation (AMLR) program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or other Federal laws.

Each State having within its border coal-mined lands eligible for reclamation under title IV of SMCRA may submit to the Secretary of the Interior a State Reclamation Plan demonstrating its capability for administering an AMLR program. Upon approval of the State Reclamation Plan by the Secretary, the State may submit to OSMRE on an annual basis an application for funds to be expended in that State on specific reclamation projects that are necessary to implement the approved State reclamation plan. Such annual requests are reviewed and approved by OSMRE in compliance with the requirements of 30 CFR part 886.

AMLR funds are to be utilized to address the problems caused by past mining in the following order. First, reclamation efforts are to be directed at correcting or mitigating the problems caused by past coal mining. Certain noncoal mining-related problems may also be addressed at the same time if they involve direct threats to the public health and safety. Second, following the completion of all coal-related impacts, a State program may then direct its efforts to alleviating the problems caused by all other types of mining. Finally, when all coal and noncoal related impacts have been addressed, and if certain other conditions set forth in section 402(g) (2) of SMCRA are satisfied, AMLR funds may be used for construction of specific public facilities in communities impacted by coal mining development.

The Texas Reclamation Plan, as submitted on April 24, 1980, and amended on May 30, 1980, June 2, 1980 and June 4, 1980, was approved effective June 23, 1980 (45 FR 41940). Since this approval, the State has received OSMRE approval of four coal reclamation projects at a total cost of \$6.1 million. In addition, OSMRE has approved two noncoal reclamation grants involving seven sites at a cost of \$0.47 million. Currently, Texas has approximately \$14 million in State share funds that have been allocated to the State but not granted for abandoned mine land (AML) reclamation. In addition, there are more than \$3 million in unappropriated funds in the State's share of the AML fund.

**II. Discussion of Proposed Action**

The Governor of the State of Texas notified OSMRE by letter on May 11, 1989 (Administrative Record No. TAML-40), that the State has reclaimed all known and related problems eligible for funding under section 404 of SMCRA and has committed funds to address any unforeseen coal problems that might arise.

Once a State has reclaimed all lands adversely impacted by past coal mining, SMCRA provides that a State may utilize its AMLR funds to address eligible problems caused by noncoal mining. OSMRE is seeking public comments and information concerning any known or suspected unreclaimed lands and water resources in the State that may have been adversely affected by coal mining practices prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or other Federal laws.

If no past coal mining problems eligible for funding under section 404 of SMCRA are identified through this process, the Secretary is authorized to allow the State to address noncoal

problems as set forth in 30 CFR part 875. Such noncoal reclamation activities, however, may occur with one condition; that is, if a coal problem occurs or is identified some time in the future, the State must seek immediate funding for reclaiming that problem. In the event of certification by the Secretary, the State has agreed to this condition.

To assist in its analysis of Texas' grant application and the proposed plan for funding future coal-related problems, OSMRE solicits comments on all relevant economic, environmental, and legal issues involving the reclamation of lands adversely affected by past coal mining practices and the State's request to fund eligible noncoal projects.

**Lists of Subjects in 30 CFR Part 943**

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: August 18, 1989.

Raymond L. Lowrie,  
Assistant Director, Western Field Operations.  
[FR Doc. 89-20712 Filed 9-1-89; 8:45 am]

BILLING CODE 4310-05-M

**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**32 CFR Part 775**

**Procedures for Implementing the Procedural Provisions of the National Environmental Policy Act**

**AGENCY:** Department of the Navy.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Department of the Navy is proposing to revise its regulations for implementing procedural provisions of the National Environmental Policy Act. This proposed rule is in compliance with 40 CFR part 1507 which requires each federal agency to adopt, as necessary, procedures supplementing regulations published by the Council on Environmental Quality.

**DATES:** Agency and public comments concerning this proposed rule are requested to be sent to the address given below and to be postmarked no later than October 5, 1989.

**ADDRESSES:** Comments concerning this regulation may be mailed to: Mr. Thomas J. Peeling, Special Assistant for Environmental Planning, Office of the Deputy Chief of Naval Operations (Logistics), Room 10N67, Hoffman Bldg. II, 200 Stovall St., Alexandria, Virginia 22332-2300.



**FOR FURTHER INFORMATION CONTACT:**

Thomas J. Peeling, telephone (202) 325-7344/0521.

**SUPPLEMENTARY INFORMATION:** The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4361 (1976)) establishes national policy and goals for protection of the environment. Section 102(2) of NEPA contains certain procedural requirements directed toward the attainment of such goals. In particular, all federal agencies are required to give appropriate consideration to the environmental effects of their proposed actions in their decisionmaking and to prepare detailed environmental statements on recommendations or reports significantly affecting the quality of the human environment.

Executive Order 11991 of May 24, 1977, directed the Council on Environmental Quality (CEQ) to issue regulations to implement procedural provisions of NEPA. Accordingly, CEQ issued final NEPA regulations (40 CFR parts 1500-1508) on November 29, 1978, which are binding on all federal agencies as of July 30, 1979.

These regulations require each federal agency, as necessary, to adopt implementing procedures to supplement the CEQ regulations. Section 1507.3(b) of the CEQ regulations identifies those sections of the regulations which must be addressed in agency procedures.

This proposed rule would revise Department of the Navy procedures (32 CFR part 775) for compliance with NEPA and the CEQ regulations. The last several years of NEPA compliance has provided substantial experience in reviewing project impacts and to better determine which types of projects do not have the potential, either individually or cumulatively, for significant environmental impacts. Based on that experience, the proposed revisions consist primarily of changes to the list of categorical exclusions contained in § 775.6(c). The entire part 775 is presented here for clarity and continuity.

For the reasons set out in the preamble, it is proposed that, title 32, chapter VI, subchapter G, of the Code of Federal Regulations be amended by revising part 775 to read as follows:

**PART 775—PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT**

- Sec.  
775.1 Purpose.  
775.2 Scope.  
775.3 Policy.  
775.4 Responsibilities.  
775.5 Classified actions.

- Sec.  
775.6 Planning considerations.  
775.7 Time limits for environmental documents.  
775.8 Scoping.  
775.9 Documentation and analysis.  
775.10 Relations with state, local and regional agencies.  
775.11 Public participation.  
775.12 Action.  
Authority: 5 U.S.C. 301; 42 U.S.C. 4321-4361; 40 CFR Parts 1500-1508.

**§ 775.1 Purpose.**

To supplement Department of Defense (DOD) regulations by providing policy and assigning responsibilities to the Navy and Marine Corps for implementing the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500-1508) implementing procedural provisions of the National Environmental Policy Act (NEPA).

**§ 775.2 Scope.**

The policies and responsibility assignments of this rule apply to the Office of the Secretary of the Navy, the Navy Department, and the Navy and Marine Corps operating forces and shore establishment. This rule is limited to the actions of these elements with environmental effects in the United States, its territories, and possessions.

**§ 775.3 Policy.**

(a) The Department of the Navy (DON) must act with care to ensure, to the maximum extent possible, that in conducting its mission of providing for the national defense, it does so in a manner consistent with national environmental policies. In so doing, the Navy recognizes that the NEPA process includes the systematic examination of the likely environmental consequences of implementing a proposed action. To be an effective decisionmaking tool this process will be integrated with other Navy-Marine Corps project planning at the earliest possible time. This ensures that planning and decisionmaking reflect environmental values, avoid delays, and avoid potential conflicts. Care must be taken to ensure that, consistent with other national policies and national security requirements, practical means and measures are used to protect, restore, and enhance the quality of the environment, to avoid or minimize adverse environmental consequences, and to attain the objectives of:

(1) Achieving the widest range of beneficial uses of the environment without degradation, risk to health and safety, or other consequences that are undesirable and unintended;

(2) Preserving important historic, cultural, and natural aspects of our national heritage, and maintaining, where possible, an environment that supports diversity and variety of individual choice;

(3) Achieving a balance between resource use and development within the sustained carrying capacity of the ecosystem involved; and

(4) Enhancing the quality of renewable resources and working toward the maximum attainable recycling of depletable resources.

(b) The DON shall:

(1) Assess environmental consequences of proposed actions that could affect the quality of the environment in the United States, its territories, and possessions in accordance with DOD and CEQ regulations;

(2) Use a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and environmental considerations in planning and decisionmaking where there may be an impact on man's environment;

(3) Ensure that presently unmeasured environmental amenities are considered in the decisionmaking process;

(4) Consider the reasonable alternatives to recommended actions in any proposal that would involve unresolved conflicts concerning alternative uses of available resources;

(5) Make available to states, counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment; and

(6) Use ecological information in planning and developing resource-oriented projects.

**§ 775.4 Responsibilities.**

(a) The Assistant Secretary of the Navy for Shipbuilding and Logistics (ASN(S&L)) shall:

(1) Advise the Secretary of the Navy on DON policy regarding NEPA compliance and communications with foreign governments concerning environmental matters and/or other arrangements/investigations coordinated through the Department of State.

(2) Be the principal point-of-contact with the CEQ, Environmental Protection Agency (EPA), the Deputy Assistant Secretary of Defense for Environment (DASD(E)), other DOD components and federal agencies concerned with NEPA matters, and with private environmental groups as applicable.



(3) Direct and/or, upon recommendation, approve the preparation of Environment Impact Statements (EIS) to the EPA and to other appropriate agencies for review and comment.

(4) Approve and forward to the Navy Judge Advocate General (JAG) Findings of No Significant Impact (FONSI) for publication in the *Federal Register* for those actions of national concern that the Navy/Marine Corps has determined will not have a significant effect on the quality of the human environment and for which an EIS will not be prepared.

(5) Approve and forward to the Navy JAG, for publishing in the *Federal Register*, a Record of Decision (ROD) which will summarize for the public record the decision made by the Navy/Marine Corps among the alternatives presented in a Final EIS.

(6) Maintain liaison with the Chief of Information who will coordinate with the Assistant Secretary of Defense (Public Affairs) those environmental matters which have significant public affairs implications.

(7) Maintain liaison with the Office of Legislative Affairs who will coordinate with the Assistant Secretary of Defense (Legislative Affairs) and the Congress those environmental matters which have significant legislative implications.

(b) The Chief of Naval Operations, or his designee, and the Commandant of the Marine Corps, or his designee, are responsible, within their respective services, for NEPA compliance, which includes:

(1) Implementing DON policy regarding protection of the environment to include NEPA compliance.

(2) Advising commands in cases of necessity of the requirement for submitting environmental assessments or impact statements.

(3) Coordinating as appropriate with CEQ, EPA, DASD(E), ASN(S&L), and other DOD components and federal agencies concerned with environmental matters.

(4) Serving as the point of contact for DON environmental matters.

(5) Coordinating, as appropriate, with the Chief of Information for the release to the public of environmental assessments, impact statements, Findings of No Significant Impact, and other environmental documents, according to the Freedom of Information Act and other applicable federal laws.

(6) Providing assistance for actions initiated by private persons, state or local agencies and other non-DON/DOD entities for which DON involvement may be reasonably foreseen.

(7) Identifying major decision points in the chain of command where

environmental effects shall be considered.

(8) Ensuring that relevant environmental documentation accompanies all proposals for action through the appropriate review process so that such information is available to the decision maker.

(c) The Chief of Naval Operations and the Commandant of the Marine Corps are to comply with this instruction by subsequently directing subordinates to:

(1) Ensure all appropriate instructions, directives, and orders include the requirement for funding and planning for environmental documentation, as required;

(2) Conduct analyses of the environmental effects of current and proposed actions in accordance with DOD regulations, CEQ regulations (40 CFR parts 1500-1508), and other applicable regulations;

(3) Encourage, to the extent practicable, citizen participation in environmental evaluations of projects or programs;

(4) Evaluate environmental impacts at initial planning stages and at each following significant step or decision milestone in the development of a project or program, as warranted.

#### § 775.5 Classified actions.

(a) The fact that a proposed action is of a classified nature does not relieve the proponent of the action from complying with NEPA and the CEQ regulations. Therefore, environmental document shall be prepared, safeguarded and disseminated in accordance with the requirements applicable to classified information. When feasible, these documents shall be organized in such a manner that classified portions are included as appendices so that unclassified portions can be made available to the public.

(b) It should be noted that a classified EA/EIS serves the same "informed decisionmaking" purpose as does a published unclassified EA/EIS. Even though the classified EA/EIS does not undergo public review and comment, it must still be part of the information package that is placed before the decisionmaker for the proposed action. The content of a classified EA/EIS (or the classified portion of a public EA/EIS) will therefore meet the same content requirements applicable to a published unclassified EA/EIS.

#### § 775.6 Planning considerations.

(a) When integrating the NEPA process into early stages of proposed actions, action proponents will determine as early as possible the appropriate level of documentation

required under NEPA, i.e., is the action a major federal action significantly affecting the human environment requiring an environmental impact statement (EIS), is the action one for which the impacts are not known or which may not be significant and, therefore, an environmental assessment (EA) is appropriate, or is the action one that has no potential for significant impacts and can be categorically excluded from further NEPA documentation.

(b) The command responsible for preparation of the appropriate documentation may prepare an EA on any action at any time in order to assist in planning and decisionmaking, including the decision whether or not to prepare an EIS. If a determination is made based on information presented in an environmental assessment that an EIS is not required, a Finding of No Significant Impact (FONSI) will be prepared and made available to the public in accordance with CEQ regulations (40 CFR 1506.6).

(c) CEQ regulations provide for the establishment of categorical exclusions (40 CFR 1508.4) for those actions which do not individually or cumulatively, under normal circumstances, have a significant effect on the human environment and for which, therefore, neither an EA nor an EIS is required. "Normal circumstances" is intended to denote the absence of extenuating site specific conditions such as the absence of wetlands, endangered or threatened species, historic/archaeological resources, and/or hazardous wastes. The presence of extenuating circumstances will usually preclude use of a categorical exclusion and, therefore, require preparation of an EA or EIS. Categorical exclusions are justified for those kinds of Navy actions which minimally affect the quality of the human environment, do not result in any significant change from existing conditions at the site of the proposed action, and those whose effect is primarily economic or social. The following are actions which, under normal conditions, are categorically excluded from further documentation requirements under NEPA:

(1) An action the effects of which are included in a previous EA or EIS and for which site specific constraints and/or mitigation measures described in the NEPA decision documents (i.e., FONSI or ROD) will be incorporated.

(2) Routine personnel, fiscal, and administrative activities involving military and civilian personnel, e.g., recruiting, processing, paying, and records keeping.



(3) Reductions in force wherein impacts are limited to socioeconomic factors.

(4) Routine movement of mobile assets, such as ships and aircraft, in home port reassignments (when no new support facilities are required) to perform as operational groups, and/or for repair and overhaul.

(5) Relocation of personnel into existing federally-owned or commercially-leased space which does not involve a substantial change in the supporting infrastructure (e.g., an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase).

(6) Emergency activities when immediate action is required for protection of lives, and for public health and safety. Emergency situations requiring action by naval authorities which could result in significant harm to the environment shall be reported to CNO (OP-04E)/CMC (LFL) who will facilitate consultation with the CEQ.

(7) The preparation of policy and planning documents, e.g., activity master plans and natural resources management plans.

(8) Studies, data and information-gathering that involve no physical change to the environment, e.g., topographic surveys, bird counts, wetland mapping, forest inventories, and timber cruising.

(9) Routine repair and maintenance of facilities and equipment in order to maintain existing operations and activities, including maintenance of improved and semi-improved grounds such as landscaping, lawn care, and minor erosion control measures.

(10) Alteration of and additions to existing structures to conform or provide conforming use required by new or existing applicable legislation or regulations, e.g., hush houses for aircraft engines and scrubbers for air emissions.

(11) Routine actions normally conducted to operate, protect, and maintain Navy-owned and/or controlled properties, e.g., maintaining law and order, physical plant protection by military police and security personnel, and pest management activities on improved and semi-improved lands conducted in accordance with applicable federal and state directives.

(12) New construction that is consistent with existing land use and, when completed, the use or operation of which complies with existing regulatory requirements, e.g., a building on a parking lot with associated discharges/runoff within existing handling capacities.

(13) Procurement activities that provide goods and support for routine operations.

(14) Day-to-day manpower resource management and research activities that are in accordance with approved plans and inter-agency agreements and which are designed to improve and/or upgrade Navy ability to manage those resources.

(15) Continuing actions and facility function when there is no substantial change from previously existing conditions.

(16) Training exercises on military property, and properties under land use agreement, when all applicable environmental and natural resources conservation factors have been incorporated into the exercise plan.

(17) Decisions to close facilities, decommission equipment, and/or temporarily discontinue use of facilities or equipment (where such equipment is not used to prevent/control environmental impacts). Note: Does not apply to permanent closure of public roads.

(18) Contracts for activities conducted at established laboratories and plants, to include contractor-operated laboratories and plants, within facilities where all airborne emissions, waterborne effluents, external radiation levels, outdoor noise, and solid and bulk waste disposal practices are in compliance with existing applicable federal, state, and local laws and regulations.

(19) Identification, characterization, and clean-up of hazardous sites/materials when such actions are in accordance with applicable laws and the procedural aspects for execution involve the public in the decisionmaking process.

(20) Routine movement, handling and distribution of materials, including hazardous materials/wastes that when moved, handled, or distributed are in accordance with applicable regulations.

(21) Demolition, disposal, or improvements involving buildings or structures not on or eligible for listing on the National Register of Historic Places and when in accordance with applicable regulations.

(22) Acquisition, installation, and operation of utility and communication systems, data processing cable, and similar electronic equipment which use existing rights of way, easements, distribution systems, and/or facilities.

(23) Renewals and/or initial real estate ingrats and outgrats involving existing facilities and land wherein use does not change significantly. This includes, but is not limited to, existing federally-owned or privately-owned housing, office, storage, warehouse,

laboratory, and other special purpose space.

(24) Grants of license, easement, or similar arrangements for the use of existing rights-of-way or incidental easements complementing the use of existing rights-of-way for use by vehicles; electrical, telephone, and other transmission and communication lines; water, wastewater, stormwater, and irrigation pipelines, pumping stations, and facilities; and for similar utility and transportation uses.

(25) Transfer of real property from the Navy to another military department or to another federal agency, and the granting of leases (including leases granted pursuant to the agricultural outleasing program), permits and easements where there is no significant change in land use or where subsequent land use would otherwise be categorically excluded.

(26) Disposal of excess easement interests to the underlying fee owner.

(27) Renewals and minor amendments of existing real estate grants for use of government-owned real property where no significant change in land use is anticipated.

(28) Pre-lease exploration activities for oil, gas or geothermal reserves, e.g., geophysical surveys.

(29) Return of public domain lands to the Department of the Interior.

(30) Land withdrawal continuances or extensions which merely establish time periods and where there is no significant change in land use.

(31) Temporary closure of public access to Navy property in order to protect human or animal life.

(32) Engineering effort undertaken to define the elements of a proposal or alternatives sufficiently so that the environmental effects may be assessed.

(33) Actions which require the concurrence or approval of another federal agency where the action is a categorical exclusion of the other federal agency.

(34) Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site.

(35) Installation of devices to protect human or animal life, e.g., raptor electrocution prevention devices, fencing to restrict wildlife movement onto airfields, and fencing and grating to prevent accidental entry to hazardous areas.

(36) Natural resources management actions undertaken or permitted pursuant to agreement with or subject to regulation by federal, state, or local organizations having management



responsibility and authority over the natural resources in question, including hunting or fishing during hunting or fishing seasons established by state authorities pursuant to their state fish and game management laws.

(37) Approval of recreational activities which do not involve significant physical alteration of the environment or increase human disturbance in sensitive natural habitats and which do not occur in or adjacent to areas inhabited by endangered or threatened species.

(38) Routine maintenance of timber stands, including issuance of down-wood firewood permits, hazardous tree removal, thinning and salvage operations, prescribed burning, and planting and seeding.

(39) Reintroduction of endemic or native species (other than endangered or threatened species) into their historic habitat.

#### § 775.7 Time limits for environmental documents.

(a) The timing of the preparation, circulation, submission and public availability of environmental documents is important in achieving the purposes of NEPA. Therefore, the NEPA process shall begin as early as possible in the decisionmaking process.

(b) The EPA publishes a weekly notice in the *Federal Register* of environmental impact statements filed during the preceding week. The minimum time periods set forth below shall be calculated from the date of publication of notices in the *Federal Register*. No decision on the proposed action may take place until the later of the following dates:

(1) Ninety days after publication of the notice of availability for a draft environmental impact statement (DEIS). Draft statements shall be available to the public for 15 days prior to any public hearing on the DEIS (40 CFR 1506.6(c)(2)).

(2) Thirty days after publication of the notice of availability for a final environmental impact statement (FEIS). If the FEIS is available to the public within ninety days from the availability of the DEIS, the minimum thirty day period and the minimum ninety day period may run concurrently. However, not less than 45 days from publication of notice of filing shall be allowed for public comment on draft statements prior to filing of the FEIS (40 CFR 1506.10(c)).

#### § 775.8 Scoping.

As soon as practicable after the decision to prepare an EIS is made, an early and open process called "scoping"

shall be used to determine the scope of issues to be addressed and to identify the significant issues to be analyzed in depth related to the proposed action (40 CFR 1501.7). This process also serves to deemphasize insignificant issues, narrowing the scope of the EIS process accordingly (40 CFR 1500.4(g)). Scoping results in the identification by the proponent of the range of actions, alternatives, and impacts to be considered in the EIS (40 CFR 1508.25). For any action, this scope may depend on the relationship of the proposed action to other existing environmental documentation.

#### § 775.9 Documentation and analysis.

(a) Environmental documentation and analyses required by this rule should be integrated as much as practicable with any environmental studies, surveys and impact analyses required by other environmental review laws and executive orders (40 CFR 1502.25). When a cost-benefit analysis has been prepared in conjunction with an action which also requires a NEPA analysis, the cost-benefit analysis shall be integrated into the environmental documentation.

(b) CEQ regulations encourage the use of tiering whenever appropriate to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for discussion at each level of environmental review (40 CFR 1502.20). Tiering is accomplished through the preparation of a broad programmatic environmental impact statement discussing the impacts of a wide ranging or long term stepped program followed by narrower statements or environmental assessments concentrating solely on issues specific to the analysis subsequently prepared (40 CFR 1508.28).

(1) *Appropriate use of tiering.* Tiering is appropriate when it helps the lead agency to focus on issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe. (40 CFR 1508.28(b)). The sequence of statements or analyses is:

(i) From a broad program, plan, or policy environmental impact statement (not necessarily site specific) to a subordinate/smaller scope program, plan, or policy statement or analysis (usually site specific) (40 CFR 1508.28(a)).

(ii) From an environmental impact statement on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation) (40 CFR 1508.28(b)).

(iii) *Preparation of the Programmatic Environmental Impact Statement.* In addition to the discussion required by these regulations for inclusion in environmental impact statements, the programmatic environmental impact statement shall also discuss:

(A) A description of the subsequent stages or sites that may ultimately be proposed in as much detail as presently possible.

(B) All of the implementing factors of the program that can be ascertained at the time of impact statement preparation.

(C) All of the environmental impacts that will result from establishment of the overall program itself that will be similar for subsequent stages or sites as further implementation plans are proposed.

(D) All of the appropriate mitigation measures that will be similarly proposed for subsequent stages or sites.

(iv) *Preparation of the Tiered analysis.* The analytical document used for stage or site specific analysis subsequent to the programmatic environmental impact statement shall also be an environmental impact statement when the subsequent tier itself may have a significant impact on the quality of the human environment or when an impact statement is otherwise required. Otherwise, it is appropriate to document the tiered analysis with an environmental assessment to fully assess the need for further documentation or whether a FONSI would be appropriate.

#### § 775.10 Relations with state, local and regional agencies.

Close and harmonious planning relations with local and regional agencies and planning commissions of adjacent cities, counties, and states, for cooperation and resolution of mutual land use and environment-related problems should be established. Additional coordination may be obtained from state and area-wide planning and development "clearinghouses". These are agencies which have been established pursuant to Executive Order 12372 of 1982. The clearinghouses serve a review and coordination function for Federal activities and the proponent may gain insights on other agencies' approaches to environmental assessments, surveys, and studies in relation to any current proposal. The clearinghouses would also be able to assist in identifying possible participants in scoping procedures for projects requiring an EIS.



**§ 775.11 Public participation.**

The importance of public participation in preparing environmental assessments shall be recognized (40 CFR 1501.4(b)). In determining the extent to which public participation is practicable, the following are among the factors to be weighed by the command preparing the environmental documentation:

- (a) The magnitude of the environmental considerations associated with the proposed action;
- (b) The extent of anticipated public interest; and
- (c) Any relevant questions of national security classification.

**§ 775.12 Action.**

The Chief of Naval Operations and the Commandant of the Marine Corps shall, each, as appropriate:

- (a) Provide guidelines and procedures for administrative direction and implementation of this rule and CEQ regulations; and,
- (b) Maintain a focal point for the coordination of the preparation of environmental assessments and impact statements.

Dated: August 29, 1989.

Sandra M. Kay,

*Department of the Navy, Alternate Federal Register Liaison Officer.*

[FR Doc. 89-20606 Filed 9-1-89; 8:45 am]

BILLING CODE 3810-AE-M

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**FEDERAL EMERGENCY  
MANAGEMENT AGENCY**
**44 CFR Part 353**

RIN 3067-AB49

**Fee for Services in Support, Review  
and Approval of State and Local  
Government or Licensee Radiological  
Emergency Plans and Preparedness**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** This action extends the time allotted for review and comment of FEMA's proposed rule, 44 CFR part 353, published in the *Federal Register* on Thursday, June 29, 1989 (54 FR 27390). The extension is until September 11, 1989. The rule proposes to establish a fee for services the agency provides in the review and approval of State and local government or licensee site-specific offsite radiological emergency plans and preparedness for commercial nuclear power plants. These services are provided pursuant to Presidential

Directive and Memorandum of Understanding between FEMA and the Nuclear Regulatory Commission (NRC). FEMA's services contribute to the emergency preparedness requirements needed for the NRC's licensing purposes under the Atomic Energy Act of 1954, as amended. The proposed fees are based on site-specific costs incurred by FEMA's Radiological Emergency Preparedness (REP) Program and related site-specific litigation costs associated with the NRC licensing process as a result of FEMA's support, review and approval of offsite radiological emergency plans and preparedness. The proposed fees are applicable to the full range of situations involving emergency planning, preparedness and response, including emergency response planning by a utility.

**DATE:** Comments must be received on or before September 11, 1989.

**ADDRESS:** Comments should be mailed to Rules Docket Clerk, Office of General Counsel, Room 840, 500 C Street SW., Washington, DC 20471. They may be transmitted to the Clerk by facsimile at 202-646-4536.

**FOR FURTHER INFORMATION CONTACT:** Vernon Adler, Acting Chief, Program Development Branch, Technological Hazards Division, Washington, DC (202) 646-2854.

Dated: August 30, 1989.

Dennis H. Kwiatkowski,

*Assistant Associate Director, Office of Natural and Technological Hazards.*

[FR Doc. 89-20840 Filed 9-1-89; 8:45 am]

BILLING CODE 6718-21-M

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**FEDERAL COMMUNICATIONS  
COMMISSION**
**47 CFR Part 15**

[Gen. Docket Nos. 89-116, 89-117 and 89-118; DA 89-1021]

**Procedure for Measurement of  
Intentional Radiators; Correction**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; correction to Order extending date for comments.

**SUMMARY:** The Chief Engineer is correcting the date shown in the Order released August 16, 1989 (54 FR 35212, August 24, 1989), which extended the time period for filing comments and reply comments in these proceedings.

**DATES:** The correct date for filing comments is September 25, 1989 and the correct date for filing reply comments is October 30, 1989.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Richard Fabina, FCC Laboratory, 301-725-1585.

**SUPPLEMENTARY INFORMATION:****List of Subjects in 47 CFR Part 15**

Communications equipment, Radio, Reporting and recordkeeping requirements, Security measures.

In the matter of FCC procedure for measurement of intentional radiators (except for periodic and spread spectrum devices and devices operating below 30 MHz); FCC procedure for measuring RF emissions from intentional radiators with periodic operation and associated superregenerative receivers; FCC procedure for measurement of unintentional radiators (except digital devices and devices operating below 30 MHz), GEN Docket Nos. 89-116, 89-117 and 89-118; *Erratum.*

Released: August 24, 1989.

By the Chief Engineer:

The Order Extending Time to File Comments concerning the above-captioned proceedings, FCC 89-154, FCC 89-155 and FCC 89-156, respectively, which was released on August 16, 1989, is corrected to show the comment date as September 25, 1989, and reply comment date as October 30, 1989.

Thomas P. Stanley,  
*Chief Engineer.*

[FR Doc. 89-20786 Filed 9-1-89; 8:45 am]

BILLING CODE 6712-01-M

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**DEPARTMENT OF THE INTERIOR**
**Fish and Wildlife Service****50 CFR Parts 17 and 23**
**Proposed Policy on Giant Panda  
Permits**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of proposed policy for issuance of permits for giant pandas; request for comments.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces a proposed policy for issuance of permits for the import of giant pandas. Existing regulations and guidelines would be clarified with respect to new information for situations involving issuance of permits for giant pandas. Specifically, restrictions on animals intentionally removed from the wild for exhibition loans would continue. Only female pandas 2 years to under 4 years and males 2 years to under 5 years at the start and conclusion of a loan



period, respectively, and those over 18 years old would typically be considered for temporary exhibition loans, and then only if funds committed in the loan agreement are used for specific projects designed primarily to enhance the survival of the giant panda. The Service would be supportive of the use of captive animals when the loan or permanent transfer is likely to enhance the captive-breeding population. Furthermore, the basis for findings required by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention) on "primarily commercial purposes" and the "suitability of facilities" are clarified and conditioned in the proposed policy.

**DATES:** The Service will consider comments received by October 5, 1989, before announcing a final decision on this proposed policy.

**ADDRESSES:** Comments may be submitted to the Office of Scientific Authority, Mail Stop: Arlington Square Building, Room 725, U.S. Fish and Wildlife Service, Washington, DC 20240. Materials received will be available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, at the Office of Scientific Authority, Arlington Square Building, Room 750, 4401 Fairfax Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:**

Scientific Authority Findings—Dr. Charles W. Dane, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (703) 358-1708.

Management Authority Findings—Mr. Marshall P. Jones, Office of Management Authority, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (703) 358-2093.

Permit Issuance—Mr. Richard K. Robinson, Office of Management Authority, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (703) 358-2093.

**SUPPLEMENTARY INFORMATION:**

**Background**

The survival and ultimately the increase of the giant panda (*Ailuropoda melanoleuca*) is the strong desire of the United States, the People's Republic of China, and the international conservation community.

Since 1983, natural calamities, especially the die-off of certain bamboo populations (the giant panda's principal food), have threatened the survival of the giant panda. The people and the Government of the People's Republic of China (PRC) have undertaken significant efforts to save the panda and to restore

its habitat. This has generated interest and support of people and conservation organizations worldwide, and perhaps has also generated the interest in panda loans that are now a point of concern.

There are believed to be fewer than 1,000 giant pandas remaining in the wild. These animals occur in many fragmented populations, only a few of which consist of as many as 50 pandas. Poaching of pandas and loss of their habitat continues. Finally, there are fewer than 100 pandas in captivity, and breeding programs have not yet resulted in a self-sustaining captive population.

Last year, proposals for temporary exhibition loans of giant pandas became an increasingly controversial issue. The giant panda is subject to strict U.S. and international protection by its listing as an endangered species under the U.S. Endangered Species Act (Act), and its inclusion in Appendix I to the Convention. The Service is responsible for regulating panda loans to the United States by deciding whether to grant the import, export, and re-export permits required by the Act and the Convention. The Service believes that its existing regulations and guidelines under the Act and the Convention have been sufficient for panda import and re-export permit decisions made to date.

However, the Service has received reports that as many as 30 additional institutions may have been negotiating with various entities in the People's Republic of China to arrange panda loans, potentially posing additional threats to the wild and captive populations of the species. Since a large percentage of the institutions that may seek loans are from the United States, the Service must carefully evaluate new information as it relates to existing regulations and guidelines to ensure that its permitting actions continue to meet the specific issuance criteria presented later in this section. The Service announced the initiation of this reevaluation in the June 24, 1988, *Federal Register* (53 FR 23847).

Responses to this announcement were received from the International Primate Protection League (League), the Chairman of the Panda Task Force (Task Force) for the American Association of Zoological Parks and Aquariums (AAZPA), and Mr. C.P. Kanoles. With regard to specific recommendations, Mr. Kanoles commented on the purposes for which import would be allowed, emphasized the need for adequate facilities and resources for long-term care, and suggested that a numerical import quota be established.

The League expressed concern about the stress resulting from travel and

changes in diet and water, and the possibility that the large amount of funds provided to China could lead to removal of additional animals from the wild. The League also thought that the policy should apply to other species; the golden monkey was referred to elsewhere in their letter.

The Task Force (1) suggested that the AAZPA mandatory standards and the International Union for Conservation of Nature and Natural Resources (IUCN) resolution provisions should be incorporated in the guidelines, (2) asked that general guidance be provided on long-term loans but that specific criteria be considered separately, (3) suggested that a registry of all specimens be provided, (4) indicated that female pandas over 3 to 4 years should not be loaned, but were equivocal on loans of male pandas, suggesting consideration of the individual male's previous contribution to the genetic diversity of the species might be a basis for allowing loans, (5) supported the idea that any animal being loaned should be captive-born, (6) recommended that resources provided to activities in China under the loan agreement should be for tasks on a "prioritized list of panda conservation-research projects", and (7) indicated that the Task Force was not in favor of a quota system.

Furthermore, comments on most of the above topics were provided during a meeting with representatives of the World Wildlife Fund and AAZPA, where the finding on "primarily commercial purposes" was also discussed.

The U.S. Fish and Wildlife Service is reviewing available information and present policies to ensure that those loans that are permitted will not be harmful to the survival of the species. The PRC Ministry of Forestry is developing management plans for panda reserves, and the Chinese Association of Zoological Gardens is making a concerted effort to coordinate and strengthen the captive breeding program for pandas in China. The proposed U.S. policy presented herein was developed to provide all involved and interested parties with the Service's understanding of issues that it considers important to ensure that loans will not have a detrimental effect on the species and will contribute to specific activities most likely to enhance the propagation or survival of the species. The June 24, 1988, *Federal Register* notice referred only to short-term exhibition loans, since recent loans have been of this type. However, this proposed policy also addresses long-term loans for breeding



purposes because these loans also may have significant effects on the species.

Before any import permit can be granted, it must be reviewed in terms of the applicable requirements of the Convention and the Act by the Service's Offices of Scientific and Management Authority. Issuance of an import permit under the Convention requires prior findings that: (1) The import would not be for purposes detrimental to the survival of the species; (2) the import would not be for primarily commercial purposes; and (3) the permit applicant could suitably house and care for the animals. Issuance of a permit under the Act requires prior determinations that, among other things: (1) The import would be for scientific purposes or to enhance the propagation or survival of the species, in a manner consistent with the purposes and policies of the Act; and (2) issuance of the import permit would not be likely to jeopardize the continued existence of the species. These requirements are further implemented by application requirements and issuance criteria found in 50 CFR 17.21, 17.22, 23.14, and 23.15.

With regard to making the first findings listed above under both the Convention and the Act, the issue is to determine whether the loss of breeding potential as a result of a loan is offset by specific enhancement features in order to allow determinations that the import will be for purposes that are not detrimental and that will enhance the survival of the species. The second determination listed above under the Act (that the action would not be likely to jeopardize the continued existence of the species) would, of course, also have to be made.

#### Relationship of Age to Reproductive Potential

In general, the Service believes that animals of breeding age that are already in captivity should be maintained in captive-breeding programs. Therefore, the Service would not support loans of breeding age animals even during the non-breeding season unless the loans are clearly in support of creating breeding opportunities, except for special situations discussed elsewhere in this guidance. There are at least two potentially detrimental effects of loans on panda breeding programs. The first is the effect on reproductive potential of the loaned animals, and the second is the effect on genetic representation in future generations of the animals being loaned.

It is most important to include currently captive, breeding age animals in breeding programs to allow for maximum production and to maximize

opportunities to ensure that genetic lines are represented in the next generation. Females may first breed when 5 or 6 years old (and the Sichuan Province's Department of Forestry has indicated that females may breed as early as 4½ years old), and males when 6 years old. Recent information indicates that the movement and loan of animals during the non-breeding season may disrupt the breeding cycle as well as affect the socialization process among potential mates, which appears necessary for successful natural matings. Animals approaching breeding age may be similarly affected. Therefore, any young females involved in exhibition loans should typically be returned to breeding situations by the time they are 4 years old, and males, which mature slightly later, by 5 years of age.

There is still uncertainty regarding the relative importance of natural matings, and therefore of the importance of males in captive breeding. One view is that females in strong estrus will always accept natural mating by a suitable companion male, and because the conception rate resulting from natural matings is almost 100 percent, these situations should be encouraged. The Service's proposed policy is based on this view. The Service's position might be modified if new data become available that indicate otherwise.

Young animals do not achieve independence until about 1½ years of age, and therefore no pandas would be permitted to enter the United States until they are 2 years old. While there will always be some risk to individual pandas, along with the possibility that loans of pandas over 2 but less than 4 years (or 5 years for males) may affect subsequent breeding, these risks are acceptable if specific beneficial management projects are part of the total import application; i.e., if the possible loss of breeding potential is offset by possible benefits from specific projects designed to enhance the propagation or survival of the species. There does not seem to be any reason, however, why either young or old animals cannot be loaned to more than one location during the time that the individual panda is in the United States.

At least some individual pandas may breed up to at least 18 years of age, although they may live until they are at least 25 years old. Presently, there is no upper age that can be set to assure that a panda is not capable of breeding. However, older animals are less likely to be capable of reproduction. Allowing the use of older animals for loans should also provide greater assurance that offspring representing their genetic lines have been produced. Of course the

movement of any animals of this age could increase the risk of mortality. Nevertheless, with regard to older animals the proposed policy would typically treat the loan of older animals as not likely to detract from the breeding program, and the Service would usually accept the increased risk of mortalities because of offsetting enhancement projects associated with management plans. Therefore, the Service would generally permit the use of pandas 18 years old and older for short-term loans. The loan of an animal for which evidence definitively establishes that the animal is not capable of breeding would be considered on a case-by-case basis. Aggressive or incompatible behavior, or low sperm count would not be acceptable as the sole basis for meeting this part of the proposed policy.

As an aid to the coordinated management of individual animals that may be in a breeding program, a registry or family file, as these records are called in China, should be kept current and available. A coordinated registry presumably is or would be maintained by the Chinese Association of Zoological Gardens. A studbook with additional information, including parentage and relatedness, as well as a species survival plan, including designation of "founder" animals, are also important for management of a captive population. However, for the purpose of issuing permits, the name, sex, location, birth date (or estimated age if the animal was formerly rescued from the wild), and birthplace of all pandas that may be involved in loans should be documented in a registry or family file, available to all involved parties from the PRC Ministry of Forestry (the Management Authority for the Convention for the People's Republic of China), or from the Management Authority of any other exporting country. This procedure would also be consistent with the desire and intent of the Chinese to expand their captive management of this species. Certification of age and sex and a listing of distinctive or identifying markings of the specific animal(s) involved in a loan would also be documented on the export license or permit.

#### Conservation Benefits of Specific Projects

Management plans to enhance the survival of the panda in the wild are being developed by the People's Republic of China for each of the panda reserves, as well as an overall national plan for panda conservation, and we understand that these plans will identify the highest priority projects that may



contribute the most to the enhancement or survival of the species in the wild. Furthermore, there are some projects related to the captive population that may enhance the propagation, hence survival, of the species in captivity, such as development of a studbook, significant relocation of the animals for breeding purposes and, under special circumstances (i.e., where actually needed for animals already in captivity), the creation or renovation of breeding facilities. Final discussions on management plans for the panda reserves were held in October 1988. Plans were developed and are awaiting final approval by the Chinese Government. Meetings have also been held with the Chinese Association of Zoological Gardens regarding captive propagation and research, and the establishment of a studbook or registry. High priority projects identified in the panda reserve and national management plans or appropriate captive breeding programs, preferably certified by the PRC Ministry of Forestry to the U.S. Management Authority, would be accepted as offsetting the possible effect of loans of pandas of the ages previously discussed. In order to determine whether the activities associated with the loan will enhance the propagation or survival of the species, as required by the Act, the applicant usually must include descriptions of projects to be funded in China. In addition to projects related to panda reserves and national management plans, projects to support loans or the permanent transfer of captive pandas designed to move animals into captive breeding programs would also be considered in deciding whether the enhancement criteria have been met. Finally, the Service would identify the specific projects to which resources would be committed by the applicant as part of the Federal Register notice for an endangered species permit application.

#### **Determination of Whether Import is for Primarily Non-Commercial Purposes**

With regard to the determination of whether a short-term exhibition loan of giant pandas is primarily for non-commercial purposes, the Service proposes the following clarification of policy:

(a) Resolution Conf. 5.10 of the Conference of the Parties to the Convention establishes that the nature of the transfer between the owner in the country of export and the recipient in the country of import may be commercial. It is the intended use of the specimens in the country of import that must be primarily non-commercial, and

it is the responsibility of the recipient country's Management Authority to make this determination. The resolution further establishes that there may be some commercial aspects of that use, but that other non-commercial uses must be predominant in order to be deemed primarily non-commercial.

(b) To date, all successful applicants have been public, nonprofit institutions. The Service's general regulations at 50 CFR 10.12 define "public" institutions as those that \* \* \* "are open to the general public and are either established, maintained, and operated as a government service, or are privately endowed and organized but not operated for profit." Governmental agencies and nonprofit conservation organizations will likewise receive consideration if they meet a similar test.

(c) It is the Service's policy that funds raised by a public institution or organization (as defined above) that are retained (but not primarily considered as expenses) by the organization(s) or institution(s) involved in arranging for the loan, are to be used entirely to further the stated objectives and programs for which the institution or organization was established. All such excess funds retained by the importer must be used for non-commercial purposes. At least some of these excess funds must be used for the conservation of the giant panda, as well as for other endangered species and for the general conservation of fauna, flora, and other natural resources.

Collection of revenues by the importing institution, either for its own use or for the use of other organizations, for purposes other than described above, would be judged to be a primarily commercial activity, as would the use of revenues for profit-making purposes.

#### **Suitability of Facilities**

With regard to whether the recipient of a short-term panda loan would be suitably equipped to house and care for the pandas, the Service believes that there is sufficient information available that, if followed, would ensure the safety of the pandas and the viewing public. It should be noted that pandas, as is the case with other bears, can be dangerous. Applicants considering exhibiting giant pandas should consult with at least two other facilities that have successfully held pandas in recent years, and should have plans that address the National Zoological Park's recommended measures for giant panda care and facilities. Applicants should provide a statement that these reviews have taken place and that the necessary features for maintaining and exhibiting

pandas have or will be incorporated into their facilities and program, and that zoo staff involved in the care of pandas, especially the keepers, have had proper training. This statement would be expected in addition to the presently required layout and drawings of facilities and resumes of all those responsible for caring for the pandas. Furthermore, it has been customary for the Chinese involved with the loan to inspect the facilities to assure themselves that the facilities are suitable. If a permit is issued prior to inspection by the Chinese, its validity would be conditional pending their approval. The Service may also inspect the facility, and if it deems the facilities unsuitable the permit would not be issued unless or until the situation is corrected to the Service's satisfaction.

#### **Response to The Secretariat's Views**

The Service notes the Secretariat's recommendation that all giant panda exhibition loans should be undertaken in accordance with the provisions of Article III of the Convention, with no exemptions for "pre-Convention" animals (those that came into captivity prior to December 6, 1983). Therefore, if the management authority of the country of origin or of the country of re-export does not issue a pre-Convention certification, the Service will require a U.S. import permit and an export permit or reexport certificate, as appropriate, from the exporting country in accordance with Article III of the Convention.

The Secretariat also expressed concern that the increase in zoo exhibition loans will lead to the taking of more specimens from the wild. The Service will continue its policy of not allowing short-term loans of pandas when the possibility of import may contribute to the removal of pandas from the wild. Therefore, because the number of loans and financial incentives have increased in the last few years, no exhibition loan permits would typically be issued for animals removed from the wild after December 30, 1986. The Secretariat's concern regarding loans of breeding age animals and loans where the noncommercial purposes do not clearly predominate were addressed earlier in this document.

#### **Summary of Proposed Policy for Panda Loans**

##### *1. Age of Animals*

Loans (unless they clearly involve the movement of animals in support of creating breeding opportunities) should involve animals old enough to be



independent of maternal care, but not yet of breeding age or approaching breeding age, so as to minimize disruption of any captive breeding programs. Specifically, the following animals would be considered:

(a) Females at least 2 years old at the start of a loan period, and under 4 years at its conclusion;

(b) Males at least 2 years old at the start of a loan period, and under 5 years at its conclusion;

(c) Animals of either sex that are 18 years or older;

(d) Case-by-case consideration of individuals where evidence establishes that animal(s) is incapable of breeding.

## 2. Registry of Animals

Information about animals involved in a loan should be documented in a registry or family file available from the P.R.C. Ministry of Forestry, and they should be certified as to their age and sex, with any distinctive or identifying marks indicated, on the export license or permit.

## 3. Projects to Conserve the Species

Permit applications for temporary exhibitions usually must include descriptions of projects to be funded in China. These projects should be designed to implement high priority tasks from Chinese panda reserve and national management plans or appropriate captive breeding programs (preferably with supporting information from the China Management Authority if available), and should be certified by the P.R.C. Ministry of Forestry. Projects to support loans or permanent transfers of pandas into captive breeding programs would also be considered in deciding whether the enhancement criteria have been met.

## 4. Use of Funds for Non-commercial Purposes

The application should clearly demonstrate the noncommercial purposes of the proposed loan for each institution or organization that will have access to any part of revenues generated from the loan. Specifically, each organization or institution should demonstrate that it will use its share of funds to further its stated nonprofit objectives, and that these objectives will contribute primarily to the conservation of giant pandas and other endangered species, but may also contribute to other species of fauna and flora or other natural resource values.

## 5. Suitability of Facilities

Applicants should demonstrate that

they have consulted with at least two other facilities that have successfully held pandas in recent years, that they have facility designs that address the National Zoological Park's recommended measures for giant panda care and facilities, and that zoo staff, especially keepers, have had proper training. Facilities should be fully acceptable to the Service and the Chinese Government prior to arrival of the animals.

## 6. Recommendations of the Secretariat of CITES

The Service agrees with the recommendation of the Secretariat that no exemptions be granted to the requirements of Article III for the shipment of giant pandas, even for animals that might otherwise qualify for an exemption as "pre-convention" under Article VII. Therefore, if the management authority of the country of origin or of the country of re-export does not issue a pre-Convention certification, the Service will require a U.S. import permit and an export permit or re-export certificate, as appropriate, from the exporting country in accordance with Article III of the Convention. The Service will also continue its policy of approving applications only if it is sure of the possibility that the loan did not, or will not, contribute to removal of pandas from the wild, and that noncommercial purposes for the loan predominate. No exhibition loan permit would typically be issued for animals removed from the wild after December 30, 1986.

## Comments Solicited

The Service requests comments on this proposed policy. The final decision on this proposal will take into consideration the comments and any additional information received, and such consideration might lead to a final policy that differs from this proposal.

This notice was prepared by Dr. Charles W. Dane, Chief, Office of Scientific Authority, and Mr. Marshall P. Jones, Chief, Office of Management Authority, under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 30, 1989.

Susan Recce Lawson,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

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## 50 CFR Part 23

RIN 1018-AA29

## Proposed Changes in Appendices to the Endangered Species Convention

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of decision.

**SUMMARY:** The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in certain animals and plants. Species for which trade is controlled are listed in Appendices I, II, and III to CITES. The United States as a Party to the Convention may propose amendments to the appendices for consideration by the other Parties.

In this notice, the Fish and Wildlife Service (Service) announces the decisions on proposals submitted by the United States to amend Appendices I and II. These proposals will be considered at the seventh regular meeting of the Conference of the Parties. The meeting is scheduled for October 9-20, 1989, in Lausanne, Switzerland.

**DATES:** Comments received by October 3, 1989, on proposals submitted will be considered in development of final negotiating positions. Comments must be received by this date in order for them to be adequately considered before the meeting of the Parties. Comments on those proposals submitted, as well as on the tentative negotiating positions on proposals by foreign countries and on non-species matters related to the agenda of the meeting of the Parties, may also be presented at a public meeting to be held on September 8, 1989, from 1:00-4:30 p.m., in room 7000 of the U.S. Department of the Interior, 18th and C Streets NW., Washington, DC.

**ADDRESSES:** Please send correspondence concerning this notice to the Office of Scientific Authority; Mail Stop: Room 725, Arlington Square; U.S. Fish and Wildlife Service; Department of the Interior, Washington, DC 20240.

Background materials will be available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, in Room 750, 4401 Fairfax Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Dr. Charles W. Dane, Chief, Office of Scientific Authority at the address given above, or telephone (703) 358-1708.



**SUPPLEMENTARY INFORMATION:****Background**

In its previous notices on this subject (53 FR 35530, September 14, 1988, and 54 FR 11551, March 21, 1989), the U.S. Fish and Wildlife Service (Service) first requested information on plant or animal species that might lead it to prepare listing amendments for the Convention, and then described tentative U.S. proposals and sought additional comments, requesting specific information for each of the tentative proposals. The proposals announced in this notice were submitted by the Service and received by the Convention's Secretariat on May 12, 1989, in order to be considered at the next biennial meeting of the parties in Lausanne, Switzerland.

**Public Comments**

Decisions about suggested U.S. proposals discussed in the previous notice of March 21, 1989, are as follows:

1. Red-eared slider (*Trachemys* [= *Pseudemys*] *scripta elegans*)—Comments were received by the Service during two time periods. The first was in response to the September 14, 1988, Federal Register notice requesting information on species that should be considered for listing changes. In response to that request, the International Wildlife Coalition submitted to the Service a proposal to include the red-eared slider in Appendix II of CITES. In response to the March 21, 1989 Federal Register notice, the Service received additional comments on this species. In order to use all of the information available, the Service considered all comments received on this species, including those provided by its biologists, in reaching its decision not to submit this proposal.

Written comments were received from two governmental agencies (Tennessee Department of Conservation, and the Chief, Epidemiology Section, Center for Infectious Disease, U.S. Public Health Service), from 11 conservation and animal welfare organizations (including Monitor, on behalf of 10 additional organizations), 24 professional herpetologists, 1 member of Congress, and about 200 private individuals. Many of those in support of the proposal cited concerns about the possible impact of escaped exports on foreign aquatic communities, disease transmission, and humane treatment. As important as these issues may be, the Service did not consider them to be applicable to the criteria for listing species in the Appendices to the Convention. Many respondents also cited concern about the collection of mature females from the wild to replace breeding stocks on

turtle farms, and the use of adult red-eared sliders as a food source.

The criteria for listing in Appendix II as stated in resolution Conf. 1.1 require some indication that the species may be or may become threatened with extinction and that the species is presently subject to trade or is likely to become subject to trade. The information on the species status should indicate that the population is decreasing or is very limited in size or geographical distribution. Furthermore, the amount of trade should be such that there is evidence of actual or expected trade in such a volume as to constitute a potential threat to the survival of the species. The red-eared slider has an extensive distribution within the United States. With western limits of the Pecos River in New Mexico, the panhandle of Oklahoma, and western Kansas, it occurs throughout Texas and the southern states as far east as the Florida panhandle, Alabama, and central Tennessee and Kentucky. To the north, the species occurs throughout most of Missouri, Illinois, western Indiana, and into Wisconsin.

Little quantitative information is available on the size of population, but the species is reported to be common throughout much of its range although there are enough subjective (anecdotal) comments from herpetologists to suggest that it may have decreased in some areas (especially, Louisiana).

In 1987, the Service did not believe that the collecting of adult turtles to replace breeding stocks on turtle farms would threaten the survival of the species over its broad range (July 10, 1987, Federal Register). There does not appear to have been any substantial increase in the number of turtle farms, and the Service still believes that the species is not likely to become threatened with extinction as a result of the trade in turtles as pets.

However, the Service is concerned about the possibility that large numbers of adult female sliders are removed from the wild for export for Asian food markets and claims that wild populations have dramatically declined in numbers. Nevertheless, little data, other than anecdotal information, was furnished to demonstrate that there has been a significant impact on red-eared slider populations throughout its range, and the Service was unable to substantiate that large numbers of wild-caught adults are being exported to Asian countries for food.

The proposal from the International Wildlife Coalition indicated that 20,000-30,000 turtles per week are captured and exported for food during the peak of

harvest season. This estimate appeared to be based on a report by Warwick and Steedman (1988) who estimated that 300,000 to 700,000 turtles are exported annually for food. TRAFFIC-U.S. with contacts to some U.S. seafood dealers, TRAFFIC-Japan, World Wildlife Fund-Hong Kong, and others tried to assess the occurrence of such a trade. They reported that no known market for these turtles as food items existed in Asia. Nevertheless, the Service will make a specific effort to collect information on exports, and will begin entering all information on red-eared sliders obtained at the ports into the computer data system including number and weight per shipment.

If additional information substantiates that there is a large uncontrolled market for these turtles as food items, the Service may consider proposing the listing of this species in Appendix II at a later date through the postal procedure (Article XV (2)).

2. African Elephant (*Loxodonta africana*)—In response to the September 14, 1988, Federal Register document requesting information on species that should be considered for listing changes, the Humane Society of the U.S. proposed that the African elephant be listed on Appendix I. In the March 21, 1989, Federal Register the Service indicated that it was considering the submission of such a proposal and asked for additional information.

The Service recognizes the significant decline in African elephant populations and the threat posed by continued poaching and illegal trade in elephant tusks and ivory pieces. In the February 3, 1989, Federal Register (54 FR 5553) information was sought as to the ability of ivory-producing countries to control poaching and properly manage their native elephant populations.

Written comments were received from conservation and animal welfare organizations and private individuals. One host country (Botswana) responded (in cable form) stating that "they had no intention of changing its position that elephants not be accorded total protection by being placed on Appendix I."

Four organizations (American Fur Industry; National Trappers Association, Inc.; Safari Club International; and the Wildlife Legislative Fund of America) urged the Service to reject any proposal to uplist the elephant until more information is available this summer (July) when the African Elephant Working Group convenes in Botswana. However, the deadline for submitting proposals was May 12, 1989. The other organizations



(The American Society for the Prevention of Cruelty to Animals; American Association of Zoological Parks and Aquariums; Committee for Humane Legislation; Bristol Humane Society, Inc.; International Wildlife Coalition; Friends of Animals; and the Humane Society of the United States) strongly support the uplisting of the African elephant to Appendix I. Most of the public comments (529 for; 23 against) supported listing the elephant in Appendix I.

The International Wildlife Coalition and the Friends of Animals both submitted draft amendments proposing the transfer of the African elephant from Appendix II to Appendix I. Information in these proposals was considered by the Service in the preparation of the proposal submitted to the CITES Secretariat, as well as information provided by TRAFFIC (USA) and the Humane Society of the United States.

In addition to the U.S. proposal to transfer the African elephant to Appendix I, six other nations (Austria, Gambia, Hungary, Kenya, Somalia, and Tanzania) recommended the proposed transfer.

3. Flying foxes (*Pteropus* spp. and *Acerodon* spp.)—The Service received a proposal to transfer all 14 taxa of flying foxes (also known as fruit bats) currently listed in Appendix II to Appendix I, and to add the remaining 48 species in the genus to Appendix II. In the March 21, 1989, Federal Register notice, the Service announced receiving this proposal and requested specific information on trade in and population status of any of these 48 species. At least one species listed in the genus *Acerodon* in the "Checklist of the Mammals of the World" is now considered belonging to the genus *Pteropus*. Conversely, in the proposal one of the species referred to as belonging to the genus *Pteropus* is, in fact, still generally considered to be in the genus *Acerodon*. Because of the perceived need to protect this species, *Acerodon jubatus*, and because the four other species listed in the genus *Acerodon* in the checklist appear especially similar to *Pteropus* species (differing only in dental characters), the Service also included them in the proposal submitted to the CITES Secretariat. However, the Service will be particularly receptive to any comments received on this proposal in developing its final negotiating position. In fact, some further field assessments are still being conducted by the Service.

Flying foxes have been an important source of food to traditional subsistence communities of the Pacific archipelagos of Micronesia and Polynesia and

continue to be consumed in great quantities as a delicacy in more modern communities, especially on Guam. According to the proposal received, over 12,000 flying foxes from Palau, Truk, Pohnpei, Western Samoa, and the Philippines were imported into Guam in 1988, although over 50,000 have been requested for import. Palau, Truk, and Pohnpei are currently the largest suppliers.

Available data on the status of flying fox species of western Pacific archipelagos either indicate population declines due to commercial exploitation for food and/or document trade in species with especially restricted distributions.

The Service received 10 written comments during the public comment period: 8 from professional organizations, 1 from conservation and humane organizations, and 1 from the Government of Guam. Mr. Antonio S. Quitugua, Acting Director, of Guam's Aquatic and Wildlife Resources commented that their agency has collected information on the volume of flying fox imports into Guam for about 15 years and is the source of much of the data presented in the original proposal submitted to the Service. He states that current import levels from the Micronesian Islands of Palau, Truk, and Pohnpei continue to be high and raise legitimate concerns that overharvesting will decimate flying fox populations on these islands.

However, he stated that Guam could not support the uplisting of the 14 taxa of *Pteropus* from Appendix II to Appendix I since this would: (1) increase the illegal hunting pressure on endangered flying foxes on Guam and the Northern Mariana Islands, and (2) expand the trade in flying foxes to other species. Mr. Quitugua stated that a more desirable option would be to add the remaining 48 species of *Pteropus* to Appendix II, to encourage all countries with populations of flying foxes "to establish management authorities for their natural resources, and to enforce the export permit requirement for the importation of these Appendix II species into Guam." Comments by others clarified distribution and status information, reporting a decrease in populations of flying foxes throughout their range in the Pacific.

Based upon all comments received, including those provided by Service biologists and pertinent information provided by Drs. Pierson and Rainey in their comprehensive proposal, the Service has submitted the following proposal for consideration at the next conference of the Parties in October: Transfer of *Pteropus insularis*, *P.*

*mariannus*, *P. molossinus*, *P. phaeocephalus*, *P. pilosus*, *P. samoensis* (dead specimens and parts only) from Appendix II to Appendix I; retention of *P. marcrotis*, *P. tonganus*, and *P. tokudae* and the addition of *P. speciosus* and *Acerodon jubatus* in Appendix II under provisions of Article II, paragraph 2a; and inclusion of the remaining unlisted *Pteropus* species and all *Acerodon* species in Appendix II under provisions of Article II, paragraph 2b, i.e., for reasons of similarity of appearance (dead specimens and parts only).

4. Northern Pacific Fur Seal (*Callorhinus ursinus*)—The U.S. National Marine Fisheries Service requested that this species be proposed for inclusion in Appendix II of CITES. The fur seal was commercially harvested in the North Pacific under the auspices of a series of International Treaties from 1911 to 1984. The Interim Convention on Conservation of North Pacific Fur Seals of 1957 expired in 1984 and the resulting lack of regulations on international trade in this species and possible significant take, especially of adult females, in the high seas driftnet fisheries constitute a continuing threat to its declining population.

The Service received 10 comments on this proposal: 7 from conservation and animal welfare organizations, one from the Alaska Department of Fish and Game, one from the Pribilof Aleut Fur Seal Commission, and one from the Marine Mammal Commission. Four organizations (American Association of Zoological Parks and Aquariums; Center for Marine Conservation; International Wildlife Coalition; and the Humane Society of the United States) favored the listing, while three organizations were opposed (American Fur Industry; National Trappers Association Inc.; and Safari Club International). The Pribilof Aleut Fur Seal Commission also opposed the proposed amendment. The Alaska Department of Fish and Game acknowledged that fur seals using the Pribilof Islands have declined greatly after the population peaked at approximately 2.2 million animals in the mid-1950's to about 870,000 animals at the present, but did not believe sufficient information was available to take a position on the proposed listing.

The Pribilof Aleut Fur Seal Commission opposed the Appendix II listing because the National Marine Fisheries Service previously found that the northern fur seal is not threatened, and because the Commission believed that inclusion of the species on Appendix II would seriously impede the development of a handicraft industry on



the Pribilof Islands. The Service notes that the threatened status under the Endangered Species Act is not synonymous with an Appendix II listing. Furthermore, the Service does not consider that an Appendix II listing would in and of itself preclude the export of handicrafts made from seal parts should such exports be permitted by the National Marine Fisheries Service.

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors, has reviewed the proposal and recommended that the Service propose that the Northern Pacific Fur seal be added to Appendix II.

The Service submitted the proposal for consideration at the next biennial meeting of the Parties, but continues to seek additional relevant information.

5. Northern elephant seal (*Mirounga angustirostris*)—The U.S. National Marine Fisheries Service had recommended that this species be proposed for removal from Appendix II. The southern elephant seal (*M. leonina*) is also listed in Appendix II. There is no known international trade in either species. In 1985, the CITES Management Authority for Argentina suggested postponing the delisting of the northern elephant seal because of uncertainty about whether harvesting of the southern elephant seal might resume (exploitation ceased in 1961). Mexico, which harbors a major population of northern elephant seals, is not a Party to CITES, but has protected this species. Uncontrolled harvest in the United States is prohibited under the Marine Mammal Protection Act.

The Service received written comments from the American Association of Zoological Parks and Aquariums and the Center for Marine Conservation. Both recommended the removal of this species from Appendix II due to the lack of data of present exploitation. At the North American Regional CITES meeting on April 26, 1989, Fish and Wildlife Service representatives met with the Mexican government counterparts. The Mexican representative stated that they considered the species to be threatened and that there had been recent requests for specimens for exhibition purposes. Therefore, at the request of the Mexican government, the Service will not submit this proposal for consideration at the next biennial meeting of the Party Nations.

6. Resolution related to the first commercial captive breeding operation for an Appendix I animal species. In the September 14, 1988, Federal Register notice, the Service announced tentative

criteria to be used to evaluate any proposal that might be submitted to request the Parties to accept the first commercial captive breeding operation for an Appendix I animal species, as called for in resolution Conf. 6.21. Although no one requested the United States to submit such a proposal, the Animals Committee requested the U.S. and Canadian Scientific Authorities to develop such criteria. Subsequently, a draft resolution relating to bred-in-captivity was discussed at the second meeting of the Animals Committee on April 4-6, 1989, in Montevideo, Uruguay.

In response to the draft resolution, Mr. David Alderton in the United Kingdom published an article in the April 22, 1989, Cage and Aviary Birds newsletter, which incorrectly stated that the resolution would apply to all bred-in-captivity determinations. The Service, in response to Mr. Alderton's article, received 52 comments on the draft resolution, almost entirely from aviculturists in the United Kingdom.

The United States and Canada did submit a revised resolution dealing with the first commercial captive breeding operation for an Appendix I animal species. This resolution will receive further review by the Animals Committee, and may serve as a basis for the Parties to consider any first commercial captive breeding operation for an Appendix I animal species. To date, one such proposal received by the CITES Secretariat has been withdrawn, and the Secretariat is endeavoring to clarify the intentions of a second Party. For commercial facilities involving species that have already been registered with the CITES Secretariat as "bred-in-captivity" as well as any new species accepted by the Parties, the Management Authority in the country of export is still responsible for interpreting resolution Conf. 2.12, and ensuring that other facilities registered with the Secretariat meet the criteria of Conf. 2.12 for the species for which that facility is being registered.

The resolution contains recommendations: (1) As to what removal of wild specimens should be considered detrimental, (2) criteria to minimize augmentation with wild specimens, including an initial minimum of 5 male and 5 female unrelated animals, plus a breeding scheme to minimize inbreeding, (3) an expectation for overall breeding success, including viable offspring (F<sub>1</sub>) from 80 percent of the original 5 pairs, and documentation that 75 percent of the founders have some genetic representation in the second generation, and evidence that at least 50 percent of the breeding age specimens of the species at the

operation must have produced viable offspring.

Copies of the draft resolution are available from the Office of Scientific Authority (see ADDRESSES). Comments on the proposed resolution will be considered in developing the final negotiating position on the resolution, and in further communications with the Animals Committee. In addition, the Service is preparing proposed guidelines for registering U.S. facilities producing Appendix I specimens as "bred-in-captivity" for commercial purposes. These guidelines will be for species already registered or accepted by the Parties, and will be the subject of a separate Federal Register notice.

7. Plants. Comments were received only on some proposals; these are summarized below. In addition, changes in some proposals have been made based on information that became available from other sources; such changes also are presented below. Particular information is still being sought on two proposals on trees, also indicated below. If there were no comments or other changes, the proposal was submitted as presented in the March 21, 1989, Federal Register (54 FR 11551). These include: (1) The proposal to transfer a new Colombian cycad genus, *Chiqua*, from Appendix II to Appendix I, (2) the proposal not to recommend annotating any Appendix I plant species (this will allow their hybrids to be regulated as Appendix II species), (3) the proposals under 10-year-review provisions to delist the following Appendix I species:

*Prepusa hookeriana*, *Lavoisiera itambana*, and *Guarea longipetala*, and the following Appendix II species: *Phoenix hanceana* var. *philippinensis* and *Salacca clemensiana*, and (4) the 10-year-review proposal to downlist *Welwitschia mirabilis* to Appendix II. The other proposals included below are given in the same order as in the March 1989, Federal Register notice. Madagascar succulents: The three species of *Pachypodium* identified in the March Federal Register and their natural hybrids were proposed in a separate document. Nine rather than 10 succulent species of *Euphorbia* were included in the proposal to uplist all dwarf species and their natural hybrids of the subgenus *Lacanthia* in Madagascar, since *E. decaryi* var. *cap-saintemariensis* was used instead of *E. cap-saintemariensis*.

Snowdrops: In the March 1989 Federal Register, it was stated that the four species of *Galanthus* would be proposed for Appendix I and others in Appendix II. However, the information that



became available better supported the final proposal, which included all species and natural hybrids of the genus in Appendix II.

**Chamaedorea** palms: Five commenters in commercial horticulture were opposed to all or parts of the proposal; some also supported parts of the proposal. One commenter gave tentative support to CITES regulation for 16 of the 18 species, and stated opposition for 2 species best known to him. Another commented in opposition, only on the same two species. A third commenter supported the listing in Appendix II of nine species, including the three species so recommended in the March 1989 Federal Register, and six other species that had been recommended for Appendix I. He opposed the listing of seven species that are successfully cultivated, although it was not clear from the comments to what extent wild seeds might be used in propagation of some of these, in addition to those (perhaps the majority) grown from seeds of plants in cultivation (the United States considers specimens grown from wild seeds not to quality as artificially propagated under CITES). A fourth commenter opposed listing any of the species, and provided information on most of them. The Florida Nurserymen and Growers Association requested that the proposal be set aside, or that a public hearing be held on it in Florida. After reviewing the revised proposal this association will have an opportunity to provide further comments either in writing or at the Service's September 8, 1989, meeting to receive comments on negotiating positions for the meeting of the Parties.

Some commenters did not seem familiar with the actual restrictions that would be imposed under CITES for specimens depending on whether the species was in Appendix I or Appendix II. Furthermore, some did not discern the regulatory distinctions of the different kinds or origins of specimens, for example wild seeds themselves, or specimens grown from wild seeds, or specimens artificially propagated, such as those grown from seeds of propagation stock plants indefinitely maintained under controlled conditions in cultivation. The Service's Office of Management Authority (P.O. Box 3507, Arlington, VA 22203, telephone 703/358-2104; fax 703/358-2232) can provide general information on the regulation of plants under CITES.

The final proposal submitted to the CITES Secretariat has also been sent to those commenting on the draft summary in the March 1989 Federal Register. It

differs from that summarized in that document by: (1) Changing to propose four species (*Chamaedorea cataractarum*, *C. metallica*, *C. radicalis*, and *C. Seifrizii*) for Appendix II instead of Appendix I, and (2) by excluding artificially propagated specimens of *C. Seifrizii*. The Service is considering removal or modification of this exclusion and the only other similar exclusion, which was discussed for *C. elegans*, from the proposal. The Service remains interested in receiving any comments on the proposal to place 18 species and their natural hybrids of *Chamaedorea* under regulation by CITES, i.e., 9 species in Appendix I (*C. amabilis*, *C. ferruginea*, *C. glaucifolia*, *C. klotzschiana*, *C. montana*, *C. oreophila*, *C. pulchra*, *C. stolonifera*, and *C. tenella*), and 9 in Appendix II (including *C. elegans*, *C. ernesti-augusti*, *C. rojasiana*, *C. simplex*, and *C. tuerkheimii* in addition to the 4 species listed above that were changed to Appendix II), but excluding artificially propagated specimens of *C. elegans* and *C. seifrizii* (both proposed for Appendix II). Although *Chamaedorea* 'Florida Hybrid' (*C. erumpens* x *C. seifrizii*) normally would be regulated following CITES resolution Conf. 2.13, because *C. seifrizii* specimens that are artificially propagated are excluded, so also would be the hybrids made from such specimens. Only if wild specimens of *C. seifrizii* were used to make new hybrids would *C. 'Florida Hybrid'* be subject to regulation by CITES.

**Madagascar palms:** No proposal on these species was submitted for the seventh meeting of the Conference of the Parties this October; the anticipated draft proposal was not provided, and the partial information that was provided came too late and unexpectedly to develop into a proposal. Comments opposed to the uplisting of *Neodypsis decaryi* were received from three persons in commercial horticulture, who were concerned that regulating the seeds of this species would not benefit it in the wild; one stated that so much seed is available from commercial propagation stock, where it is now artificially propagated outside Madagascar, that it is unlikely there is a significant demand for the wild seeds now. One of the commenters requested delisting of the *Neodypsis*, a position the Service opposes because there is some evidence of continuing collection of its wild seeds for international trade. One of the commenters supported the listing of the other two palms, and one opposed the

listing, stating as a general principle that unregulated exchange of seeds was more likely to prevent species' complete extinction, as they might survive in cultivation if not in their ecosystems.

**Cycad seeds:** One horticultural seed company commented to support the delisting of seeds of cycads in Appendix II of CITES, independently stating some of the views in the draft proposal. The Service submitted the proposal to delist these seeds to the CITES Secretariat.

**10-year Review Actions:** A taxonomic botanist specialized in aroids (Araceae) commented that *Alocasia zebrina* was common where he had seen it during field work. Based on all available information, the proposal to delist this Appendix I species was submitted. The Service also submitted a proposal to delist the Appendix I *Caryocar costaricense*. However the potential for international use of edible oils from this species may pose a sufficient risk to warrant retention of this species including its parts and derivatives on Appendix II. Use of these oils was not considered in making the proposal, nor has anyone commented or as yet provided information on this subject. Therefore, the Service would appreciate any information on this trade.

Switzerland has proposed to delist *Tachigali versicolor* from Appendix I, while the United States has proposed to downlist it to Appendix II. The United States may decide to support the Swiss proposal, but so far has been unable to obtain valuable information from several U.S. researchers who may be studying the species in the field. It expects to be able to obtain the information in September, which may add support for the Swiss proposal.

#### List of Subjects in 50 CFR Part 23

Endangered and threatened plants, Endangered and threatened wildlife, Exports, Fish, Imports, Marine mammals, Plants (agriculture) Treaties.

This notice is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.; 87 Stat. 884, as amended). It was prepared by Drs. Richard M. Mitchell and Bruce MacBryde, Office of Scientific Authority.

Dated: August 29, 1989.

Richard N. Smith,  
Acting Deputy Director.

[FR Doc. 89-20914 Filed 9-1-89; 8:45 am]

BILLING CODE 4310-55-M



**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

50 CFR Ch. VI

[Docket No. 90650-9150]

RIN 0648-AB25

**Atlantic Coast Striped Bass Regulations in the Exclusive Economic Zone****AGENCY:** National Marine Fisheries Service, NOAA, Commerce.**ACTION:** Notice of extension of comment period.

**SUMMARY:** NOAA issues this notice to extend the period during which the public may comment on the advance notice of proposed rulemaking (ANPR) on regulations on fishing for Atlantic striped bass in the exclusive economic zone (EEZ) 3-200 miles (4.8-321.9 km) offshore. Copies of the advance notice of proposed rulemaking may be obtained from the address below.

**DATE:** Comments on the ANPR should be submitted on or before October 15, 1989.

**ADDRESSES:** Send comments on the ANPR to Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** David G. Deuel or Austin R. Magill, 301-427-2347.

**SUPPLEMENTARY INFORMATION:****Background**

The ANPR on proposed regulations on fishing for Atlantic striped bass in the EEZ was published in the *Federal Register* on August 16, 1989 (54 FR 33735). The schedule for this submitted ANPR specified a comment period through September 15, 1989.

A key organization to supply comments from on the ANPR is the Atlantic States Marine Fisheries Commission. The management measures presented in the ANPR were discussed

at the Atlantic States Marine Fisheries Commission's Striped Bass Management Board Meeting on August 23, 1989. The Board (representatives of five coastal states) concluded that it would prefer to discuss proposed regulations with all 12 member Atlantic coastal states involved with striped bass management. The annual meeting of the Atlantic States Marine Fisheries Commission is scheduled for October 2-5, 1989, and the management measures in the ANPR could be discussed by all member states at that time. Therefore, to obtain the views of all member states of the Commission, the comment period is extended through October 15, 1989 by this notice.

(16 U.S.C. 1851 note)

Dated: August 29, 1989.

**Richard H. Schaefer,***Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 89-20774 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-22-M



# Notices

Federal Register

Vol. 54, No. 170

Tuesday, September 5, 1989

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

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### Privacy Act; System of Records

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice of revision of Privacy Act Systems of Records.

**SUMMARY:** Notice is hereby given that the United States Department of Agriculture (USDA) is revising one of its Privacy Act Systems of Records, USDA/FmHA-1, "Applicant/Borrower or Grantee File, USDA/FmHA," for the purpose of adding two new routine uses and to clarify one of the previously established routine uses of the system.

**EFFECTIVE DATE:** This notice will be adopted without further publication in the Federal Register on November 6, 1989, unless modified by a subsequent notice to incorporate comments received from the public. Comments must be received by the contact person listed below on or before October 5, 1989.

**FOR FURTHER INFORMATION CONTACT:** Aimee Fisher, Freedom of Information Officer, Administrative Services Division, Farmers Home Administration (FmHA) USDA, Room 6865, South Building, Washington, DC 20250; telephone (202) 382-9638.

**SUPPLEMENTARY INFORMATION:** USDA/FmHA hereby revises its System of Records, USDA/FmHA-1, by amending the "routine uses of records maintained in the system, including categories of users and the purposes of such uses".

One new routine use is being added to implement the discretion granted the Secretary of Agriculture under the Stewart B. McKinney Homeless Assistance Amendments of 1988 (Pub. L. No. 100-628, dated November 7, 1988, which amended section 510(d) of the Housing Act of 1949) to permit litigation arising under section 502 (Farmers

Home Administration single family housing loans) to be handled by the Department of Justice, by the USDA Office of the General Counsel, or by contract with private sector attorneys. This new routine use permits private sector attorneys under contract to provide legal services access to the FmHA files of borrowers involved in foreclosure, possession, and collection actions related to their FmHA loans. A second new routine use is being added to enable FmHA to refer its files to the Department of Justice for the purpose of litigation arising under statutes administered by FmHA. This system notice also modifies a previously published routine use to clarify that FmHA must make a determination, prior to releasing information that constitutes evidence in a judicial or administrative proceeding or that is sought in the course of discovery, that the information disclosed is relevant and necessary to the proceeding. A minor stylistic change has also been made to a second previously published routine use for purposes of clarity.

Accordingly, USDA publishes the following routine uses of the FmHA System of Records, "Applicant/Borrower or Grantee File, USDA/FmHA-1," originally published in 50 FR 25727, June 21, 1985:

#### USDA/FmHA-1

##### System Name:

Applicant/Borrower or Grantee File, USDA/FmHA-1

\* \* \* \* \*

##### *Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:*

Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute or a rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

Information not identified with any individual borrower(s) may provide the basis for statistical reports and news releases citing borrowers' progress.

Referral to employers, businesses, landlords, creditors and others to determine repayment ability and eligibility for FmHA programs. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Referral to a collection or servicing contractor, or a local, State, or Federal agency, when FmHA determines such referral is appropriate for servicing or collecting the borrower's account or as provided for in contracts with servicing or collection agencies.

Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery, to the extent that the information disclosed is relevant and necessary to the proceeding.

Referral of commercial credit information, which is filed in a system of records, to a commercial credit reporting agency for it to make the information publicly available.

Referral to financial consultants, advisors, or underwriters, when FmHA determines such referral is appropriate for developing packaging and marketing strategies involving the sale of FmHA loan assets required by the Omnibus Budget Reconciliation Act of 1986, Pub. L. 99-509.

Referral to private attorneys under contract either with FmHA or with the Department of Justice for the purpose of foreclosure and possession actions and collection of past due accounts in connection with FmHA loans.

Referral to the Department of Justice for the purpose of litigation arising under statutes administered by FmHA.

Dated: August 29, 1989.

Clayton Yeutter,

Secretary of Agriculture.

[FR Doc. 89-20734 Filed 9-1-89; 8:45am]

BILLING CODE 3410-01-M



## Animal and Plant Health Inspection Service

[Docket No. 89-133]

### Availability of Environmental Assessment and Finding of No Significant Impact Relative to Issuance of a Permit to Field Test Genetically Engineered Tomato Plants

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that an environmental assessment and finding of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of a permit to Monsanto Agricultural Company to allow the field testing, in Jerseyville, Illinois, of genetically engineered tomato plants. The tomato plants have been genetically engineered to be tolerant to tobacco mosaic virus, tomato mosaic virus, or both. The assessment provides a basis for the conclusion that the field testing of these genetically engineered tomato plants will not present a risk of introduction or dissemination of a plant pest and will not have any significant impact on the quality of the human environment. Based upon this finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

**ADDRESS:** Copies of the environmental assessment and finding of no significant impact are available for public inspection at Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:**

Dr. Michael Schechtman, Biotechnologist, Biotechnology Permit Unit, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8761. For copies of the environmental assessment and finding of no significant impact, write Ms. Linda Gordon at this same address. The environmental assessment should be requested under accession number 89-073-01.

**SUPPLEMENTARY INFORMATION:**

The regulations in 7 CFR part 340 regulate the introduction (importation, interstate movement, and release into

the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article can be introduced in the United States. The regulations set forth procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

Monsanto Agricultural Company of St. Louis, Missouri, has submitted an application for a permit for release into the environment, to field test tomato plants genetically engineered to be tolerant to tobacco mosaic virus, tomato mosaic virus, or both. The field trial will take place in Jerseyville, Illinois.

In the course of reviewing the permit application, APHIS assessed the impact on the environment of releasing the tomato plants under conditions described in the Monsanto Agricultural Company application. APHIS concluded that the field testing will not present a risk of plant pest introduction or dissemination and will not have any significant impact on the quality of the human environment.

The environmental assessment and finding of no significant impact, which are based on data submitted by Monsanto Agricultural Company, as well as a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field testing.

The facts supporting APHIS's finding of no significant impact are summarized below and are contained in the environmental assessment.

1. Genes encoding the tobacco mosaic virus coat (capsid) protein and the tomato mosaic virus coat protein have been inserted separately and jointly into the chromosomes of a series of tomato plants. In nature, the genetic material contained in a plant chromosome can only be transferred to other sexually compatible plants via cross-pollination. In this field trial, the inserted gene(s) would not spread to any other plant by cross-pollination because the field test plot is a sufficient distance from any sexually compatible plants with which the genetically engineered tomato plants might cross-pollinate.

2. Neither the viral coat (capsid) protein genes, nor their gene products, confers on tomato plants any plant pathogenic characteristic. Introduction of these genes is expected to have no effect on complex plant characteristics such as the ability to fix nitrogen, yield, or susceptibility to unrelated plant pests.

3. The plasmid vectors used to transfer the tobacco mosaic virus coat (capsid) protein gene and the tomato mosaic virus coat protein gene into a tomato chromosome have been evaluated for their use in this experiment, and do not pose a plant pest risk. The plasmid vectors, although derived from an original Ti plasmid with known plant pathogenic potential, have been disarmed; that is, genes that are necessary to confer phytopathogenicity have been removed from them. The plasmid vectors have been tested either alone or with their host bacterium, and shown to be nonpathogenic to susceptible plants.

4. The vector agent, the phytopathogenic bacterium that was used to deliver the plasmid vector encoding the tobacco mosaic virus coat (capsid) protein gene and the tomato mosaic virus coat protein gene into a tomato plant cell, has been shown to be eliminated and no longer associated with any transformed tomato plant or seed.

5. Horizontal movement by infectious transfer of the introduced gene is not known to be possible. The plasmid vector acts by delivering the gene to the tomato genome where it is stably inserted into the tomato chromosomal DNA. The plasmid vector cannot replicate independently of its vector agent and does not survive in any plant. No mechanism of horizontal movement is known to exist in nature to move the inserted gene from a chromosome of a transformed plant to any other organism.

6. The field test plot, which is approximately 0.8 acre, will be located on a large research farm. The research farm is located in an isolated area and has been safely used for controlled experiments employing regulated articles. The level of physical containment has been found to be adequate to prevent an accidental release or dissemination into the environment.

7. The field experiment will be ended by mowing and disking tomato plants and fruit back into the field plot. To eliminate volunteer plants, the plot will be cultivated as necessary for 2 months following the test, and again the following spring.



The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1509), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC, this 30th day of August 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-20738 Filed 9-1-89; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 89-143]

**U.S. Veterinary Biological Product and Establishment Licenses Issued, Suspended, Revoked, or Terminated**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to advise the public of the issuance, suspension, revocation, or termination of veterinary biological product and establishment licenses, and veterinary biological product permits by the Animal and Plant Health Inspection Service during the month of June 1989. These actions are taken in accordance with the regulations issued pursuant to the Virus-Serum-Toxin Act.

**FOR FURTHER INFORMATION CONTACT:** Joan Montgomery, Program Assistance, Veterinary Biologics, Biotechnology,

Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6332.

**SUPPLEMENTARY INFORMATION:** The regulations in 9 CFR part 102, "Licenses For Biological Products," require that every person who prepares certain biological products that are subject to the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*) shall hold an unexpired, unsuspended, and unrevoked U.S. Veterinary Biological Product License. The regulations set forth the procedures for applying for a license, the criteria for determining whether a license shall be issued, and the form of the license.

Pursuant to these regulations, the Animal and Plant Health Inspection Service (APHIS) issued the following U.S. Veterinary Biological Product Licenses during the month of June 1989:

| Product license code | Date issued | Product   | Establishment                                | Establishment license No. |
|----------------------|-------------|---|--|---------------------------|
| 1095.20              | 06-30-89    | Bovine respiratory syncytial virus vaccine, killed virus.....   | Grand Laboratories, Inc.....                 | 303.                      |
| 1177.20              | 06-07-89    | Bovine rhinotracheitis-virus diarrhea-parainfluenza, vaccine, modified live and killed virus.   | CEVA Laboratories, Inc.....                  | 243-A.                    |
| 1185.20              | 06-23-89    | Bovine rhinotracheitis-virus diarrhea-parainfluenza-respiratory syncytial virus vaccine, killed virus.                                | Grand Laboratories, Inc.....                 | 303.                      |
| 1679.31              | 06-07-89    | Mink distemper-enteritis vaccine, modified live and killed virus....  | Harlan Sprague Dawley, Inc.....              | 245.                      |
| 1685.21              | 06-07-89    | Mink enteritis, vaccine, killed virus.....  | Harlan Sprague Dawley, Inc.....              | 245.                      |
| 1895.00              | 06-02-89    | Pseudorabies vaccine, killed virus.....   | Boehringer Ingelheim Animal Health, Inc..... | 124.                      |
| 2840.00              | 06-09-89    | Streptococcus suis bacterin.....  | Bio Vac Laboratories, Inc.....               | 307.                      |
| 48B5.10              | 06-16-89    | Newcastle-bronchitis vaccine—mycoplasma gallisepticum bacterin, killed virus.   | Schering Corporation.....                    | 165-A.                    |
| 4929.31              | 06-07-89    | Mink distemper-enteritis vaccine—clostridium botulinum type C bacterin-toxoid, modified live and killed virus.                        | Harlan Sprague Dawley, Inc.....              | 245.                      |
| 4949.31              | 06-07-89    | Mink distemper-enteritis vaccine—clostridium botulinum type C-pseudomonas aeruginosa bacterin-toxoid, modified live and killed virus. | Harlan Sprague Dawley, Inc.....              | 245.                      |
| 4955.21              | 06-07-89    | Mink enteritis vaccine—clostridium botulinum type C bacterin-toxoid, killed virus.  | Harlan Sprague Dawley, Inc.....              | 245.                      |
| 49A5.21              | 06-07-89    | Mink enteritis vaccine—clostridium botulinum type C-pseudomonas aeruginosa bacterin-toxoid, killed virus.                             | Harlan Sprague Dawley, Inc.....              | 245.                      |
| 8699.00              | 06-15-89    | Pasteurella haemolytica toxoid.....   | Langford Laboratories, Inc.....              | 362.                      |
| A271.01              | 06-23-89    | Bursal disease virus, live virus, for further manufacture.....  | Select Laboratories, Inc.....                | 279.                      |
| B641.00              | 06-23-89    | Erysipelothrix rhusiopathiae bacterin, for further manufacture.....   | SmithKline Beckman Corporation.....          | 189.                      |

The regulations in 9 CFR part 104, "Permits for Biological Products," require that every person importing biological products subject to the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*) into the United States shall hold a U.S. Veterinary Biological Product Permit for each biological product to be imported. The regulations set forth the procedures for applying for a permit, the criteria for determining whether a permit shall be issued, and the form of the permit. Pursuant to these regulations, APHIS issued the following U.S. Veterinary Biological Product Permit for general distribution and sale during the month of June 1989:

| Establishment               | Permit No. | Dated Issued   |
|-----------------------------|------------|----------------|
| Langford Laboratories, Inc. | 362        | June 15, 1989. |

The regulations in 9 CFR part 102 also require that each person who prepares biological products that are subject to the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*) shall hold a U.S. Veterinary Biologics Establishment License. The regulations set forth the procedures for applying for a license, the criteria for determining whether a license shall be issued, and the form of the license. No U.S. Veterinary Biological Establishment

Licenses were issued during the month of June 1989.

The regulations in 9 CFR parts 102 and 105 also contain provisions concerning the suspension, revocation, and termination of U.S. Veterinary Biological Product Licenses, U.S. Veterinary Biologics Establishment Licenses, and U.S. Veterinary Biological Product Permits. No U.S. Veterinary Biological Product Licenses, U.S. Veterinary Biologics Establishment Licenses, or U.S. Veterinary Biological Product Permits were suspended, revoked, or terminated during the month of June 1989.



Done in Washington, DC, this 30th day of August 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-20739 Filed 9-1-89; 8:45 am]

BILLING CODE 3410-34-M

## DEPARTMENT OF COMMERCE

### Agency Information Collection Under Review by the Office of Management and Budget

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

Agency: National Oceanic and Atmospheric Administration.

Title: Weather Modification Activities Report.

Form Numbers: NOAA—Forms 17-4, 17-4A, and 17-4B; OMB—0648-0025.

Type of Request: Request for extension of OMB approval of a currently cleared collection.

Burden: 40 respondents; 40 reporting hours; average hours per response—.5 hours; recordkeeping hours—5 hours per recordkeeper.

Needs and Uses: All non-Federal attempts to modify the weather must be reported. The data on the attempts are used to show trends in modification activities and for research.

Affected Public: State or local governments, businesses or other for-profit, small businesses or organizations.

Frequency: On occasion, recordkeeping.  
Respondent's Obligation: Mandatory.  
OMB Desk Officer: Russell Scarato, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 8622, 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, D.C. 20503.

Dated: August 28, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-20687 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-CW-M

### Agency Form Under Review by the Office of Management and Budget

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

Agency: Bureau of the Census.

Title: Quarterly Financial Report.

Form Number: QFR-101, 101A, 102, 103A.

Agency Approval Number: 0607-0432.

Type of Request: Revision of a currently approved collection.

Burden: 180,980 hours.

Number of Respondents: 14,785.

Avg Hours per Response: 4 hours and 11 minutes.

Needs and Uses: The Quarterly Financial Report (QFR) is the best source of timely financial data for gauging quarterly performance of the nonregulated, domestic corporate sector. Data are collected from a sample of manufacturing, mining, and trade corporations and are used by Government and private sector organizations and individuals for economic policy making and in estimating the Gross National Product.

Affected Public: Businesses and other for profit organizations and small businesses or organizations.

Frequency: Quarterly, Annually QFR-103A only, Biennially QFR-103A only.

Respondent's Obligation: Mandatory.  
OMB Desk Officer: Don Arbuckle, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Don Arbuckle, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.  
Dated: August 25, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-20688 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-07-M

### Bureau of Export Administration

#### Joint Factory Computing and Communications Subcommittee of: The Automated Manufacturing Equipment Technical Advisory Committee; the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; the Computer Systems Technical Advisory Committee and the Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

A meeting of the Joint Factory Computing and Communications Subcommittee of the Automated Manufacturing Equipment Technical Advisory Committee; the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; the Computer Systems Technical Advisory Committee and the Electronic Instrumentation Technical Advisory Committee will be held September 29, 1989, 9:00 a.m., Room 1617F, Herbert C. Hoover Building, 14th Street and Constitution Avenue NW., Washington, DC. The Joint Subcommittee advises the Office of Technology & Policy Analysis on overlapping issues such as: Computerized Numerical Control (CNC), Computer-Aided-Design (CAD), Computer-Aided-Manufacturing (CAM), Computer Aided-Engineering (CAE), etc.

#### Agenda

##### General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Reports from Technical Advisory Committee Representatives.
4. Discussion of CAD Project.
5. Networking.
6. Discussion of Automated Test Equipment.
7. Other Business.

##### Executive Session

8. 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 & Constitution Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence 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 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 sections 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 Subcommittee 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, contact Lee Ann Carpenter on 202/377-2583.

Dated: August 29, 1989.

William L. Clements,  
Acting Director, Office of Technology &  
Policy Analysis.

[FR Doc. 89-20724 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-DT-M

### Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Computer Systems Technical Advisory Committee will be held September 27, 1989, 1:00 p.m. in the Herbert C. Hoover Building, Room 1617F, 14th & 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 systems or technology.

#### Agenda

##### General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Supercomputer Subcommittee Annual Report and 1990 Plan.
4. Computer Systems Technical Advisory Committee Annual Report and 1990 Plan.
5. Meeting Dates and Agenda for Future Meeting in Portland, Oregon.

### 6. Miscellaneous Items (Other Meeting Reports and Status Items).

#### 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 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 and Pennsylvania Avenue 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, contact Lee Ann Carpenter at (202) 377-2583.

Dated: August 29, 1989.

William L. Clements,  
Acting Director, Office of Technology &  
Policy Analysis.

[FR Doc. 89-20728 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-DT-M

### Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held September 26, 1989, 1:00 p.m., Room 1617F, Herbert C. Hoover Building, 14th

Street and Constitution Avenue, NW., Washington, DC. The Hardware Subcommittee was formed to study computer hardware with the goal of making recommendations to the Department of Commerce 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. Annual Report and 1990 Plan.
4. Status on Array Processor Foreign Availability Study.
5. Computer Systems Technical Advisory Committee Responses to Department of Commerce.
6. LAN Proposal Review.
7. License Simplification Proposal.
8. Workstations.

##### Executive Session

9. 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 and Pennsylvania Avenue 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 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 Lee Ann Carpenter at (202) 377-2583.

Dated: August 29, 1989.

William L. Clements,

*Acting Director, Office of Technology & Policy Analysis.*

[FR Doc. 89-20726 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-DT-M

#### Licensing Procedures and Regulations Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Licensing Procedures and Regulations Subcommittee of the Computer Systems Technical Advisory Committee will be held September 27, 1989, 9:00 a.m., Room 1617F, Herbert C. Hoover Building, 14th Street & Constitution Avenue, NW., Washington, DC. The Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

#### Agenda

##### General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Annual Report and 1990 Plan.
4. Review of Computer Systems Technical Advisory Committee Responses to Action Items.

##### Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, Room 4069A, U.S. Department of Commerce, 14th and Pennsylvania Avenue NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence 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 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 Subcommittee 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, contact Lee Ann Carpenter at (202) 377-2583.

Dated: August 29, 1989.

William L. Clements,

*Acting Director, Office of Technology & Policy Analysis.*

[FR Doc. 89-20727 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-DT-M

#### Software Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

A meeting of the Software Subcommittee of the Computer Systems Technical Advisory Committee will be held September 26, 1989 at 9:30 a.m., Room 1617F, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC. The Software Subcommittee was formed to study computer software with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

#### Agenda

1. Opening remarks by the Chairman.
2. Presentation of Papers or Comments by the Public.
3. Annual Report and 1990 Plan.
4. Status on Delegation of Authority on Encryption.
5. Status on CCL 1566 ("software" and technology).

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 presented 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 and Pennsylvania Avenue NW., Washington, DC 20230.

For further information or copies of the minutes, contact Lee Ann Carpenter at (202) 377-2583.

Dated: August 29, 1989.

William L. Clements,

*Acting Director, Office of Technology & Policy Analysis.*

[FR Doc. 89-20725 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-DT-M

#### International Trade Administration

[C-223-601]

#### Certain Cut Flowers From Costa Rica; Final Results of Countervailing Duty Administrative Review

**AGENCY:** International Trade Administration/Import Administration, Commerce.

**ACTION:** Notice of final results of countervailing duty administrative review.

**SUMMARY:** On June 28, 1989, the Department of Commerce published the preliminary results of its administrative review of the agreement suspending the countervailing duty investigation on certain cut flowers from Costa Rica. We have now completed that review and determine that the signatories have complied with the terms of the suspension agreement during the period January 13, 1987 through December 31, 1987.

**EFFECTIVE DATE:** September 5, 1989.

**FOR FURTHER INFORMATION CONTACT:** Philip Pia or Paul McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 28, 1989, the Department of Commerce ("the Department") published in the *Federal Register* (54 FR 27197) the preliminary results of its administrative review of the agreement suspending the countervailing duty investigation regarding certain cut flowers from Costa Rica (52 FR 1356; January 13, 1987). We have now completed that administrative review in



accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

#### Scope of Review

Imports covered by this review are shipments of Costa Rican miniature (spray) carnations, standard carnations and pompon chrysanthemums. During the review period, such merchandise was classifiable under items 192.17 and 192.21 of the Tariff Schedules of the United States. This merchandise is currently classifiable under HTS items 0603.10.30 and 0603.10.70.

The review covers 29 producers and exporters of the subject merchandise. These 29 producers and exporters, along with the Government of Costa Rica (GOCR) and the Asociacion Costarricense de Floricultores (ACOFLO), are the signatories to the suspension agreement (see Appendix A of this notice for a listing of the 29 signatory producers and exporters).

The review covers the period January 13, 1987 through December 31, 1987, and six programs: (1) Tax Credit Certificates; (2) Certificates for Increasing Exports (CIE); (3) Income Tax Exemptions for Export Earnings; (4) Exporter Credit for Sales Tax and Consumption Tax on Certain Domestic Purchases; (5) Exporter Exemptions for Taxes and Duties on Imports; and (6) Accelerated Depreciation.

#### Final Results of Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

As a result of our review, we determine that the signatories have complied with the terms of the suspension agreement for the period January 13, 1987 through December 31, 1987.

The agreement can remain in force only as long as shipments from the signatories account for at least 85 percent of imports of the subject cut flowers into the United States. Our information indicates that the 29 signatory companies accounted for substantially all of the imports into the United States of this merchandise during the review period.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.22 of the Commerce Regulations published in the Federal Register on December 27, 1988 (53 FR 52306) (to be codified at 19 CFR 355.22).

Dated: August 23, 1989.

Eric I. Garfinkel,  
Assistant Secretary for Import  
Administration.

#### Appendix A

##### List of Signatory Producers and Exporters

1. American Flower Corp., S.A.
2. Flores del Cerro
3. Agroflor de Paraiso, S.A.
4. Hermelink y Garcés, S.A.
5. Tico Flor, S.A.
6. Cooxflo R.L.
7. Compania Agricola Flex, S.A.
8. Flor Bella, S.A.
9. Expoflor de Cartago, S.A.
10. Lianpa, S.A.
11. Floricultura de Costa Rica, S.A.
12. Vivero el Zamorano, S.A.
13. Flores de Iztaru, S.A.
14. Inversiones Costa Flor, S.A.
15. Coopeflor R.L.
16. Euroflores, S.A.
17. Flores y Follajes del Tiro, S.A.
18. Flores del Volcan CRP, S.A.
19. Goreza, S.A.
20. Llano Claro, S.A.
21. Ornamentales Cargil, S.A.
22. Floricultura La Colina, S.A.
23. Flores Intercontinentales, S.A.
24. Fincas Nabori, S.A.
25. Flores de Coris, S.A.
26. Florex, S.A.
27. C.R.B. Internacional, S.A.
28. Flores del Caribe, S.A.
29. Zurqui Flor de Costa Rica, S.A.

[FR Doc. 89-20698 Filed 9-1-89; 8:45 am]  
BILLING CODE 3510-05-M

[C-533-066]

#### Certain Fasteners From India; Revocation of Countervailing Duty Order

**AGENCY:** International Trade Administration/Import Administration, Commerce.

**ACTION:** Notice of revocation of countervailing duty order.

**SUMMARY:** The Department of Commerce is revoking the countervailing duty order on certain industrial fasteners from India because it is no longer of interest to interested parties.

**EFFECTIVE DATE:** January 1, 1989.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Stroup or Paul J. McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

#### SUPPLEMENTARY INFORMATION Background

On June 30, 1989, the Department of Commerce ("the Department") published in the Federal Register (54 FR 27662) its intent to revoke the countervailing duty order on certain fasteners from India (45 FR 48607; July 21, 1980). Interested parties who objected to the revocation were provided the opportunity to submit their comments on or before July 31, 1989. Additionally, as required by § 355.25(d)(4)(ii) of the Commerce Department's regulations, published in the Federal Register on December 27, 1988 (53 FR 52358) (to be codified at 19 CFR 355.25(d)(4)(ii)), the Department served written notice of its intent to revoke this order on each interested party listed on the service list. On July 3, 1989, the Department published a notice of opportunity to request administrative review in this proceeding (54 FR 27920) for the period January 1, 1988 through December 31, 1988.

#### Scope of Order

The United States, under the auspices of the Customs Cooperation Council, has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule ("HTS"), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by this review are shipments of Indian industrial fasteners. Through 1988, such merchandise was classified under item numbers 646.4920, 646.4940, 646.5800, 646.6020, 646.6040, 646.6320, and 646.6340 of the Tariff Schedules of the United States Annotated. This merchandise is currently classifiable under HTS item numbers 7318.11.00, 7318.12.00, 7318.14.10, 7318.14.50, 7318.15.20, 7318.15.40, 7318.15.60, and 7318.15.80. The written description remains dispositive.

#### Determination to Revoke

The Department may revoke an order if the Secretary of Commerce concludes that an order is no longer of interest to interested parties. We received no objections to our intent to revoke the countervailing duty order on certain fasteners from India and have not received a request to conduct an administrative review of the order for



the past five consecutive annual anniversary months.

Based on the absence of both objections to the revocation of this order and requests for administrative reviews by interested parties, the Department has concluded that the order is no longer of interest to interested parties. Therefore, we are revoking the countervailing duty order on certain fasteners from India in accordance with § 355.25(d)(4) of the Department's regulations. The effective date of this revocation is January 1, 1989.

Further, as required by § 355.25(d)(5) of the Department's regulations, the Department is terminating the suspension of liquidation and will instruct the Customs Service to liquidate, without regard to countervailing duties, all unliquidated entries of this merchandise exported from India on or after January 1, 1989.

This notice is in accordance with § 355.25(d)(3)(vii) and 355.25(d)(5) of the Department's regulations.

Dated: August 28, 1989.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 89-20729 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-DS-M

[C-557-804]

### Final Negative Countervailing Duty Determination; Certain Steel Wire Nails From Malaysia

**AGENCY:** Import Administration, International Trade Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** We determine that no benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Malaysia of certain steel wire nails ("the subject merchandise"), as described in the Scope of Investigation section of this notice.

**EFFECTIVE DATE:** September 5, 1989.

**FOR FURTHER INFORMATION CONTACT:** Vincent Kane or Carole Showers, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-2815 or 377-3217.

**SUPPLEMENTARY INFORMATION:**

#### Final Determination

Based on our investigation, we determine that no benefits which constitute bounties or grants within the

meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Malaysia of the subject merchandise.

#### Case History

Since publication of the Preliminary Negative Countervailing Duty Determination: Certain Steel Wire Nails from Malaysia (54 FR 26229, June 22, 1989), the following events have occurred. From July 17 to July 21, 1989, we conducted verification in Malaysia of the questionnaire responses of the Government of Malaysia and South Engineers Sdn. Bhd. (South Engineers). On August 11, 1989, we received a case brief filed on behalf of respondents.

#### Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the U.S. tariff schedules were fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS sub-headings. The HTS sub-headings are provided for convenience and Customs purposes. The written description remains dispositive.

The products covered by this investigation are certain steel wire nails from Malaysia. These nails are: steel wire nails of one-piece construction as currently provided for in HTS items 7317.00.5505, 7317.00.5510, 7317.00.5520, 7317.00.5530, 7317.00.5540, 7317.00.5550, 7317.00.5560, 7317.00.5570, 7317.00.5580, 7317.00.5590, and 7317.00.6560; steel wire nails of two-piece construction, as currently provided for in HTS item 7317.00.7500; and steel wire nails with lead heads, as currently provided for in HTS item 7317.00.7500.

#### Analysis of Programs

For purposes of this final determination, the period for which we are measuring bounties or grants ("the review period") is calendar year 1988, which corresponds to the fiscal year of the respondent company. Based upon our analysis of the petition, the responses to our questionnaires, verification, and respondents' case brief, we determine the following:

#### I. Programs Determined Not To Be Used

We determine that manufacturers, producers, or exporters in Malaysia of the subject merchandise did not receive

benefits during the review period for exports of the subject merchandise to the United States under the programs listed below. With the exception of the Double Deduction of Insurance Premiums for Importers, these programs were described in the preliminary determination in this investigation:

#### A. Export Tax Incentives

1. Abatement of Taxable Income Based on the Ratio of Export Sales to Total Sales and an Abatement of Five Percent of the Value of Indigenous Materials Used in Exports
2. Allowance of a Percentage of Net Taxable Income Based on the F.O.B. Value of Export Sales
3. Allowance of Taxable Income of Five Percent of the F.O.B. Value of Export Sales for Trading Companies Exporting Malaysian-Made Products
4. Double Deduction for Export Credit Insurance Payments
5. Double Deduction for Export Promotion Expenses
6. Industrial Building Allowance

#### B. Other Export Incentives

1. Export Credit Refinancing
2. Export Insurance Program

#### C. Other Tax Incentives

1. Pioneer Status Under the Investment Incentives Act of 1968
2. Pioneer Status Under the Promotion of Investments Act of 1986
3. Investment Tax Allowance
4. Double Deduction for Operational Expenses
5. Abatement of Five Percent of Adjusted Income

#### D. Medium- and Long-Term Government Financing

- Medium- and long-term financing provided by the following institutions:
- the Industrial Bank of Malaysia (formerly the Industrial Development Bank of Malaysia)
  - the Development Bank of Malaysia
  - the Borneo Development Corporation
  - the Sabah Development Bank

#### E. Double Deduction of Insurance Premiums for Importers

Although not alleged by petitioner and not included in our notice of initiation or preliminary determination, we found during verification that South Engineers claimed a double deduction for insurance premiums on imports on its 1988 income tax return. The double deduction is authorized under the provisions of Income Tax (Deduction of Insurance Premiums for Importers) Rule 1982. The rule provides that the double



deduction may be taken by importers only if insurance is purchased from a company incorporated in Malaysia.

In the case of South Engineers, we verified that the insurance premiums for which a double deduction was claimed were for imports of merchandise entirely unrelated to the manufacture or exportation of the subject merchandise. Therefore, we determine that, with respect to the subject merchandise, the double deduction of insurance premiums for importers was not used.

#### Verification

We verified the information used in making our final determination in accordance with section 776(b) of the Act. During verification we followed standard verification procedures including meeting with government and company officials, examining relevant documents and accounting records, tracing information in the responses to source documents, accounting ledgers and financial statements, and collecting additional information that we deemed necessary for making our final determination. Our verification results are outlined in detail in the public versions of the verification reports, which are on file in the Central Records Unit (Room B-099) of the Main Commerce Building.

This determination is published pursuant to section 705(d) of the Act (19 U.S.C. 1671d(d)).

Dated: August 23, 1989.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 89-20730 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-405]

#### Certain Textile Mill Products From Mexico; Final Results of Countervailing Duty Administrative Review

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of final results of countervailing duty administrative review.

**SUMMARY:** On September 26, 1988, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on certain textile mill products from Mexico. We have now completed that review and determine the total bounty or grant to be zero or *de minimis* for 25 companies, 11.50 percent *ad valorem* for Fibras Sinteticas, 9.83 for Hilasal Mexicana, and 3.01 percent *ad valorem*

for all other companies during the period January 1, 1986 through December 31, 1986.

**EFFECTIVE DATE:** September 5, 1989.

**FOR FURTHER INFORMATION CONTACT:** Jean Carroll Kemp or Ilene Hersher, Officer of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

**SUPPLEMENTARY INFORMATION:**

#### Background

On September 26, 1988, the Department of Commerce ("the Department") published in the Federal Register (53 FR 37327) the preliminary results of its administrative review of the countervailing duty order on certain textile mill products from Mexico. The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

#### Scope of Review

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS number(s).

Imports covered by the review are the Tariff Schedules of the United States Annotated items listed in appendix A. Such merchandise is currently classifiable under the HTS items listed in appendix B. The review covers the period January 1, 1986 through December 31, 1986 and the following programs: (1) FOMEX; (2) FOGAIN; (3) FONEI; (4) CEPFOI; (5) State tax incentives; (6) National Industrial Development Fund ("FOMIN"); (7) NDP preferential discounts; (8) Trust Fund for the Study and Development of Industrial Parks ("FIDEIN"); (9) Bancomext loans; (10) Delay of payments on loans; (11) Delay of payments to PEMEX of fuel charges; (12) PROFIDE loans; (13) Export credit insurance; (14) Tax Rebate Certificate ("CEDI"); (15) Accelerated depreciation; (16) Article 15 loans; (17) Preferential state investment incentives; and (18) Import duty reductions and exemptions.

#### Analysis of Comments Received

We gave interested parties an opportunity to comment on the

preliminary results. On November 14, 1988, we received comments from the following respondents: Fibras Sinteticas, Hilasal Mexicana, the Mexican Textile Industry Chamber, and Tapetes Luxor. At the request of respondents, we held a public hearing on November 22, 1988. On December 2, 1988, we received post-hearing comments from the Mexican Textile Industry Chamber.

*Comment 1:* As a result of the "Understanding Between the United States and Mexico Regarding Subsidies and Countervailing Duties" (the "Understanding"), signed on April 23, 1985, Mexico became a "country under the Agreement." Therefore, respondents argue that U.S. law (19 U.S.C. 1671(a)) requires an affirmative injury determination as a prerequisite to the imposition of countervailing duties on any Mexican merchandise imported on or after April 23, 1985, whether the countervailing duty order was published before or after that date.

While Article VI of the General Agreement on Tariffs and Trade ("GATT") requires an affirmative injury determination before the imposition of countervailing duties, the United States was allowed to "grandfather" provisions in its laws which allowed countervailing duties to be placed on dutiable products without an injury test. Duty-free products were not subject to countervailing duties at the time the United States acceded to the GATT. In 1974, Congress amended section 303 of the Tariff Act of 1930 to authorize the United States to impose countervailing duties on duty-free products. However, for countries towards which the United States has an "international obligation," Congress authorized the imposition of countervailing duties on imports of duty-free goods only after an affirmative injury determination. Thus, the "grandfather clause," which allowed countervailing duties on dutiable products absent an injury test, did not apply to duty-free products from countries towards which the United States had an international obligation.

The Trade Agreements Act of 1979 ("TAA") established an injury test requirement before any countervailing duties could be imposed on products from "countries under the Agreement," and amended section 303 of the Tariff Act to apply only to countries which were not under the Agreement. Under the TAA, respondents claim that no countervailing duties can be imposed on Mexican imports after the date Mexico became a country under the Agreement, absent an affirmative injury determination.



The imposition of duties in this review would occur after Mexico became a country under the Agreement whether the controlling date is the time of entry or the time of final assessment and liquidation.

Respondents cite three decisions of the Court of International Trade ("CIT") to support the conclusion that under any interpretation of what the controlling date is, an injury test is required for entries of Mexican textiles in 1986: *Cementos Anahuac del Golfo, S.A. v. United States*, 687 F. Supp. 1558 (CIT 1988) ("Anahuac I"), *Cementos Guadalajara v. United States*, 686 F. Supp. 335 (CIT 1988) ("Guadalajara"), and *Cementos Anahuac del Golfo, S.A. v. United States*, 689 F. Supp. 1191 (CIT 1988) ("Anahuac II").

In *Anahuac I*, the court found that Mexico was entitled to an injury test for goods entering the United States prior to the time Mexico became a country under the Agreement, as long as the imposition of duties occurred after the date Mexico qualified for an injury test. In the *Anahuac II* decision, the CIT held that since the liability for duties, as well as all legal obligations attached to that liability (including an injury test), occur at the time of entry, no injury test was required for any goods entered prior to the date of the Understanding. Respondents contend that the CIT implied in *Anahuac II* that before countervailing duties could be assessed, an affirmative injury determination would be required on goods entering after April 23, 1985. The Guadalajara decision also emphasized that the date on which the goods enter the United States is determinative of whether an injury test is required. *Anahuac I* and *Anahuac II* both held that country under the Agreement status means that the TAA applies to Mexican imports made on or after April 23, 1985. Therefore, absent an affirmative injury finding on all entries after April 23, 1985, the effective date of the Understanding, the countervailing duty order on textile mill products from Mexico should be revoked.

*Department's Position:* We do not agree that the injury determination mandated by section 701 of the TAA applies to Mexican products imported on or after the effective date of the Understanding if those products were subject to a countervailing duty order prior to that date. Article 5 of the Understanding makes clear that country under the Agreement status was not given to Mexico retroactively for the purpose of obtaining injury tests on merchandise subject to countervailing duty orders that were in effect before

April 23, 1985. Before Mexico's accession to the GATT on August 24, 1986, the United States had no international obligation towards Mexico to provide an injury test on any merchandise covered by this order, whether dutiable or duty-free. We agree, however, that we must grant an injury test on duty-free merchandise from a country towards which the United States has an international obligation. Mexico's accession to the GATT created such an obligation for an injury test on entries of duty-free merchandise made on or after August 24, 1986 before countervailing duties can be imposed on such merchandise.

We appealed the CIT's decision in *Anahuac I*. On July 13, 1989, the United States Court of Appeals for the Federal Circuit reversed the CIT's decision in *Anahuac I* and upheld the CIT decision in *Anahuac II*, where the court supported our position that the Understanding does not require an injury test for Mexican countervailing duty orders issued before April 23, 1985, but only for countervailing duty investigations in progress on that date or orders issued after that date. In fact, contrary to respondent's interpretation, the CIT in *Anahuac II* explicitly upheld the Department's position that "the Understanding excluded CVD orders existing prior to April 23, 1985, the effective date of the Understanding \* \* \* 689 F. Supp. 1191 at 1213. We confirmed with the principal U.S. negotiators that the intent of Article 5 of the Understanding was to exclude from the application of the Understanding, and hence the application of country under the Agreement status, orders existing before April 23, 1985. The U.S. Court of Appeals also upheld the Guadalajara decision, in which the CIT indicated that an injury test is required only on duty-free goods from Mexico entering the United States after Mexico acceded to the GATT.

As we have explained in numerous final results notices, we believe that we lack the authority to revoke any countervailing duty order on Mexican products on the basis of the Understanding. *See, e.g.*, Portland Hydraulic Cement and Cement Clinker from Mexico; Final Results of Countervailing Duty Administrative Review, (51 FR 44501, December 10, 1986); Certain Iron Metal Construction Castings from Mexico; Final Results of Countervailing Duty Administrative Review, (51 FR 9698, March 20, 1986); Portland Hydraulic Cement and Cement Clinker; Final Results of Administrative Review, (52 FR 18325, May 23, 1988); and Bricks from Mexico; Final Results of

Countervailing Duty Administrative Review, (53 FR 38314, September 30, 1988).

*Comment 2:* Respondents argue that the relevant U.S. statute (19 U.S.C. 1671) does not permit a country's entitlement to an injury test to depend in any way on the interpretation of the term "investigation" as used in the Understanding. When it officially designated Mexico as a country under the Agreement, the Office of the United States Trade Representative did not put any qualifications on that status, as doing so would have been in violation of 1671(a). The statute does not permit the Department to impose duties on entries from a country under the Agreement unless (1) subsidies are being provided, and (2) the International Trade Commission ("ITC") makes an affirmative injury determination.

The CIT's decision in *Anahuac I* clearly defines the term "investigation" as used in the Understanding to mean both the process through which the Department initially issues a countervailing duty order and any subsequent administrative reviews. The CIT's discussion in *Anahuac II* of the term "investigations in progress" only reflected the court's concern that Mexico not be afforded an injury test for the entries that occurred prior to the Understanding. That discussion should not be construed to negate the basic implication of the CIT's Guadalajara and *Anahuac II* decisions that an injury test is required for all merchandise from Mexico entered on or after April 23, 1985.

*Department's Position:* As discussed in our response to Comment 1, the U.S. Court of Appeals reversed the *Anahuac I* decision, and upheld the decisions in *Anahuac II* and Guadalajara, thus supporting our position that the Understanding does not require an injury test for products subject to pre-Understanding countervailing duty orders.

*Comment 3:* The Mexican Textile Industry Chamber argues that in Article 8 of the Understanding, Mexico was granted "most favored nation" ("MFN") status. The MFN principle requires that Mexico be given the same treatment as other countries under the Agreement. When the TAA was enacted, countries under the Agreement had three years after the effective date of the TAA to request an injury test for products covered by countervailing duty orders in effect before that date. Mexico deserves this same treatment as of the date it became a country under the Agreement and, thus, should have been accorded an injury test within three years of the



signing of the Understanding. Since more than three years have passed since the signing of the Understanding, and Mexico has not been granted an injury test for Mexican products entered under per-Understanding orders, this countervailing duty order should be revoked.

*Department's Position:* The international obligation created in Article 8 of the Understanding does not extend to entries covered by this review because the Understanding itself makes clear that the only international obligation of the United States is to provide an injury test to investigations in progress or investigations begun after April 1985. The investigation in this case was completed in March 1985. Therefore, the United States is not required by the MFN language in Article 8 to grant an injury test in this case on entries of merchandise covered by this review. See, Portland Hydraulic Cement and Cement Clinker From Mexico; Final Results of Administrative Review, (53 FR 18325, May 23, 1988).

The three-year grace period provided for in section 104(b) of the TAA applies only to the three-year period after the effective date of the TAA, i.e., January 1, 1980. 19 U.S.C. 1671 note. Congress made no special provision for an injury test for any products from countries that did not become countries under the Agreement before the end of the three-year grace period.

*Comment 4:* The Mexican Textile Industry Chamber argues that Mexico's accession to the GATT entitles Mexico to an injury test on the duty-free products entered on or after August 24, 1986, as required by the international obligations of the United States. Absent such a test, the countervailing duty order on Mexican textile mill products must be revoked with regard to the duty-free items subject to the order. The Department has previously partially revoked a countervailing duty order because the ITC believed it had no mechanism to perform an injury test (see, Certain fasteners from India, 47 FR 19562). There are 14 TSUSA items covered by this order that enter duty-free under the Generalized System of Preferences ("GSP"): 319.030, 319.0700, 339.1000, 355.8100, 356.2510, 358.0690, 358.1400, 360.7900, 360.8400, 364.0500, 364.1800, 364.2500, 365.8400, and 366.8400.

*Department's Position:* We are currently pursuing means by which an injury determination can be made concerning imports of duty-free Mexican textile mill products entered on or after August 24, 1986, the date Mexico acceded to the GATT. Twelve of the items cited by the respondent, 319.0300,

319.0700, 339.1000, 355.8100, 356.2510, 358.0690, 358.1400, 360.7900, 360.8400, 364.0500, 364.1800, and 364.2500, were duty-free on and after August 24, 1986. We will instruct the Customs Service not to liquidate shipments of the duty-free products listed above which were entered, or withdrawn from warehouse, for consumption on or after August 24, 1986, until we resolve this issue. The two other items listed by the respondent, 365.8400 and 366.8400, became ineligible for GSP status on August 1, 1986 and were dutiable after that date. Therefore, we will instruct Customs to assess duties on entries under those two TSUSA categories made on or after August 24, 1986.

*Comment 5:* Respondents argue that the appropriate benchmark for both determining if FOMEX financing is a countervailable subsidy and measuring the benefit from such financing is the cost to the Government of Mexico of obtaining similar funds. Item (k) of the Illustrative List of Export Subsidies appended to the Subsidies Code, and incorporated by reference in section 771(5)(i) of the TAA as part of the statutory definition of an export subsidy, provides that the benchmark for considering export credits to subsidies is whether funds have been provided to the borrower at less than the cost of funds to the government. The Department has recognized the Illustrative List as a source of applicable benchmarks for export-related government programs. The Understanding also uses this cost-to-government standard. The Department has erroneously and illegally used a commercial benchmark to measure the benefit from FOMEX loans.

*Department's Position:* The cost-to-government standard in the Understanding applies only to whether Mexico is in compliance with the Understanding and does not limit the United States in applying its own national countervailing duty law with regard to subsidized imports from Mexico. We addressed this issue and our use of a commercial benchmark for short-term financing at length in the final results of the last review of this order. See, Certain textile Mill Products from Mexico; Final Results of Countervailing Duty Administrative Review, (52 FR 45010, November 24, 1987). The use of a commercial benchmark is consistent with our standard of measuring subsidies from countervailable financing in terms of the benefit to the recipient rather than the cost to the government. See, e.g., Certain Steel Products from Belgium; Final Affirmative Countervailing Duty Determination, Appendices 2 and 4 (47

FR 39304, September 7, 1982); and Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Ceramic Tile from Mexico, (47 FR 200014, May 10, 1982).

When the United States signed the Subsidies Code, it was not required by the Code to include the Illustrative List in its countervailing duty statute. Part I of the Code deals with the implementation by the signatories of their own national countervailing duty laws, or the "Track I" of the Code. Part Two of the Code relates only to the obligations of the signatories concerning their use of subsidies, the "Track II" of the Code. The Illustrative List does not relate to and is not mentioned in the Track I part of the Code. Article 9 of Part Two prohibits the use of export subsidies and refers to the Illustrative List to describe such export subsidies.

The TAA in relevant part states: "the term 'subsidy' has the same meaning as the term 'bounty or grant' as that term is used in section 303, and includes, but is not limited to, the following: i) any export subsidy described in Annex A to the Agreement (relating to the Illustrative List of Export Subsidies) \* \* \*" (emphasis added). While Congress incorporated the Illustrative List in the statute, it did not limit the definition of export subsidy to the practices outlined in the List. The legislative history of the TAA explains, "The reference to specific subsidies in the definition is not all inclusive, but rather is illustrative of practices which are subsidies within the meaning of the word as used in the bill. The administering authority may expand upon the list of specified subsidies consistent with the basic definition." S. Rep. 96-249, 96th Cong., 1st Sess. 85 (1979). See, also, Trade Agreements Act of 1979: Statements of Administrative Action, H.R. Doc. No. 96-153, Pt. II, 96th Cong., 1st Sess. 432 (1979).

The Illustrative List is not, therefore, the sole statutory standard for identifying and measuring export subsidies, but must be considered with the definition of the term "bounty or grant" that practice and the courts have ascribed to it. When we have cited the Illustrative List as a source for benchmarks to identify and measure export subsidies, those benchmarks have been consistent with our long-standing practice of using commercial benchmarks to measure the benefit to the recipient of a subsidy program. The cost-to-government standard in item (k) of the Illustrative List does not fully capture the benefits provided to recipients of FOMEX financing. Therefore, we must use a commercial



benchmark to calculate the benefit from a subsidy, consistent with the full definition of "subsidy" in the statute.

*Comment 6:* Tapetes Luxor argues that it should not be required to post cash deposits of estimated countervailing duties. The Department has sufficient information and has had ample time to verify that Tapetes did not receive any benefits under its current owners (the company changed ownership in April 1987) and did not benefit from the FOMEX financing that the previous owners' U.S. importer received in 1985. Tapetes has since renounced FOMEX benefits for itself and its U.S. importers. Tapetes argues that the Department places unnecessary and unjustified hardships on the company by requiring it to continue to post estimated countervailing duty deposits when it is not receiving benefits. The Department has previously made adjustments to cash deposits based on subsequent events. See, e.g., Certain Softwood Products from Canada; Final Countervailing Duty Determination, (48 FR 24159, May 31, 1983).

*Department's Position:* As we explained in detail in the final results of our last review in this case, because Tapetes did not export during the period of review, we do not have a record on which to base a determination that it did not receive benefits in the review period. See, Certain Textile Mill Products from Mexico: Final Results of Countervailing Duty Administrative Review, (52 FR 45010, November 24, 1987). If Tapetes exported in 1987, we will revisit its claims in the 1987 review, which is already underway.

*Comment 7:* The Mexican Textile Industry Chamber argues that the Department should retract its improper expansion of the scope of the countervailing duty order on Mexican textile mill products with regard to cotton yarns. The Department's interpretation of the cotton yarn TSUSA numbers as series of ranges adds 133 new TSUSA items to the scope of the order. The Department's interpretation that these items were intended to be included in the scope is not supported by the record. Petitioners clarified that the ranges applied to fabrics, but they never did so for yarns. Additionally, petitioners never responded to the Department's request for comments on this issue.

*Department's Position:* We have already considered this issue in our scope determination memorandum signed on September 22, 1988. In that memorandum, we decided that the record supports our interpretation that each of the cotton yarn numbers published in the original countervailing

duty order and subsequent notices represented a range of TSUSA items. If respondents did not agree with our scope determination, the proper remedy was to appeal the scope determination to the CIT within 30 days of that determination.

*Comment 8:* The Mexican Textile Industry Chamber contends that the Department should accept zero-rate certifications from companies that certified zero-rate status in the last review but not in this review. These companies simply did not know that they had to re-certify to maintain their zero-rate status. Since the petitioners have not sought a hearing in this review, acceptance of such certificates would not prejudice the interests of any party.

*Department's Position:* The new Commerce Regulations (53 FR 52354, December 27, 1988, to be codified at 19 CFR 355.22) allow a producer or exporter to request an individual administrative review if that producer or exporter and the government submit certifications that the producer or exporter did not apply for or receive any net subsidy on the merchandise from any program that the Department previously found countervailable in the proceeding and will not do so in the future. This provision became effective on March 1, 1989. For any reviews initiated prior to the effective date of this provision, including this review, it was our policy to accept zero-rate certifications from companies if we received these certifications before the publication of the preliminary results or, in cases where we verify, before the verification. This practice allowed all interested parties to comment on zero-rate findings after reviewing the preliminary results of the administrative review. Since we did not receive certifications before our preliminary results, we cannot accept them.

*Comment 9:* Fibras Sinteticas ("FISISA") argues that the Department should correct its preliminary results to reflect the benefit from subsidies FISISA received only on its U.S. exports. FISISA reported all its FOMEX loans to the Mexican government, including a loan for a shipment to Shanghai, China that transited the United States. The Government of Mexico did not exclude FISISA's FOMEX loan on this shipment from its questionnaire response. This FOMEX pre-export loan was not for exports to the United States and therefore should be excluded from the Department's calculation of FISISA's company-specific benefit. Eliminating this loan brings FISISA's rate well within the rate for "all other" companies. FISISA argues that its supplemental data on the China

shipment is not a submission of new information but a clarification of information the Department received in the questionnaire response. Other interested parties had ample time to comment on the clarification and did not do so. The Department should accept this clarification and adjust its calculations.

*Department's Position:* After reviewing FISISA's questionnaire response, commercial invoices for the China shipment transiting the United States, bank debit notices, FOMEX documents, and other documents regarding the shipment, we agree that the FOMEX loan for that shipment was not for products exported to the United States. We have revised our calculations for FISISA accordingly by omitting the FOMEX loan for that shipment. However, § 355.22(d) of our new regulations define a significant differential as a difference of the greater of at least five percentage points, or 25 percent, from the weighted average net subsidy calculated on a country-wide basis. Even with the China shipment financing removed from the calculation of the company's benefits, FISISA's company-specific benefit is more than five points higher than the weighted-average country-wide rate. We also found another company, Hilasal Mexicana, to have benefits that are significantly different. In addition, we inadvertently omitted another company's CEPROFI benefits from the "all other" rate.

Adjusting for these corrections, we determine the benefit during the review period from FOMEX to be zero or *de minimis* for 25 companies, 11.50 percent *ad valorem* for Fibras Sinteticas, 9.83 percent *ad valorem* for Hilasal Mexicana and 2.69 percent *ad valorem* for all other companies; from FOGAIN to be zero or *de minimis* for 27 companies and 0.03 percent *ad valorem* for all other companies; from CEPROFI to be zero or *de minimis* for 27 companies and 0.01 percent *ad valorem* for all other companies; and from FONEI to be zero or *de minimis* for 27 companies and 0.01 percent *ad valorem* for all other companies. The resulting total benefit is zero or *de minimis* for 25 companies, 11.50 percent *ad valorem* for FISISA, 9.83 percent *ad valorem* for Hilasal Mexicana and 3.01 percent *ad valorem* for all other companies during the period January 1, 1986 through December 31, 1986.

We have also reconsidered the calculation of the FOMEX benefit for purposes of cash deposits of estimated countervailing duties. Since the end of the 1986 review period, the Costo



Porcentual Promedio (CPP) has been alternately volatile and stable for various periods of time. Because the interest rate on FOMEX per-export loans is based in significant part on the CPP, as is our benchmark, we cannot accurately estimate the change, if any, in the benefit received from FOMEX pre-export loans. Therefore, we determine that the "all other" cash deposit rate for FOMEX is the same as the review period assessment rate, 2.96 percent *ad valorem*. We determine that for the purposes of cash deposits of estimated countervailing duties, the rate is zero or *de minimis* for 25 companies, 11.50 percent *ad valorem* for FISISA, 9.83 percent *ad valorem* for Hilasal Mexicana and 3.01 percent *ad valorem* for all other companies.

In the preliminary results, Crisol Textil, S.A. de C.V. was listed as receiving *de minimis* benefits for purposes of cash deposits of estimated countervailing duties. For the purposes of cash deposits, we now determine the benefit for Crisol Textil to be in the "all other" category.

#### Firms Not Receiving Benefits

We determine that the following firms received zero or *de minimis* benefits during the period January 1, 1986 through December 31, 1986:

- (1) Abetex, S.A. de C.V.;
- (2) Acytex, S.R.L. de C.V.;
- (3) Celanese Mexicana, S.A.;
- (4) Celulosa y Derivados, S.A. de C.V. (Derivados Acrylicos, S.A.);
- (5) Corporacion Charles, S.A.;
- (6) Extrafil, S.A.;
- (7) Fabrica de Hilados y Tejidos SINDEC, S.A.;
- (8) Fabrica La Estrella, S.A.;
- (9) Fariel, S.A. de C.V.;
- (10) Fisher Price, S.A. de C.V.;
- (11) Glassmex, S.A.;
- (12) Jeramex, S.A.;
- (13) Hilados y Tejidos de Tepeji del Rio, S.A.;
- (14) Milyon, S.A. de C.V.;
- (15) Noblis Lees, S.A. de C.V.;
- (16) Ryltex, S.A. de C.V.;
- (17) Sociedad Cooperativa de Produccion Maquiladora El Progreso, S.C.L.;
- (18) Stanmex, S.A. de C.V.;
- (19) Telas Ajijic, S.A.;
- (20) Terpel, S.A. de C.V.;
- (21) Textiles Mabratex, S.A.;
- (22) Textiles Panzacola, S.A.;
- (23) Texturizados y Tejidos Windsor, S.A.;
- (24) Torencio, S.A. de C.V.; and
- (25) Turbofil, S.A.

#### Final Results of Review

After reviewing all of the comments received, we determine the total bounty

or grant to be zero or *de minimis* for 25 companies, 11.50 percent *ad valorem* for FISISA, 9.83 percent *ad valorem* for Hilasal Mexicana and 3.01 percent *ad valorem* for all other companies during the period January 1, 1986 through December 31, 1986.

Merchandise entering under the following TSUSA items covered by this review is afforded duty-free status under the Generalized System of Preferences: 319.0300, 319.0700, 339.1000, 355.8100, 356.2510, 358.0690, 358.1400, 360.7900, 360.8400, 364.0500, 364.1800, and 364.2500. Section 303 of the Tariff Act prohibits the imposition of countervailing duties on duty-free products absent an injury test when the United States has an international obligation to provide such a test. Mexico's accession to the GATT on August 24, 1986 imposes such an international obligation on the United States with respect to duty-free merchandise entered into the United States on or after the date of Mexico's accession.

For the duty-free merchandise, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, shipments from the 25 firms listed above exported on or after January 1, 1986 and on or before December 31, 1986. The Department will also instruct the Customs Service to assess countervailing duties of 11.50 percent of the f.o.b. invoice price on shipments from FISISA, 9.83 percent of the f.o.b. invoice price on shipments from Hilasal Mexicana, and 3.01 percent of the f.o.b. invoice price on shipments from all other firms exported on or after January 1, 1986 and entered, or withdrawn from warehouse, for consumption before August 24, 1986. The Department will instruct the Customs Service to continue to suspend liquidation on all unliquidated shipments of the duty-free Mexican textile mill products entered, or withdrawn from warehouse, for consumption on or after August 24, 1986, while we pursue means by which an injury determination can be made concerning this merchandise.

For all dutiable merchandise listed in appendix A, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, shipments from the 25 firms listed above and to assess countervailing duties of 11.50 percent of the f.o.b. invoice price on shipments from FISISA, 9.83 percent of the f.o.b. invoice price on shipments from Hilasal Mexicana, and 3.01 percent of the f.o.b. invoice price on shipments from all other firms exported on or after January

1, 1986 and on or before December 31, 1986.

The Department will also instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on any shipments of merchandise from the 25 firms listed above, and to collect a cash deposit of estimated countervailing duties of 11.50 percent of the f.o.b. invoice price on shipments from FISISA, 9.83 percent of the f.o.b. invoice price on shipments from Hilasal Mexicana, and 3.01 percent of the f.o.b. invoice price on shipments from all other firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement and waiver shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.22 of the Commerce Regulations published in the Federal Register on December 27, 1988 (53 FR 52354) (to be codified at 19 CFR 355.22).

Dated: August 28, 1989.

Eric I. Garfinkel,  
Assistant Secretary for Import  
Administration.

#### Appendix A—Certain Textile Mill Products From Mexico

C-201-405

#### TSUSA Item Numbers for 1986

|          |         |          |
|----------|---------|----------|
| 300.6005 |         |          |
| 300.6010 |         |          |
| 300.6024 |         |          |
| 300.6028 |         |          |
| 301.0100 | through | 301.0900 |
| 301.1000 | through | 301.1900 |
| 301.2000 | through | 301.2900 |
| 301.3000 | through | 301.3900 |
| 302.0124 | through | 302.0924 |
| 302.1024 | through | 302.1924 |
| 302.1028 | through | 302.1928 |
| 302.2020 | through | 302.2920 |
| 302.2024 | through | 302.2924 |
| 302.2026 | through | 302.2926 |
| 302.2028 | through | 302.2928 |
| 302.3024 | through | 302.3924 |
| 302.3026 | through | 302.3926 |
| 302.3028 | through | 302.3928 |
| 302.4026 | through | 302.4926 |
| 303.2040 |         |          |
| 303.2042 |         |          |
| 307.7000 |         |          |
| 310.0106 |         |          |
| 310.0107 |         |          |
| 310.0108 |         |          |
| 310.0110 |         |          |
| 310.0114 |         |          |
| 310.0130 |         |          |



|          |         |          |         |          |          |         |          |
|----------|---------|----------|---------|----------|----------|---------|----------|
| 310.0149 |         | 322.1056 | through | 322.1956 | 322.5014 | through | 322.5914 |
| 310.0150 |         | 322.1065 | through | 322.1965 | 325.1052 | through | 325.1952 |
| 310.0206 |         | 322.1066 | through | 322.1966 | 325.1085 | through | 325.1985 |
| 310.0207 |         | 322.1068 | through | 322.1968 | 325.1089 | through | 325.1989 |
| 310.0108 |         | 322.1071 | through | 322.1971 | 325.1091 | through | 325.1991 |
| 310.0249 |         | 322.1075 | through | 322.1975 | 325.1095 | through | 325.1995 |
| 310.0250 |         | 322.1077 | through | 322.1977 | 325.8022 | through | 325.8922 |
| 310.0270 |         | 322.1079 | through | 322.1979 | 325.8024 | through | 325.8924 |
| 310.0510 |         | 322.1081 | through | 322.1981 | 327.2021 | through | 327.2921 |
| 310.1015 |         | 322.1084 | through | 322.1984 | 327.2022 | through | 327.2922 |
| 310.1070 |         | 322.1085 | through | 322.1985 | 327.2031 | through | 327.2931 |
| 310.1205 |         | 322.1086 | through | 322.1986 | 327.2038 | through | 327.2938 |
| 310.1210 |         | 322.1088 | through | 322.1988 | 327.2042 | through | 327.2942 |
| 310.1555 |         | 322.1089 | through | 322.1989 | 327.2049 | through | 327.2949 |
| 310.1570 |         | 322.1090 | through | 322.1990 | 327.2054 | through | 327.2954 |
| 310.2150 |         | 322.1091 | through | 322.1991 | 327.2057 | through | 327.2957 |
| 310.4027 |         | 322.1095 | through | 322.1995 | 327.3003 | through | 327.3903 |
| 310.4047 |         | 322.1097 | through | 322.1997 | 327.3021 | through | 327.3921 |
| 310.4050 |         | 322.2016 | through | 322.2916 | 327.3022 | through | 327.3922 |
| 310.5046 |         | 322.2023 | through | 322.2923 | 327.3038 | through | 327.3938 |
| 310.5047 |         | 322.2069 | through | 322.2969 | 327.3049 | through | 327.3949 |
| 310.5049 |         | 322.2073 | through | 322.2973 | 327.3054 | through | 327.3954 |
| 310.6034 |         | 322.4003 | through | 322.4903 | 327.3057 | through | 327.3957 |
| 310.9000 |         | 322.4021 | through | 322.4921 | 328.2003 | through | 328.2903 |
| 310.9310 |         | 322.4022 | through | 322.4922 | 328.2021 | through | 328.2921 |
| 310.9320 |         | 322.4038 | through | 322.4938 | 328.2022 | through | 328.2922 |
| 310.9500 |         | 322.4042 | through | 322.4942 | 328.2031 | through | 328.2931 |
| 316.5500 |         | 322.5015 | through | 322.5915 | 328.2038 | through | 328.2938 |
| 316.5800 |         | 322.5016 | through | 322.5916 | 328.2049 | through | 328.2949 |
| 316.7000 |         | 322.5017 | through | 322.5917 | 328.2054 | through | 328.2954 |
| 319.0300 |         | 322.5023 | through | 322.5923 | 328.2057 | through | 328.2957 |
| 319.0700 |         | 322.5069 | through | 322.4969 | 328.2072 | through | 328.2972 |
| 320.0103 | through | 322.5073 | through | 322.5973 | 328.2080 | through | 328.2980 |
| 320.0121 | through | 322.8016 | through | 322.8916 | 328.2098 | through | 328.2998 |
| 320.0122 | through | 322.8023 | through | 322.8923 | 331.2022 | through | 331.2922 |
| 320.0134 | through | 322.8069 | through | 322.8969 | 331.2024 | through | 331.2924 |
| 320.0138 | through | 322.9003 | through | 322.9903 | 331.2031 | through | 331.2931 |
| 320.0145 | through | 322.9021 | through | 322.9921 | 331.2038 | through | 331.2938 |
| 320.0149 | through | 322.9022 | through | 322.9922 | 331.2049 | through | 331.2949 |
| 320.0154 | through | 322.9038 | through | 322.9938 | 331.2054 | through | 331.2954 |
| 320.0157 | through | 322.9042 | through | 322.9942 | 331.2057 | through | 331.2957 |
| 320.0163 | through | 322.9049 | through | 322.9949 | 331.2072 | through | 331.2972 |
| 320.0166 | through | 322.9054 | through | 322.9954 | 331.2074 | through | 331.2974 |
| 320.0177 | through | 322.9057 | through | 322.9957 | 331.2080 | through | 331.2980 |
| 320.0180 | through | 322.9072 | through | 322.9972 | 331.2098 | through | 331.2998 |
| 320.0198 | through | 322.9080 | through | 322.9980 | 336.1540 |         |          |
| 320.1034 | through | 322.9098 | through | 322.9998 | 336.6251 |         |          |
| 320.1045 | through | 324.2022 | through | 324.2922 | 336.6252 |         |          |
| 320.1063 | through | 324.2024 | through | 324.2924 | 336.6254 |         |          |
| 320.1071 | through | 324.2031 | through | 324.2931 | 336.6257 |         |          |
| 320.1077 | through | 324.2038 | through | 324.2938 | 338.4004 |         |          |
| 321.0134 | through | 324.2042 | through | 324.2942 | 338.5006 |         |          |
| 321.1071 | through | 324.2049 | through | 324.2949 | 338.5007 |         |          |
| 321.1077 | through | 324.2054 | through | 324.2954 | 338.5009 |         |          |
| 322.0162 | through | 324.2057 | through | 324.2957 | 338.5010 |         |          |
| 322.0163 | through | 324.2072 | through | 324.2972 | 338.5011 |         |          |
| 322.1006 | through | 324.2080 | through | 324.2980 | 338.5013 |         |          |
| 322.1015 | through | 324.2098 | through | 324.2998 | 338.5016 |         |          |
| 322.1025 | through | 324.8072 | through | 324.8972 | 338.5021 |         |          |
| 322.1034 | through | 324.8074 | through | 324.8974 | 338.5023 |         |          |
| 322.1036 | through | 324.8080 | through | 324.8980 | 338.5024 |         |          |
| 322.1037 | through | 324.8098 | through | 324.8998 | 338.5026 |         |          |
| 322.1045 | through | 325.1051 | through | 325.1951 | 338.5027 |         |          |
| 322.1047 | through | 322.4049 | through | 322.4949 | 338.5030 |         |          |
| 322.1048 | through | 322.4054 | through | 322.4954 | 338.5031 |         |          |
| 322.1050 | through | 322.4057 | through | 322.4957 | 338.5036 |         |          |
| 322.1051 | through | 322.4072 | through | 322.4972 | 338.5037 |         |          |
| 322.1052 | through | 322.4080 | through | 322.4980 | 338.5041 |         |          |
| 322.1053 | through | 322.4098 | through | 322.4998 |          |         |          |



|          |          |
|----------|----------|
| 338.5043 | 359.1010 |
| 338.5044 | 359.1030 |
| 338.5045 | 360.0600 |
| 338.5046 | 360.1200 |
| 338.5048 | 360.2500 |
| 338.5049 | 360.4225 |
| 338.5051 | 360.4335 |
| 338.5054 | 360.4825 |
| 338.5055 | 360.4835 |
| 338.5059 | 360.7000 |
| 338.5060 | 360.7800 |
| 338.5064 | 360.7900 |
| 338.5065 | 360.8300 |
| 338.5069 | 360.8400 |
| 338.5073 | 361.0530 |
| 338.5075 | 361.0540 |
| 338.5076 | 361.2410 |
| 338.5079 | 361.4200 |
| 338.5080 | 361.4500 |
| 338.5082 | 361.4600 |
| 338.5084 | 361.4800 |
| 338.5085 | 361.5420 |
| 338.5087 | 361.5426 |
| 338.5088 | 361.6000 |
| 338.5092 | 361.7010 |
| 338.5095 | 363.0510 |
| 338.5098 | 363.0515 |
| 339.1000 | 363.1020 |
| 345.4000 | 363.1040 |
| 345.5553 | 363.2000 |
| 345.5555 | 363.2562 |
| 345.5557 | 363.2564 |
| 345.5575 | 363.2575 |
| 345.5585 | 363.2580 |
| 346.5850 | 363.2590 |
| 346.6265 | 363.4500 |
| 346.7000 | 363.6030 |
| 346.8040 | 363.6540 |
| 346.6800 | 363.8506 |
| 348.0065 | 363.8509 |
| 351.3000 | 363.8515 |
| 351.5010 | 363.8525 |
| 351.5060 | 363.8545 |
| 351.6010 | 363.8550 |
| 351.7080 | 363.8555 |
| 351.8060 | 364.0500 |
| 351.9060 | 364.1300 |
| 352.2060 | 364.1800 |
| 352.8010 | 364.2000 |
| 352.8060 | 364.2300 |
| 353.1000 | 364.2500 |
| 353.5012 | 364.3000 |
| 353.5052 | 364.5060 |
| 355.1610 | 365.6615 |
| 355.1620 | 365.6625 |
| 355.1630 | 365.6665 |
| 355.2500 | 365.8400 |
| 355.4530 | 365.8700 |
| 355.8100 | 365.8910 |
| 355.8500 | 365.8920 |
| 356.2510 | 365.8940 |
| 357.4500 | 365.8970 |
| 357.7010 | 365.8980 |
| 357.8060 | 366.1720 |
| 358.0290 | 366.2460 |
| 358.0690 | 366.2480 |
| 358.1400 | 366.4200 |
| 358.3500 | 366.4600 |
| 358.5040 | 366.4700 |

366.5100  
366.7700  
366.7925  
366.7930  
366.8400  
367.3200  
367.3300  
367.6325  
367.6340  
367.6380

**Appendix B.—Certain Textile Mill  
Products From Mexico**

C-201-405

**Harmonized Item Numbers for Duty  
Deposit Purposes**

|            |            |            |            |
|------------|------------|------------|------------|
| 3703.10.60 | 3918.10.31 | 3918.10.32 | 3921.12.11 |
| 3921.12.19 | 3921.13.11 | 3921.13.19 | 3921.90.11 |
| 3921.90.19 | 3921.90.21 | 3926.90.56 | 3926.90.59 |
| 4008.21.00 | 4010.10.10 | 4010.91.11 | 4010.91.15 |
| 4010.99.11 | 4010.99.15 | 5106.10.00 | 5106.20.00 |
| 5107.10.00 | 5107.20.00 | 5108.10.60 | 5108.20.60 |
| 5109.10.60 | 5109.90.60 | 5110.00.00 | 5111.11.60 |
| 5111.19.20 | 5111.19.60 | 5111.20.60 | 5111.30.60 |
| 5112.19.60 | 5112.20.00 | 5112.30.00 | 5113.00.00 |
| 5204.11.00 | 5204.19.00 | 5204.20.00 | 5205.11.10 |
| 5205.12.10 | 5205.12.20 | 5205.13.10 | 5205.13.20 |
| 5205.14.10 | 5205.22.00 | 5205.23.00 | 5205.24.00 |
| 5205.25.00 | 5205.31.00 | 5205.32.00 | 5205.33.00 |
| 5205.34.00 | 5205.42.00 | 5205.43.00 | 5205.44.00 |
| 5206.11.00 | 5206.12.00 | 5206.13.00 | 5206.14.00 |
| 5206.15.00 | 5206.31.00 | 5206.32.00 | 5206.33.00 |
| 5206.34.00 | 5206.35.00 | 5206.41.00 | 5206.42.00 |
| 5206.43.00 | 5206.44.00 | 5206.45.00 | 5207.10.00 |
| 5207.90.00 | 5208.11.20 | 5208.11.20 | 5208.12.40 |
| 5208.13.00 | 5208.19.40 | 5208.21.20 | 5208.21.40 |
| 5208.22.40 | 5208.22.60 | 5208.23.00 | 5208.29.40 |
| 5208.29.60 | 5208.31.20 | 5208.31.40 | 5208.31.60 |
| 5208.31.80 | 5208.32.10 | 5208.32.30 | 5208.32.40 |
| 5208.32.50 | 5208.33.00 | 5208.39.20 | 5208.39.60 |
| 5208.39.80 | 5208.41.40 | 5208.41.60 | 5208.41.80 |
| 5208.42.10 | 5208.42.30 | 5208.42.40 | 5208.42.50 |
| 5208.43.00 | 5208.49.40 | 5208.51.20 | 5208.51.40 |
| 5208.51.60 | 5208.51.80 | 5208.52.10 | 5208.52.30 |
| 5208.52.40 | 5208.52.50 | 5208.53.00 | 5208.59.20 |
| 5208.59.60 | 5208.59.80 | 5209.11.00 | 5209.19.00 |
| 5209.21.00 | 5209.29.00 | 5209.31.30 | 5209.31.60 |
| 5209.32.00 | 5209.39.00 | 5209.41.30 | 5209.41.60 |
| 5209.42.00 | 5209.43.00 | 5209.49.00 | 5209.51.30 |
| 5209.51.60 | 5209.52.00 | 5209.59.00 | 5210.21.40 |
| 5210.21.60 | 5210.22.00 | 5210.29.40 | 5210.29.60 |
| 5210.31.40 | 5210.31.60 | 5210.32.00 | 5210.39.40 |
| 5210.39.60 | 5210.51.40 | 5210.51.60 | 5210.52.00 |
| 5210.59.40 | 5210.59.60 | 5211.31.00 | 5211.39.00 |
| 5211.51.00 | 5211.59.00 | 5212.21.60 | 5212.22.60 |
| 5212.23.60 | 5212.24.60 | 5212.25.60 | 5308.30.00 |
| 5311.00.60 | 5401.10.00 | 5401.20.00 | 5402.10.30 |
| 5402.20.30 | 5402.20.60 | 5402.31.30 | 5402.31.60 |
| 5402.32.30 | 5402.32.60 | 5402.33.30 | 5402.33.60 |
| 5402.39.30 | 5402.39.60 | 5402.41.00 | 5402.42.00 |
| 5402.43.00 | 5402.49.00 | 5402.51.00 | 5402.52.00 |
| 5402.59.00 | 5402.61.00 | 5402.62.00 | 5402.69.00 |
| 5403.10.30 | 5403.20.30 | 5403.20.60 | 5403.31.00 |
| 5403.32.00 | 5403.33.00 | 5403.39.00 | 5406.10.00 |
| 5406.20.00 | 5407.10.00 | 5407.41.00 | 5407.42.00 |
| 5407.43.20 | 5407.44.00 | 5407.52.20 | 5407.53.10 |
| 5407.53.20 | 5407.54.00 | 5407.60.05 | 5407.60.10 |
| 5407.60.20 | 5407.71.00 | 5407.72.00 | 5407.73.20 |
| 5407.74.20 | 5407.71.00 | 5407.81.00 | 5407.82.00 |
| 5407.83.00 | 5407.84.00 | 5407.91.05 | 5407.91.20 |
| 5407.92.05 | 5407.92.20 | 5407.93.05 | 5407.93.20 |
| 5407.94.05 | 5407.94.20 | 5408.10.00 | 5408.21.00 |
| 5408.22.00 | 5408.23.20 | 5408.24.00 | 5408.31.05 |



|            |            |            |            |
|------------|------------|------------|------------|
| 5408.31.20 | 5408.32.05 | 5408.32.90 | 5408.33.05 |
| 5408.33.90 | 5408.34.05 | 5408.34.90 | 5508.10.00 |
| 5508.20.00 | 5509.12.00 | 5509.21.00 | 5509.22.00 |
| 5509.31.00 | 5509.32.00 | 5509.41.00 | 5509.51.30 |
| 5509.51.60 | 5509.53.00 | 5509.69.20 | 5509.69.40 |
| 5509.99.20 | 5509.99.40 | 5511.10.00 | 5511.20.00 |
| 5511.30.00 | 5512.11.00 | 5512.19.00 | 5512.21.00 |
| 5512.29.00 | 5512.91.00 | 5512.99.00 | 5513.11.00 |
| 5513.13.00 | 5513.19.00 | 5513.21.00 | 5513.23.00 |
| 5513.29.00 | 5513.33.00 | 5513.39.00 | 5513.41.00 |
| 5513.43.00 | 5513.49.00 | 5514.11.00 | 5514.19.00 |
| 5514.21.00 | 5514.29.00 | 5514.41.00 | 5514.49.00 |
| 5515.11.00 | 5515.12.00 | 5515.13.05 | 5515.19.00 |
| 5515.21.00 | 5515.29.00 | 5515.91.00 | 5515.99.00 |
| 5516.11.00 | 5516.12.00 | 5516.13.00 | 5516.14.00 |
| 5516.21.00 | 5516.22.00 | 5516.23.00 | 5516.24.00 |
| 5516.41.00 | 5516.42.00 | 5516.43.00 | 5516.44.00 |
| 5516.91.00 | 5516.92.00 | 5516.93.00 | 5516.94.00 |
| 5601.10.20 | 5601.22.00 | 5602.10.10 | 5602.10.90 |
| 5602.21.00 | 5602.90.30 | 5602.90.60 | 5602.90.90 |
| 5603.00.90 | 5604.20.00 | 5604.90.00 | 5606.00.00 |
| 5607.41.30 | 5607.49.15 | 5607.49.25 | 5607.49.30 |
| 5607.50.20 | 5607.50.40 | 5607.90.20 | 5608.11.00 |
| 5608.19.10 | 5701.10.16 | 5701.10.20 | 5701.90.20 |
| 5702.10.90 | 5702.31.10 | 5702.31.20 | 5702.32.10 |
| 5702.32.20 | 5702.39.20 | 5702.41.10 | 5702.41.20 |
| 5702.42.10 | 5702.42.20 | 5702.49.10 | 5702.51.20 |
| 5702.51.40 | 5702.52.00 | 5702.59.10 | 5702.59.20 |
| 5702.91.30 | 5702.91.40 | 5702.92.00 | 5702.99.10 |
| 5702.99.20 | 5703.10.00 | 5703.20.10 | 5703.20.20 |
| 5703.30.00 | 5703.90.00 | 5704.10.00 | 5704.90.00 |
| 5705.00.20 | 5801.31.00 | 5801.33.00 | 5801.34.00 |
| 5801.35.00 | 5801.36.00 | 5802.30.00 | 5803.10.00 |
| 5803.90.30 | 5804.10.00 | 5804.21.00 | 5804.29.00 |
| 5804.30.00 | 5805.00.10 | 5805.00.25 | 5805.00.30 |
| 5805.00.40 | 5806.31.00 | 5806.32.10 | 5806.40.00 |
| 5808.90.00 | 5809.00.00 | 5810.10.00 | 5810.91.00 |
| 5810.92.00 | 5811.00.20 | 5901.10.20 | 5901.90.40 |
| 5902.10.00 | 5902.20.00 | 5902.90.00 | 5903.10.20 |
| 5903.10.30 | 5903.20.20 | 5903.20.30 | 5903.90.20 |
| 5905.00.90 | 5906.91.20 | 5906.91.30 | 5906.99.20 |
| 5906.99.30 | 5907.00.90 | 5910.00.10 | 5911.10.20 |
| 5911.20.10 | 5911.31.00 | 5911.32.00 | 5911.40.00 |
| 5911.90.00 | 6001.10.60 | 6001.22.00 | 6001.92.00 |
| 6002.10.80 | 6002.20.10 | 6002.20.30 | 6002.20.60 |
| 6002.30.20 | 6002.43.00 | 6002.93.00 | 6301.10.00 |
| 6301.20.00 | 6301.30.00 | 6301.40.00 | 6301.90.00 |
| 6302.10.00 | 6302.21.20 | 6302.22.10 | 6302.22.20 |
| 6302.29.00 | 6302.31.20 | 6302.32.10 | 6302.32.20 |
| 6302.39.00 | 6302.40.10 | 6302.40.20 | 6302.51.10 |
| 6302.51.20 | 6302.51.30 | 6302.51.40 | 6302.52.10 |
| 6302.52.20 | 6302.53.00 | 6302.59.00 | 6302.60.00 |
| 6302.91.00 | 6302.92.00 | 6302.93.20 | 6302.99.10 |
| 6302.99.20 | 6303.12.00 | 6303.19.00 | 6303.92.00 |
| 6303.99.00 | 6304.11.10 | 6304.11.20 | 6304.11.30 |
| 6304.19.05 | 6304.19.15 | 6304.19.20 | 6304.19.30 |
| 6304.91.00 | 6304.92.00 | 6304.93.00 | 6304.99.10 |
| 6304.99.15 | 6304.99.20 | 6304.99.40 | 6304.99.60 |
| 6307.10.20 | 6307.90.90 | 7019.20.10 | 9404.90.90 |
| 9505.10.25 | 9505.10.50 | 9505.90.60 |            |

[FR Doc. 89-20731 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-DS-M

### Export Trade Certificate of Review

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Issuance of an amended export trade certificate of review, application no. 87-2A001.

**SUMMARY:** The Department of Commerce has issued an amendment to the Export Trade Certificate of Review

granted to American Film Marketing Association on April 10, 1987. Notice of issuance of the Certificate was published in the *Federal Register* on April 17, 1987 (52 FR 12578).

**FOR FURTHER INFORMATION CONTACT:** Douglas J. Aller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202-377-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing title III are found at 15 CFR part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the *Federal Register*. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

### Description of Amended Certificate

Export Trade Certificate of Review No. 87-00001 was issued to American Film Marketing Association ("AFMA") on April 10, 1987. Notice of issuance of the Certificate was published in the *Federal Register* on April 17, 1987 (52 FR 12578).

AFMA has amended its Certificate to:

1. Add each of the following companies (but not their controlling entities) as a "Member" within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2 (1)): Angelika Films, Inc., New York, NY; Bandcompany, Los Angeles, CA; Cinetrust Entertainment Corp., Los Angeles, CA; Esquire Films, Inc., Burbank, CA; Film & Television Company, Beverly Hills, CA; Filmstar, Inc., Los Angeles, CA; Golden Harvest/Golden Communications, Beverly Hills, CA (controlling entity: Golden Communications); International Film Exchange, New York, NY; Morgan Creek International, Los Angeles, CA (controlling entity: Morgan Creek Film Productions, Inc.); Odyssey/Cincom Int'l., Los Angeles, CA (controlling entity: Odyssey Entertainment Ltd.); Premiere Film Marketing, Beverly Hills, CA; Silver Star Film Corp., Los Angeles, CA; Sugar Entertainment Inc., Encino, CA; Tom Parker Motion Pictures, Tarzana, CA; and Vidmark Entertainment, Santa Monica, CA;

2. Delete each of the following companies as a "Member" of the Certificate: Globe Export Company; and Vista Organization Partnership.

3. Change the listing of the company name of the following two current "Members" as follows: change Cannon International, Inc. to Pathe Films, N.V.; and F/M Entertainment Int'l. Inc./The Norkat Company to The Norkat Co. Ltd.

Effective date: May 31, 1989.

A copy of the amended Certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Dated: August 29, 1989.

Douglas J. Aller,

*Director, Office of Export Trading Company Affairs.*

[FR Doc. 89-20796 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-DR-M

### Minority Business Development Agency

#### Business Development Center Applications; Minneapolis/St. Paul, MN

**AGENCY:** Minority Business Development Agency, Commerce.  
**ACTION:** Notice.

**SUMMARY:** The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for approximately a 3 year period, subject to the availability of funds. The cost performance for the first 12 months is estimated at \$165,000 in Federal funds and a minimum of \$29,118 in non-federal contributions for the budget period February 1, 1990 to January 31, 1991. Cost-sharing contributions may be in the form of cash contributions, client fees for services, in-kind contributions, or combinations thereof. The MBDC will operate in the Minneapolis/St. Paul geographic service area. The award number of this MBDC will be 05-10-90001-01.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of



viable minority businesses. To this end, MBDC funds organizations that can coordinate and broker public and private resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated on the following criteria: the experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodology) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive.

MBDCs shall be required to contribute at least 15% of the total project costs through non-federal contributions. Client fees for billable management and technical assistance (M&TA) rendered must be charged by MBDCs. Based on a standard rate of \$50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of \$500,000 or less and 35% of the total cost for firms with gross sales of over \$500,000.

The MBDC may continue to operate, after the initial competitive year, for up to 2 additional budget periods. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds and Agency priorities.

**CLOSING DATE:** The closing date for applications is October 10, 1989. Applications must be postmarked on or before October 10, 1989.

**ADDRESS:** Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street, Suite 1440, Chicago, Illinois 60603, 312/353-0182.

**FOR FURTHER INFORMATION CONTACT:** David Vega, Regional Director, Chicago Regional Office.

**SUPPLEMENTARY INFORMATION:** Anticipated processing time of this award is 120 days. Executive Order 12372 "Intergovernmental Review of

Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be outlined at the above address.

Catalog of Federal Domestic Assistance; 11.800 Minority Business Development

David Vega,

Regional Director, Chicago Regional Office.

Dated: August 29, 1989.

[FR Doc. 89-20713 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-21-M

### National Oceanic and Atmospheric Administration

#### Caribbean Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Caribbean Fishery Management Council and the Council's Administrative Committee will meet September 26-28, 1989, at the Hotel Villa Parguera, Lajas, Puerto Rico.

The Council will hold its 67th regular public meeting to discuss, among other topics, the results of the first round of public hearings on the draft Queen Conch Fishery Management Plan (FMP), the request for emergency action on the red hind closure, and the Option Paper for Amendment #1 to the Shallowwater Reef Fish FMP. The approximate schedule for the Council's meeting is September 27, 1989, from 9 a.m. to 5 p.m., and September 28 from 9 a.m. to noon.

The Caribbean Council's Administrative Committee will meet September 26 from approximately 2 p.m. to 5 p.m., to discuss the Council's regular administrative matters.

For more information contact Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, Banco de Ponce Building, Suite 1108, Hato Rey, Puerto Rico 00918-2577; telephone: (809) 766-5926.

Dated: August 25, 1989.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89-20716 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-22-M

#### Gulf of Mexico Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council and its Committees will meet September 11-14, 1989, at the Crowne Plaza Holiday Inn,

333 Poydras, New Orleans, LA. Except as noted below, the meetings are open to the public.

The Council will meet September 13 at 8:30 a.m. From 8:45 a.m. to 9:15 a.m., it will hear public comments on the Red Drum Fishery Management Plan (FMP), and review committee recommendations. From 9:45 a.m. to 10:15 a.m., it will hear public comments on Mackerel Amendment #3, take action on the amendment, review Draft Amendment #5 and schedule public hearing locations. It will also review Draft Amendment #1 to the Swordfish FMP, schedule public hearing locations, and receive a summary report of the swordfish session of the International Commission for the Conservation of Atlantic Tuna. There also will be reports from the Intercouncil Billfish, Ad Hoc Limited Entry, and Advisory Panel (AP) Selection Committees. (The AP Selection Committee session will be closed to the public to discuss personnel matters.) The meeting will recess at 5 p.m.

On September 14 the Council will reconvene at 8:30 a.m., to review the Law Enforcement Committee report. From 8:45 to 9:15 a.m., it will hear public testimony on Shrimp Amendment #4 and review committee recommendations; it will also discuss proposed 1990 Council meeting dates, receive enforcement reports, review the status of the Shark FMP and Gulf amendment, receive a tuna hearing summary and Director's reports, review the notice of control date for reef fish, and elect a Chair and Vice-Chair. The Council meeting will adjourn at 11:30 a.m.

On September 11 the Mackerel Management Committee will meet from 1 p.m. to 5:30 p.m. On September 12 the Red Drum Management Committee will meet at 8:30 a.m., followed by meetings of the Limited Entry and the AP Selection Committees. (The AP Selection Committee session will be closed to the public to discuss personnel matters.) Adjournment will be at noon. At 1 p.m., the Shrimp Management Committee will meet, followed by a meeting of the Swordfish Management Committee which will adjourn at 5:30 p.m. In another public session, the Law Enforcement Committee will meet at 2:30 p.m., and will adjourn at 4:30 p.m.

For more information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL 33609; telephone: (813) 228-2815.



Dated: August 25, 1989.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89-20717 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-22-M

### National Fish and Seafood Promotional Council; Public Meeting

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

**TIME AND DATE:** The meeting will convene at 8:00 a.m. on Tuesday, September 19, 1989 and adjourn approximately 4:00 p.m. on Wednesday, September 20, 1989.

**PLACE:** Periwinkle Gardens Hotel, 575 Sterling Highway, Homer, AK 99603.

**STATUS:** NOAA announces a meeting of the National Fish and Seafood Promotional Council (NFSPC). The NFSPC, consisting of 15 industry members and the Secretary of Commerce as a non-voting member, was established by the Fish and Seafood Promotion Act of 1986 to carry out programs to promote the consumption of fish and seafood and to improve the competitiveness of the U.S. fishing industry.

The NFSPC is required to submit an annual marketing plan and budget to the Secretary of Commerce for his approval that describes the marketing and promotion activities the NFSPC intends to carry out. Funding for NFSPC activities is provided for through Congressional appropriations.

#### MATTERS TO BE CONSIDERED

##### September 19, 1989

8:00 a.m.—3:00 p.m.—Chairman's opening remarks; approval of minutes from last meeting; Operations Committee budget recommendations and discussion; regional implementation meetings review; advertising and public relations updates; media review/preview; discussion of FY 1990 marketing plan.

##### September 20, 1989

8:30 a.m.—4:00 p.m.—Executive Director's update; Committee reports; Discussion on International Seafood Conference, trade shows, advertising achievement award program, omnibus consumption study, Astoria, Oregon project, species-specific councils update, 1990 American Seafood Challenge, and future Council options.

**PORTION CLOSED TO THE PUBLIC:** None.

#### FOR FURTHER INFORMATION CONTACT:

Jeanne M. Grasso, Program Manager, National Fish and Seafood Promotional

Council, 1825 Connecticut Ave., NW., Suite 618, Washington, DC 20235. Telephone: 202-673-5237.

Dated: August 24, 1989.

James E. Douglas, Jr.,

Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service.

[FR Doc. 89-20702 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-22-M

### COMMISSION FOR THE IMPROVEMENT OF THE FEDERAL CROP INSURANCE PROGRAM

Under the Federal Crop Insurance Commission Act of 1988 (7 U.S.C. 1508 note), notice is hereby given of the following meeting of the Commission for the Improvement of the Federal Crop Insurance Program:

**Date:** September 12-13, 1989.

**Time:** 1:00 p.m.—5:30 p.m., September 12, 1989. 8:00 a.m.—5:30 p.m., September 13, 1989.

**Place:** Embassy Suites Hotel, 1250 22nd Street NW., Washington, DC 20037; Telephone: (202) 857-3388.

**Type of Meeting:** Open to the public.

**Comments:** The public may file written comments before or after the meeting with the contact person listed below.

**Purpose:** To review the extent to which the Commission's recommendations for improvements in the Federal crop insurance program have been implemented; to draft the Commission's September monthly report; to consider other possible recommendations to improve the program; and to consider any other item of business necessary for the effective functioning of the Commission.

At this meeting, the Commission will be reviewing the extent to which its recommendations for improvements in the Federal crop insurance program are being implemented.

In April 1989, the Commission submitted an interim report to the congressional agriculture committees and the Secretary of Agriculture. The report sets forth the Commission's findings and recommendations for immediate administrative improvements in the Federal crop insurance program that it believes would foster increased participation by farmers. The Commission's findings and recommendations fall into four general categories: (1) Increased responsiveness to producer needs; (2) broadening participation; (3) program simplification; and (4) improvement of delivery system performance.

The Commission recently submitted its principal report to the congressional

agriculture committees and the Secretary. In addition to recommendations for administrative improvements in the Federal crop insurance program, the report—which is dated July 1989—includes recommendations for legislation and a status report on the improvement of program administration by the Secretary based on the recommendations made by the Commission in the April report. The recommendations and findings of the Commission contained in the July report fall into four general categories: (1) Increased responsiveness to producer needs; (2) broadening participation; (3) program simplification; and (4) improved program administration.

Under the Federal Crop Insurance Commission Act of 1988, the Commission is charged with the responsibility of continuing to monitor the Federal crop insurance program and reporting on a monthly basis, through December 31, 1990, to the congressional agriculture committees and the Secretary on (1) the extent to which the recommendations of the Commission have been implemented, and (2) the level of participation in the program by producers.

The Commission considers the continued monitoring and monthly reporting a very serious responsibility. In addition to meeting the statutory requirements, the Commission intends to use the monthly reporting process as a means of furnishing the congressional agriculture committees and the Secretary with any additional recommendations it may develop on ways to improve the program.

The Commission also intends to study and analyze the recommendations contained in the April report and the July report and furnish the congressional agriculture committees and the Secretary, through the monthly reporting process, with any views or comments it may develop with respect to such recommendations.

Accordingly, at this meeting, the Commission will be reviewing the extent to which its recommendations are being implemented; drafting the Commission's September report; and considering other possible recommendations to improve the Federal crop insurance program. The Commission will also consider any other item of business necessary for the effective functioning of the Commission.

**Contact Person:** Kellye A. Eversole, Executive Director, Commission for the Improvement of the Federal Crop Insurance Program, 1255 23rd Street, NW., Suite 880, Washington, DC, 20037. Telephone: (202) 887-6700.



Done at Washington, DC, this 25th day of August 1989.

Benjamin I. Baker,

Acting Executive Director.

[FR Doc. 89-20872 Filed 9-1-89; 8:45 am]

BILLING CODE 4310-PM-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Adjustment of Import Limits, Sublimits and Charges for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Mexico

August 30, 1989.

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

**ACTION:** Issuing a directive to the Commissioner of Customs adjusting limits, sublimits and charges.

**EFFECTIVE DATE:** September 6, 1989.

#### FOR FURTHER INFORMATION CONTACT:

Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits and sublimits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 535-9481. For information on embargoes and quota re-openings, call (202) 377-3715.

#### SUPPLEMENTARY INFORMATION:

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

The current limits and sublimits for certain categories are being increased for carryover and recrediting of carryforward not used.

A description of the textile and apparel categories in terms of HTS numbers is available in the

**CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 53 FR 44937, published on November 7, 1988). Also see 53 FR 52461, published on December 23, 1988.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist

only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

## Committee for the Implementation of Textile Agreements

August 30, 1989.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 22, 1988, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textiles and textile products, produced or manufactured in Mexico and exported during the twelve-month period which began on January 1, 1989 and extends through December 31, 1989.

Effective on September 6, 1989, the directive of December 22, 1988 is amended further to increase the limits and sublimits for the following categories, as provided under the provisions of the current bilateral textile agreement between the Governments of the United States and the United Mexican States:

| Category limits not in a group                           | Adjusted 12-month limit <sup>1</sup>  |
|--|---|
| 201-C/669-C <sup>2</sup> .....                           | 1,334,242 kilograms.  |
| 334.....   | 82,362 dozen.   |
| 336/636.....   | 211,070 dozen.  |
| 340/640.....   | 423,576 dozen.  |
| 341/641.....   | 789,032 dozen of which not more than 285,600 dozen shall be in Categories 342-Y/641-Y. <sup>3</sup> |
| 347/348/647/648.....                                     | 4,412,250 dozen.  |
| 349/649.....   | 2,941 dozen.  |
| 351/651.....   | 340,647 dozen.  |
| 352/652.....   | 2,864,451 dozen.  |
| 604-A <sup>4</sup> .....                                 | 680,715 kilograms.  |
| 604-O/607-O <sup>5</sup> .....                           | 1,937,991 kilograms.  |
| 669-B <sup>6</sup> .....                                 | 625,050 kilograms.  |
| <b>Non-Special Regime Category Sublimits<sup>1</sup></b> |   |
| 340/640.....   | 105,894 dozen.  |
| 347/348/647/648.....                                     | 529,764 dozen.  |
| 349/649.....   | 588,300 dozen.  |
| 351/651.....   | 51,097 dozen.   |
| 352/652.....   | 1,289,003 dozen.  |

<sup>1</sup> The limits and sublimits have not been adjusted to account for any imports exported after December 31, 1988.

<sup>2</sup> In Categories 201-C/669-C, only HTS numbers 5607.41.3000, 5607.49.1500, 5607.49.2500, 5607.50.2000 and 5607.90.2000 in Category 201-C; and 5607.49.3000 and 5607.50.4000 in Category 699-C.

<sup>3</sup> In Categories 341-Y/641-Y, only HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030 in Category 341-Y; and 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025 in Category 641-Y.

<sup>4</sup> In Category 604-A, only HTS number 5509.32.0000.

<sup>5</sup> In Category 604-O, all HTS numbers except 5509.32.0000; and in Category 607-O all HTS numbers except 5509.53.0030 and 5509.53.0060.

<sup>6</sup> In Category 669-B, only HTS numbers 6305.31.0020 and 6305.39.0000.

Also effective on September 6, 1989, you are directed to deduct 3,266 kilograms, for goods exported in 1988, from the current charges made to Category 459. Import

charges of 6,266 kilograms, for goods exported in 1988, shall be charged to the 1988 limit established in the March 7, 1988 directive for Category 459.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements

[FR Doc. 89-20723 Filed 9-1-89; 6:45 am]

BILLING CODE 3510-DR-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, October 3, 1989; Tuesday, October 10, 1989; Tuesday, October 17, 1989; Tuesday, October 24, 1989; and Tuesday, October 31, 1989 at 10:00 a.m. in Room 1E801, The Pentagon, Washington, DC.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Force Management and Personnel) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Public Law 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency." (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c)(2)), and the detailed wage data considered from



officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, The Pentagon, Washington, DC 20301.

Dated: August 29, 1989.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 89-20701 Filed 9-1-89; 8:45 am]

BILLING CODE 3810-01-M

## Department of the Air Force

### Air Force Academy Board of Visitors; Meeting

Pursuant to section 9355, Title 10, United States Code, the Air Force Academy Board of Visitors will meet at the Air Force Academy, Colorado Springs, Colorado, October 12-14, 1989. The purpose of the meeting is to consider morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy.

This meeting will be closed to the public to discuss matters analogous to those listed in subsections (2), (4), and (6) of section 552b(c), Title 5, United States Code. These closed sessions will include: attendance at cadet classes and panel discussions with groups of cadets and military staff and faculty officers involving personal information and opinions, the disclosure of which would result in a clearly unwarranted invasion of personal privacy. Closed sessions will also include executive sessions involving discussions of personal information, including financial information, and information relating solely to internal personnel rules and practices of the Board of Visitors and the Academy. Meeting sessions will be held in various facilities throughout the cadet area.

For further information, contact Major Tim Taylor, Headquarters, US Air Force (DPPA), Washington, DC 20330-5060, at (202) 697-2919.

**Patsy J. Conner,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 89-20719 Filed 9-1-89; 8:45 am]

BILLING CODE 3510-01-M

## DEPARTMENT OF ENERGY

### Advisory Committee on Nuclear Facility Safety; Open Meeting; Agenda Change

On Tuesday, August 22, 1989, at page 34810 of Federal Register Vol. 54, No. 161; the Advisory Committee on Nuclear Facility Safety announced an open meeting being held on Wednesday, September 6, 1989 from 8:30 am to 10:00 pm, and Thursday, September 7, 1989 from 8:30 am to 3:00 pm at the U.S. Department of Energy, Savannah River Site, Aiken, South Carolina. In order to provide for the fullest participation of committee members in the scheduled meeting, the agenda item regarding the Waste Isolation Pilot Plan (WIPP) has been moved from September 7 to September 6. The overall agenda for both days, including the revision, is as set forth below.

#### Tentative Agenda

##### September 6, 1989

8:30 am—Chairman John F. Ahearne Opens Meeting. Review of Reactor Restart Plan

Noon—Lunch

1:00 pm—Review of Reactor Restart Issues. Status Report on Waste Isolation Pilot Plant

5:30 pm—Meeting Adjourned

8:00 pm—10:00 pm—Public Comment Session

##### September 7, 1989

8:30 am—Review of Reactor Restart Issues (Continued). Subcommittee Reports

12:00 noon—Lunch

1:00 pm—Review of Selected Technical Issues

3:00 pm—Meeting Ends.

Contact: Wallace R. Kornack, Executive Director, ACNFS, S-2, 1000 Independence Ave., SW., Washington, DC 20585, 202-586-1770.

Issued at Washington, DC on August 30, 1989.

**J. Robert Franklin,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 89-20829 Filed 8-30-89; 5:01 pm]

BILLING CODE 6450-01-M

## Energy Information Administration

### Agency Information Collections Under Review by the Office of Management and Budget

**AGENCY:** Energy Information Administration, DOE.

**ACTION:** Notice of requests submitted to the Office of Management and Budget for review.

**SUMMARY:** The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. 96-511, 44 U.S.C. 3501 *et seq.*).

The listing does not include information collection requirements contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, or extension; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

**DATES:** Comments must be filed on or before October 5, 1989. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395-3084. (Also, please notify the EIA contact listed below.)

**ADDRESS:** Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

**FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT:** Jay Casselberry, Office of Statistical Standards (EI-70), Energy Information Administration, M.S. 1H-023, 1000 Independence Avenue SW.,



Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 586-2171.

**SUPPLEMENTARY INFORMATION:**

The first energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC-16A
3. 1902-0105
4. Monitoring (Omnibus) Report (stand-by authority)
5. Extension
6. On occasion
7. Mandatory
8. Businesses or other for profit
9. 1 respondent
10. 1 response annually
11. The estimated average hours per response for each of the respondents is 1 burden hour.
12. The estimated total reporting burden is 1 hour.
13. Stand-by authority to collect information needed to ensure that the FERC has timely information available with respect to the natural gas supply outlook for the upcoming winter period and to identify potential areas where shortages may exist or develop.

The second energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC-574
3. 1902-0116
4. Gas Pipeline Certificates—Hinshaw Exemption
5. Extension
6. One-time filing
7. Required to obtain or retain a benefit
8. Businesses or other for profit
9. 1 respondent
10. 1 response annually
11. The estimated average hours per response for each of the respondents is 245 burden hour.
12. The estimated total reporting hours are 245.
13. The FERC-574 data are used by the Commission in assessing applications for exemption from certain provisions of the NGA by companies engaging in the transportation or sale for resale of natural gas in interstate commerce.

**Authority:** Sec. 5(a), 5(b), 13(b), and 52, Public Law No. 93-275, Federal Energy Administration Act of 1974, as amended, 15 U.S.C. 764(a), 764(b), 772(b), and 790(a).

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 89-20788 Filed 9-1-89; 8:45 am]

BILLING CODE 6450-01-M

**Form EIA-6, Coal Distribution Report**

**AGENCY:** Energy Information Administration, DOE.

**ACTION:** Notice of proposed revision of the Form EIA-6, Coal Distribution Report and solicitation of comments.

**SUMMARY:** The Energy Information Administration (EIA), as part of its continuing effort to reduce paperwork and respondent burden (required by the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. 3501 *et seq.*), conducts a presurvey consultation program to provide the general public and other Federal agencies with an opportunity to comment on proposed and/or continuing reporting forms. This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly addressed. Currently EIA is soliciting comments concerning the proposed revision to the Form EIA-6, Coal Distribution Report.

**DATE:** Written comments must be submitted within 30 days of the publication of this notice. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below of your intention to do so as soon as possible.

**ADDRESS:** Send comments to Mr. Bruce F. Quade, EI-521, Mail Stop 2G090, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6868.

**FOR FURTHER INFORMATION OR TO OBTAIN COPIES OF THE PROPOSED FORM AND INSTRUCTIONS:** Requests for additional information or copies of the form and instructions should be directed to Mr. Bruce F. Quade at the address listed above.

**SUPPLEMENTARY INFORMATION:**

- I. Background
- II. Current Actions
- III. Requests for Comments

**I. Background**

In order to fulfill its responsibilities under the Department of Energy Organization Act (Public Law 95-91), the Energy Information Administration is obliged to carry out a central, comprehensive, and unified energy data and information program which will collect, evaluate, assemble, analyze, and disseminate data and information related to energy resources, reserves, production, demand, and technology, and related economic and statistical information. The program will also

include data and information relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs.

Form EIA-6 collects coal production, stock and shipment data from U.S. coal producers and distributors. The data collected on Form EIA-6 are used by the Federal government to support economic analysis of the coal and transportation industries, for analyses of the impacts of regulatory and legislative initiatives, for publication of timely coal statistics for use by the Congress and Federal agencies, and in the private sector to conduct market assessments and other economic analysis.

**II. Current Actions**

The proposed change to the EIA-6 is a revision of the existing survey with no change in the expiration date. Starting with 1990 data submissions beginning in April 1990, EIA-6 respondents will report by coal-producing State of origin instead of by the coal-producing District and State of origin.

**III. Request for Comments**

Prospective respondents and other interested parties should comment on the proposed revision. The following general guidelines are provided to assist in the preparation of responses.

As a potential respondent:

A. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can the data be submitted using the definitions included in the instructions?

C. Can data be submitted in accordance with the response time specified in the instructions?

D. Public reporting burden for this collection is estimated to average 2.5 hours per response. How much time, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information, do you estimate it will require you to complete and submit the required form?

E. What is the estimated cost of completing this form, including the direct and indirect costs associated with the data collection? Direct costs should include all costs, such as administrative costs, directly attributable to providing this information.

F. How can the form be improved?

G. Do you know of any other Federal, State, or local agency that collects similar data? If you do, specify the agency, the data element(s), and the means of collection.

As a potential user:



A. Can you use data at the levels of detail indicated on the form?

B. For what purpose would you use the data? Be specific.

C. How could the form be improved to better meet your specific needs?

D. Are there alternate sources of data and do you use them? What are their deficiencies and/or strengths?

EIA is also interested in receiving comments from persons regarding their views on the need for the information contained on Form EIA-6.

Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval of the form; they also will become a matter of public record.

Authority: Sec. 5(a), 5(b), 13(b), and 52 of Public Law 93-275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b) and 790a.

Issued in Washington, DC, August 29, 1989.

**Yvonne Bishop,**

*Director, Statistical Standards Energy Information Administration.*

[FR Doc. 89-20789 Filed 9-1-89; 8:45 am]

BILLING CCDE 6450-01-M

## Federal Energy Regulatory Commission

[Docket Nos. CP88-178-000 and CP89-178-001]

### Indiana Ohio Pipeline Co.; Intent To Prepare an Environmental Assessment for the Indiana Ohio Project and Request for Comments on Environmental Issues

August 29, 1989.

#### Summary

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) on the facilities proposed in the above-referenced dockets for the Indiana Ohio Project.

Indiana Ohio Pipeline Company (Indiana Ohio) is seeking a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act and 18 CFR part 157, subpart E to construct and operate 110.72 miles of 30-inch-diameter natural gas pipeline and appurtenant facilities. The proposed facilities would be used to transport natural gas from Panhandle Eastern Pipe Line Company's (Panhandle) mainline system in Grant County, Indiana to Texas Eastern Transmission Corporation's (Texas Eastern) mainline system in Warren County, Ohio. The purpose of the Indiana Ohio Project is to provide an interconnecting pipeline link between the midcontinent gas supplies

and the downstream facilities serving Northeast and Middle Atlantic markets.

By this notice the FERC staff is requesting comments on the scope of the analysis that should be conducted for the EA. All comments will be reviewed prior to publication of the EA and significant issues will be addressed. Comments should focus on potential environmental effects, alternatives to the proposal (including alternative routes), and measures to mitigate environmental impact. Written comments must be submitted by October 2, 1989, in accordance with the instructions provided at the end of this notice.

#### Proposed Action

On January 15, 1988, Indiana Ohio filed an application with the FERC in Docket No. CP88-178-000 to construct 110 miles of new 20-inch-diameter pipeline, a new 6,000-horsepower compressor station, and metering and related facilities with a design capacity of 200,000 Mcf (thousand cubic feet) of gas per day. However, on August 15, 1989, Indiana Ohio filed an amendment (Docket No. CP88-178-001) that changed the diameter of the proposed pipeline from 20 to 30 inches, deleted the 6,000-horsepower compressor station, and modified the pipeline route. All of these facilities would be owned and operated by Indiana Ohio, a wholly owned and operated subsidiary of Panhandle Eastern Corporation.

#### Proposed Facilities

The general location of the proposed pipeline is shown in figure 1.<sup>1</sup> The 30-inch-diameter, 110.72-mile-long pipeline would originate from Panhandle's Zionsville 7-gate valve, located about 4.7 miles south-southeast of Gas City, Indiana, and cross Grant, Delaware, and Randolph Counties, Indiana, and Darke, Preble, Montgomery, and Warren Counties, Ohio. The route would parallel existing pipeline, railroad, powerline and road rights-of-way for about 60 percent of its length and terminate at Texas Eastern's Lebanon Compressor Station, located about 2 miles north of Lebanon, Ohio.

Indiana Ohio proposes to use a 66-foot-wide construction right-of-way at most locations along the route. Larger work areas would be required at some road, railroad, stream, and wetland crossings. Indiana Ohio seeks to maintain a 66-foot-wide permanent right-of-way for the life of the project.

<sup>1</sup> Figure 1 is not being printed in the Federal Register, but copies are available from the Commission's Public Reference Branch at (202) 357-8118.

Indiana Ohio's metering facilities would be located at milepost 110.72 within Texas Eastern's existing Lebanon Compressor Station. No additional land would be required.

#### Construction Timing and Techniques

The proposed facilities would be constructed and operated in accordance with all applicable regulations. These include: 49 CFR part 192—Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards; 18 CFR 2.69—Guidelines to be Followed by Natural Gas Pipeline Companies in the Planning, Clearing, and Maintenance of Rights-of-Way; and other applicable Federal, state, and local regulations and permit requirements.

If authorized, construction of the proposed project may occur in the warm weather months of 1990 and take about 4 months to complete.

Pipeline construction would begin with surveying. Then clearing and grading of a 66-foot-wide construction right-of-way would occur, in most locations, to prepare a relatively level strip to accommodate construction equipment. Rotary-wheel ditching machines, backhoes, clamshells, draglines, or other similar equipment would be used to excavate a trench deep enough to provide a minimum of 3.5 feet of cover, except for stream, river, road, and railroad crossings which would have about 5 feet of cover. Blasting would be required when areas of unrippable consolidated rock are encountered. As proposed, topsoil would be removed and conserved on all cultivated and improved lands if requested by the landowner.

After trenching, pipe segments would be strung along the right-of-way, bent to conform to the contours of the trench, welded together, coated, and lowered into the trench. Backfilling of the trench would use suitable previously excavated materials (no rock over 8 inches in diameter) or imported materials where necessary. Conserved topsoil would be replaced at approximately its original position. The right-of-way would be restored to its original contours as much as practicable, and reseeded, limed, fertilized and mulched in accordance with an erosion and sediment control plan that will be reviewed by the FERC staff.

Special construction methods would be employed across wetlands, rivers, and streams to provide stable work areas and to restore vegetation and prevent changes in drainage patterns. Small streams would be trenched using a backhoe, dragline or clam dredge. For



major river crossings, a barge-mounted backhoe, hydraulic suction dredge or directional drilling may be employed. Staging areas for stream and wetland crossings would be located back from the waterline. Construction methods for crossing small wetlands would be similar to those used on dry land. Construction in large wetland areas would employ the "push-pull" technique where flotation devices are attached to the welded pipeline, the pipeline is pushed or pulled into place over the excavated trench, the floats are removed and the pipe settles to the bottom of the trench, and the trench is backfilled and the original wetland contours are restored.

#### Environmental Issues

Based on preliminary analysis of the application, pipeline route, and the environmental information provided by the applicant, the FERC staff has identified the following issues which will be addressed in the EA:

|                      |  |
|----------------------|--|
| Soils and Geology.   | Erosion control and revegetation.<br>Effect on crop production and farmland.<br>Effects of blasting and geologic hazards.<br>Impact on exploitable mineral resources.    |
| Water Resources..    | Effects on potable water supplies.<br>Impact on streams.   |
| Vegetation.....      | Impact on wetlands.<br>Short- and long-term effects on vegetation.   |
| Wildlife.....        | Impact on fisheries.<br>Impact on threatened and endangered species.   |
| Cultural Resources.  | Effect of the project on properties listed on or eligible for the National Register of Historic Places.  |
| Land Use/Aesthetics. | Impact on homes, future development, and public recreation areas.<br>Impact on nature preserves, parks, and public lands.<br>Effect of the right-of-way on scenic areas. |

Pipeline Safety..... Possibility of pipeline rupture. Blasting in populated areas.

Alternatives, route modifications, and specific mitigating measures will also be considered in the staff's analysis. Comments are solicited on any additional topics of environmental concern to residents and others in the project area. After comments from this notice are received and analyzed and the various issues investigated, the staff will publish an EA for the Indiana Ohio Project.

#### Comment Procedure

A copy of this notice and request for comments on environmental issues has been sent to Federal, state, and local environmental agencies, parties in this proceeding, public interest groups, libraries, newspapers, and other interested individuals. All counties in the project area, and all townships which are traversed by the proposed pipeline have been provided copies of detailed maps which identify the location of the proposed project in their respective areas.

Comments on the scope of the EA should be filed as soon as possible but no later than October 2, 1989. All written comments must reference Docket No. CP88-178-001 and be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. A copy of the comments should also be sent to Mr. Kenneth Frye, Project Manager, Federal Energy Regulatory Commission, Room 7312M, 825 North Capitol Street, NE., Washington, DC 20426. Comments recommending that the FERC staff address specific environmental issues should be supported with a detailed explanation of the need to consider such issues.

The EA will be based on the FERC staff's independent analysis of the proposal and, together with the comments received, will be a part of the record to be considered by the Commission in this proceeding. The EA will be sent to all parties in this proceeding, to those providing comments in response to this notice, to Federal and state agencies, and to interested members of the public. The EA may be offered as evidentiary material if an evidentiary hearing is held in this proceeding. In the event that an evidentiary hearing is held, anyone not previously a party to this proceeding and wishing to present evidence on environmental or other matters must

first file with the Commission a motion to intervene, pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214).

Additional information about the proposal, including detailed route maps for specific locations, is available from Mr. Kenneth Frye, Project Manager, telephone (202) 357-8898.

Lois D. Cashell,  
Secretary.

[FR Doc. 89-20703 Filed 9-1-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-460-000, CP89-1851-000]

#### Pacific Gas Transmission Co., Altamont Gas Transportation Project; Notification of Schedule For Public Scoping Meetings on Environmental Issues To Be Addressed in the Joint Draft Environmental Impact Report Statement

August 29, 1989

The staff of the Federal Energy Regulatory Commission (FERC) hereby announces the schedule of public scoping meetings to be held jointly with the California Public Utility Commission (CPUC). The meetings will be conducted to identify the scope and significance of environmental impact associated with two proposals to transport natural gas between Canada and southern California for use by various local distribution companies and utilities. The attachment lists the locations, dates, and times of the meetings.

On August 8, 1989, the FERC staff issued a notice of intent to prepare a draft environmental impact report/statement and request for comments on its scope for the projects proposed in the dockets listed above (54 FR 33272). This notice stated that the CPUC is working with the FERC staff to produce a joint environmental impact document and contained brief descriptions of the actions proposed, general location maps, and information on comment procedures. Proposed locations for public scoping meetings were noted, and the public was afforded an opportunity to comment and/or nominate additional locations. The attachment to this notice finalizes the times, dates, and locations of the scoping meetings for these proposals.

As referenced in the August 8, 1989 notice, the public scoping meetings are intended as an opportunity for state and local governments and the general public to provide information and assistance directly to the FERC and CPUC staffs in defining the range of



environmental issues and concerns that need to be addressed in the impact analysis. As previously stated, Federal agencies with an interest in these proposals have formal channels for input into the analysis and are expected to coordinate their comments through the lead Federal agency outside the public meeting mechanism.

Further information concerning the public scoping meetings or about these proposals in general is available from the following individuals:

Ms. Lauren H. O'Donnell, Room 7312, Office of Pipeline and Producer Regulation, Environmental Compliance and Project Analysis Branch, Federal Energy Regulatory Commission, Washington, DC 20426, Telephone (202) 357-8874.

or

Mr. Clyde Murley, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, Telephone (415) 557-4027.

Persons who would like to make oral presentations at the meetings should contact the FERC project manager identified above to have their names placed on the speakers' list. Persons on the speakers' list prior to the date of the meeting will be allowed to speak first. A second speakers' list will be available at the public meeting. Priority will be given to those persons representing groups.

Lois D. Cashell,  
Secretary.

### Schedule of Joint FERC/CPUC Public Scoping Meetings

| Date  | Time      | Location  |
|---|-----------|---|
| <i>Allamont Gas Transportation Project</i><br>Monday, September 18, 1989. | 7:00 p.m. | Holiday Inn, North Federal at Sunset, Riverton, Wyoming.                          |
| Tuesday, September 19, 1989.  | 7:00 p.m. | Sheraton Hotel, 27 North 27th Street, Billings, Montana.                          |
| <i>PGT/PG&amp;E Expansion Project</i><br>Monday, September 18, 1989.      | 7:00 p.m. | Antioch City Hall, City Council Chamber, 3rd and H Street, Antioch, California.   |
| Tuesday, September 19, 1989.  | 7:00 p.m. | Riverhouse Motor Inn, Little Deschutes Room, 3075 North Highway 97, Bend, Oregon. |
| Wednesday, September 20, 1989.  | 7:00 p.m. | Ridpath Hotel, Legend Room A, 515 W. Sprague Avenue, Spokane, Washington.         |

[FR Doc. 89-20704 Filed 9-1-89; 8:45 am]

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### FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. G-8493-003, et al.]

ARCO Oil and Gas Co., Division of Atlantic Richfield Co., et al.;

#### Applications For Certificates and Abandonment of Service<sup>1</sup>

August 28, 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 September 14, 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.

<sup>1</sup> 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   |
|--------------------------------------|--|---|---|
| G-8493-003, B, 8-1-89.....           | ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, TX 75221. | Texas Eastern Transmission Corporation, Various Fields, Hardin, et al. Counties, Texas.     | Certain leases released. Certain other leases assigned 10-1-86 to Murphy Oil U.S.A., Inc. and 11-8-72 to Norman A. Bock and Douglas E. Bacon. |
| CI89-482-000, E, 7-19-89....         | Mitchell Energy Corporation, P.O. Box 4000, The Woodlands, TX 77387-4000.                          | Natural Gas Pipeline Company of America, Wise and Jack Counties, Texas.                     | Acreage acquired 3-1-88 from Gerald Rauch, Sabio Oil & Gas, Inc. and S.P. Mandell.  |
| CI89-495-000 (CI61-151), F, 7-31-89. | Samson Resources Company, Samson Plaza, Two West Second Street, Tulsa, OK 74103.                   | Arkla Energy Resources, a division of Arkla, Inc., Manziel Field, Wood County, Texas.       | Acreage acquired 11-1-87 from Shell Western E&P Inc.  |
| CI89-497-000, E, 8-7-89.....         | Samson Resources Company.....  | Arkla Energy Resources, a division of Arkla, Inc., Cameron Field, LeFlore County, Oklahoma. | Acreage acquired 12-1-85 from Harold Hamm and Carroll L. Brewer.  |
| CI89-498-000 E, 8-7-89.....          | Samson Resources Company.....  | Arkla Energy Resources, a division of Arkla, Inc., Arkoma Area, Latimer County, Oklahoma.   | Acreage acquired 5-5-86 from Amelia R. Josey.   |
| CI89-503-000 (G-16774), B, 8-11-89.  | Oryx Energy Company, P.O. Box 2880, Dallas, TX 75221.  | El Paso Natural Gas Company, Bisti Lower Gallup Field, San Juan County, New Mexico.         | Non-productive acreage.   |



| Docket No. and date filed             | Applicant  | Purchaser and location   | Description   |
|---------------------------------------|--|--|---|
| CI89-504-000 (CI67-12435, B, 8-11-89. | Oryx Energy Company.....   | El Paso Natural Gas Company, Gallegos Canyon, <i>et al.</i> Fields, San Juan County, New Mexico. | Non-productive acreage.   |
| CI89-505-000 (CI66-103), B, 8-11-89.  | Oryx Energy Company.....   | Transwestern Pipeline Company, Bell Lake Field, Lea County, New Mexico.                          | Non-productive acreage.   |
| CI89-506-000 (G-13748), B, 8-11-89.   | Oryx Energy Company.....   | Texas Eastern Transmission Corporation, Hidalgo Field, Hidalgo County, Texas.                    | Non-productive acreage.   |
| CI89-507-000 (CI61-372), B, 8-11-89.  | Oryx Energy Company.....   | Transwestern Pipeline Company, Kermil South Field, Winkler County, Texas.                        | Well abandoned in 1985.   |
| CI89-515-000 E, 8-17-89.....          | Sonata Exploration Company, P.O. Box 1513, Houston, TX 77251-1513. | Natural Gas Pipeline Company of America, North Beckville Field, Panola County, Texas.            | Acreage acquired 6-1-88 from /Thomas D. Barrow, John T. Neal, and B and N Petroleum, Inc. |

A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Assignment of acreage; E—Succession; F—Partial Succession.

[FR Doc. 89-20705 Filed 9-1-89; 8:45 am]  
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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-3640-4]

### Financial Assistance Program for Review Under 40 CFR Part 29

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of availability and review.

**SUMMARY:** The Environmental Protection Agency (EPA) is announcing the availability of a new financial assistance program (66.032 "State Indoor Radon Grants") to provide financial support to States (including the District of Columbia and the U.S. Trust Territories) for the purpose of assisting States in the development and implementation of programs for the assessment and mitigation of radon. The program is authorized by the Toxic Substances Control Act, (15 U.S.C. 2601 *et seq.*), under Title III, the Indoor Radon Abatement Act (15 U.S.C. 2661 *et seq.*).

**DATES:** States choosing to include this program in their intergovernmental review process must notify EPA on or before October 5, 1989. On or before September 22, 1989, States should notify EPA of their intent to apply for assistance under this program. Letters of intent should include proposals for innovative projects, if applicable. Completed applications must be received by EPA no later than December 15, 1989, to be considered for award.

**ADDRESSES:** Letters of intent, applications, and intergovernmental review comments on applications should be sent to the appropriate EPA Regional Grants Management Office: Program Planning & Integration Branch, EPA—Region I, John F. Kennedy Federal Bldg, Room 2203, Boston, MA 02203

Grants Administration Branch 2MGT, EPA—Region II, 26 Federal Plaza, New York, NY 10278

Grants & Audit Resolution Branch, EPA—Region III, 841 Chestnut Street, Philadelphia, PA 19107

Grants and Contracts Section, EPA—Region IV, 345 Courtland Street, NE., Atlanta, GA 30365

Grants & Financial Management Branch 5MF, EPA—Region V, 230 South Dearborn Street, Chicago, IL 60604

Program Planning & Intergration Branch 6MG, EPA—Region VI, 1445 Ross Avenue, 12th Floor, Suite 1200, Dallas, TX 75270

Program Integration Branch, EPA—Region VII, 726 Minnesota Avenue, Kansas City, KS 66101

Grants Management Branch 8PM-GM, EPA—Region VIII, 999 18th Street, Suite 500, Denver, Co 80202-2405

Policy and Grants Branch M5, EPA—Region IX, 215 Fremont Street, San Francisco, CA 94105

Comptroller Branch, EPA—Region X, 1200 Sixth Avenue, Seattle, WA 98101.

Letters indicating State intent to participate in intergovernmental review should be sent to EPA on or before October 5, 1989 at the following address: Grants Policy and Procedures Branch, Grants Administration Division (PM-216F), 401 M Street SW., Washington DC, 20460, Attention: Corinne Allison.

#### FOR FURTHER INFORMATION CONTACT EPA REGIONAL RADIATION PROGRAM MANAGERS:

EPA—Region I, Thomas D'Avanzo, (617-565-4502)

EPA—Region II, Larainne Koehler, (212-264-0546)

EPA—Region III, Hank Sokolowski, (215-597-9075)

EPA—Region IV, Paul Wagner, (404-347-3907)

EPA—Region V, Patricia A.J. York, (312-886-6035)

EPA—Region VI, Terrie DeLorimier, (214-655-7208)

EPA—Region VII, Carl Walter (913-236-2893)

EPA—Region VIII, Milton Lammering, (303-293-1709)

EPA—Region IX, Mike Bandrowski, (415-974-8378)

EPA—Region X, Jerry Leitch, (206-442-7660).

#### SUPPLEMENTARY INFORMATION:

Under the authority of section 306 of the Indoor Radon Abatement Act (IRAA, 15 U.S.C. 2666) (EPA may award grants to State agencies for the State Indoor Radon Grant (SIRG) program. This program is eligible for intergovernmental review under Executive Order 12372 (E.O. 12372). States must notify the Grants Policy and Procedures Branch, listed under **ADDRESSES** above, whether or not applications for the SIRG program will be subject to their State's official E.O. 12372 review process.

Applicants must contact their State's Single Point of Contact (SPOC) for intergovernmental review as early as possible to find out if their applications for this program are subject to their State's official E.O. 12372 review process. If subject to their State's E.O. 12372 review process, then the applicant must submit their application or any other material required by their State to their SPOC for review. SPOCs should send their official intergovernmental review comments on an application to the appropriate EPA Regional Grants Management Office listed under **ADDRESSES** above, no later than 60 days after the receipt of the application/other required for review.

#### State Indoor Radon Grants

##### Purpose

The State Indoor Radon Grant Program (SIRG), authorized by section 306 of IRAA (15 U.S.C. 2666) through Fiscal Year 1991, allows the governor of a State to apply to EPA for assistance in the development and implementation of programs for the assessment and mitigation of radon. The governor of a State must designate a lead agency to represent the State, as specified by



section 306(b) of IRAA (15 U.S.C. 2666(b)). Eligible State applicants, as defined by section 3 of the Toxic Substances Control Act (15 U.S.C. 2602(13)), include: any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana Islands, or any other territory or possession of the United States. Therefore, the term "State" as used in this notice shall include the States, the District of Columbia, and the U.S. Trust territories, as defined above. States may, at their discretion, use grant funds to assist local governments for certain eligible activities pursuant to section 306(g) of IRA (15 U.S.C. 2666(g)).

Section 306(f) of IRAA (15 U.S.C. 2666(f)) states that the Federal cost share of radon program activities implemented under the SIRG program shall not exceed 75% and 60% in the first and second grant year, respectively. Thus, States must provide a non-Federal cost share of at least 25% in the first grant year of participation in the SIRG program, and at least 40% in the State's second grant year. Section 306(h) of IRA (15 U.S.C. 2666(h)) states that EPA may request information, data, and reports as necessary to determine the continuing eligibility of a State recipient. This section also specifies that State recipients shall provide EPA with all radon-related information generated by the recipient's activities, and that State recipients shall maintain and make available to the public a list of firms and individuals within the State that have received a passing rating under the EPA proficiency rating program. Section 306(i) of IRAA (15 U.S.C. 2666(i)) includes the following limitations on the State's use of grant funds:

(1) Before a State can receive funding for a second grant year, EPA must determine that such State has satisfactorily implemented the activities funded by the grant in the previous grant year.

(2) The costs of purchasing radon measurement devices and of implementing demonstration projects (eligible activities (4) and (9) listed below) shall not in the aggregate exceed 50% of the amount of the grant award in a fiscal year. A State should make every effort, consistent with the goals and successful operation of the State radon program, to give a preference to low-income persons.

(3) The costs of general overhead and program administration (eligible activity (7) listed below) shall not exceed 25% of the amount of the grant award in a fiscal year.

(4) A State may use grant funds for financial assistance to persons only to the extent such assistance is related to demonstration projects or the purchase and analysis of radon measurement devices.

### Eligible Activities

Under SIRG, the following activities are eligible for funding, as specified by section 306(c) or IRAA (15 U.S.C. 2666(c)):

(1) Survey of radon levels, including special surveys of geographic areas or classes of buildings (such as, among others, public buildings, schools, high risk residential construction types).

(2) Development of public information and educational materials concerning radon assessment, mitigation, and control programs.

(3) Implementation of programs to control radon in existing and new structures.

(4) Purchase by the State of radon measurement equipment or devices.

(5) Purchase and maintenance of analytic equipment connected to radon measurement and analysis, including costs of calibration of such equipment.

(6) Payment of costs of Environmental Protection Agency-approved training programs related to radon for permanent State or local employees.

(7) Payment of general overhead and program administration costs.

(8) Development of a data storage and management system for information concerning radon occurrence, levels, and programs.

(9) Payment of costs of demonstration of radon mitigation methods and technologies as approved by EPA, including State participation in the EPA Home Evaluation Program.

(10) A toll-free radon hotline to provide information and technical assistance.

### Program Development Framework

The Agency will fund eligible activities that augment (but do not supplant) existing State efforts. EPA has identified four functional areas that together form the framework for the eligible activities specified by IRAA (and described above) to develop an effective, comprehensive State Indoor Radon Program. These functional areas are derived from the document entitled *Key Elements of a State Radon Program* (EPA 520/1-88-006). These four functional areas constitute a model radon program framework:

(1) Program Management: Organization and management activities designed to establish an effective program infrastructure. Examples include strategy development, designation of responsibilities, and implementation of data management systems.

(2) Public Information: Activities which provide basic, up-to-date information to citizens within the State concerning the sources of radon contamination, paths of exposure, health risks, assessment techniques, mitigation methods, and prevention measures.

(3) Problem Assessment: Process of identifying and evaluating areas of

potentially significant radon exposure and health risk. Activities in this area may range from conducting isolated measurements in houses and schools to surveying "hot spot" areas and undertaking large, State-wide surveys.

(4) Problem Response: Actions designed to reduce radon exposure and risk to acceptable levels. Problem response encompasses both mitigation of risks in existing homes, schools, and other buildings and preventing radon problems in new structures.

EPA believes that every State should possess, at a minimum, the capacity to identify and respond to its most serious radon problem areas. States are strongly encouraged to complete their basic framework in each of these functional areas prior to (or concurrently with) undertaking more advanced activities. States with more mature programs are encouraged to propose activities that build upon existing efforts in the four functional areas. In some cases, a State may wish to undertake innovative projects which may be of use to other States. Innovative projects would complement the State's basic Indoor Radon Program, and can serve as a model for other States.

### Innovative Projects

States may propose projects that have the potential for development of innovative approaches to reducing public health risk from radon. Projects funded from this pool should be useful as models either on a national or regional scale and have the potential to be adopted by other States. Project proposals may be submitted under any of the functional program areas identified in the model program framework (described above) for any of the activities described under Eligible Activities. States interested in implementing innovative projects should call the EPA Regional Radiation Program contacts listed under **FOR FURTHER INFORMATION** above for assistance in developing brief proposals. Interested States should then submit these proposals with their letter of intent no later than September 22, 1989 to the appropriate EPA Regional Grants Management Office listed under **ADDRESSES** above.

### Funding

As specified in section 306(j) of IRAA (15 U.S.C. 2666(j)), up to \$10,000,000 is authorized for SIRG for Fiscal Year 1990, and no more than 10% of the total amount available may be awarded to a single State. If State applications exceed the total funds available, EPA will give priority to activities or projects based on each of the following criteria specified



by section 306(e) of IRAA (15 U.S.C. 2666(e)):

(1) The seriousness and extent of the radon contamination problem to be addressed.

(2) The potential for the activity or project to bring about reduction in radon levels.

(3) The potential for development of innovative radon assessment techniques, mitigation measures as approved by EPA, or program management approaches which may be of use to other States.

(4) Any other uniform criteria that EPA deems necessary to promote the goals of the grant program and that EPA provides to States before the application process.

EPA has established an additional criteria, as authorized by section 306(e)(4):

The potential for the activity to establish a core Indoor Radon Program in all States who wish to participate.

#### Application Requirements

States who wish to apply for grant assistance under the SIRG program should submit a letter of intent (and brief innovative project proposals, if applicable) to the appropriate EPA Regional Office listed under ADDRESSES above by September 22, 1989. States must submit their completed applications to the appropriate EPA Regional Office no later than December 15, 1989.

Each application submitted to EPA for Fiscal Year 1990 grant awards must include the following information (See section 306(b) of IRAA, 15 U.S.C. 2666(b)):

1. Application SF-424: Application for Federal Assistance.

2. EPA Form 5700-49: Certification Regarding Debarment, Suspension, and Other Responsibility Matters.

3. A description of the seriousness and extent of the radon exposure in the State.

4. An identification of the State Agency which has the primary responsibility for radon programs and which will receive the grant, a description of the roles and responsibilities of the lead State agency and any other State agencies involved in the radon programs, and description of the roles and responsibilities of any municipal, district, or areawide organization involved in radon programs.

5. A description of the activities and programs related to radon which the State proposes in such year.

6. A budget specifying Federal and State funding of each element of activity of the grant application.

7. For the initial grant year, a 3-year plan which outlines long range program goals and objectives, tasks necessary to achieve them, and resource requirements for the entire 3-year

period, including anticipated State funding levels and desired Federal funding levels.

Dated August 29, 1989.

Margo T. Oge,

Acting Director, Office of Radiation Programs.

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[FRL-3636-2]

#### Proposed Settlement Under the Comprehensive Environmental Response, Compensation and Liability Act; Adler Seeds, Inc., et al.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Request for public comment.

SUMMARY: The U.S. Environmental Protection Agency is proposing to enter into a de minimis settlement under Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. Section 9622(g). This proposed settlement is intended to resolve the liabilities under CERCLA of 139 de minimis parties for response costs incurred and to be incurred at the I. Jones Recycling, Clinton Street facility in Fort Wayne, Indiana.

DATE: Comments must be provided on or before (30 days from publication).

ADDRESS: Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, and should refer to: In Re I. Jones Recycling Site in Fort Wayne, Indiana, U.S. EPA Docket No. V-W-89C-009.

FOR FURTHER INFORMATION CONTACT: Thomas J. Krueger, U.S. Environmental Protection Agency, Office of Regional Counsel, 5CS-TUB-3, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-0562.

Notice of De Minimis Settlement: In accordance with section 122(i)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1984, as amended (CERCLA), notice is hereby given of a proposed administrative settlement concerning the I. Jones Recycling hazardous waste site at 3651 Clinton Street in Fort Wayne, Indiana. The agreement was proposed by EPA Region V on March 20, 1989. Subject to review by the public pursuant to this Notice, the agreement has been approved by the United States Department of Justice and the Department of the Interior. Below are listed the parties who have executed

binding certifications of their consent to participate in the settlement:

Adler Seeds, Inc.; Aeroquip Corp./L-O-F Plastics, Inc./Sterling Engineered Products, Inc.; Group Dekko International, Inc. for Albion Wire/Indiana Insulated Wire; Allen County Motors, Inc.; Stoutco, Inc. for Ameri-Kan Division Corp.; American Tool & Die, Inc.; Appleton Papers Inc.; Aristech Chemical Corp. for USS Chemicals; Morton Thiokol, Inc., for Armstrong Products; ANR Freight System, Inc., for Associated Truck Lines, Inc.; Ball State University; Bard Manufacturing Co., Bauman Harnish Rubber and Plastics, Inc.; Dresser Industries for Bay State Abrasives; Allied-Signal Inc. for Bendix Corp.; Berne Tube Products, Division of Blissfield Manufacturing Co.; Uniroyal Goodrich Tire Co.; Biomet, Inc.; Boehringer Mannheim Diagnostics; Bowman Construction Co., Inc.; Bowmar Instrument Corp., Bowmar/Aerospace Division; Carretta Trucking, Inc.; Huntington County Community School Corp. for Central School; Central Soya Co., Inc.; Chase Brass & Copper Co.; Miami Carey, Inc. for Chemcraft, Inc.; Chemcentral Corp.; Pullman Co. for Imperial Clevite; CMS Roofing, Inc.; Commercial Intertech Corp. for Commercial Shearing, Inc.; Cooper Tire & Rubber Co., Industrial Products Division; Corning Glass Works; Craft Laboratories, Inc.; Crown International Inc.; CTS Corp. for CTS of Berne, Inc.; Baxter Healthcare Corp. for Dayton Flexible Products; Decatur Salvage, Inc.; Swift-Eckrich, Inc. for Peter Eckrich & Sons; Emerson Electric Co. for Doerr Electric; EPCO Products, Inc.; Erie Stone Inc.; Federal Insulation of Indiana, Inc.; Masco Corp. for Flint & Walling, Inc.; FMC Corp.—Fire Apparatus Division; Ford Meter Box Co., Inc.; City of Fort Wayne, Board of Public Works and Safety; Harris-Kayot, Inc. for Fort Wayne Anodizing Division/Harris Manufacturing Corp.; Fort Wayne Community Schools; Fort Wayne Newspapers, Inc.; Fort Wayne Pools, Inc.; Steel & Aluminum Fabricating Co. for Fort Wayne Structural Steel; Frye Copisystems, Inc.; National Oil & Gas, Inc. for Gasway Oil Inc.; G.F. Furniture Systems; Gladioux Refinery Inc.; Grav-I-Flow Corp.; Detrex Corp. for Gold Shield; Gould Inc.; Gripco Fastener Division, Emhart Industries Inc.; Crumman Corp. for Grumman Olson; GTE North Inc.; Hamlin, Inc.; Hansen Manufacturing Co., Inc.; Harrison Engine Service, Inc.; Harter Corp.; Hausman Steel Corp.; Eagle Picher for Hillsdale Tool & Manufacturing Co.; Hoosier Co. Inc.; Johnson Controls, Inc. for Hoover Universal; Easco Aluminum for Indiana



Aluminum Extrusion; Indiana Michigan Power Co.; Interior Woodworking Corp.; ITT Aerospace/Optical Division, ITT Corp.; Ivy Tech; King-Seeley Thermos Co., Division of Household Manufacturing; Kunkle Industries Inc.; Larden Division, Bristol Corp.; Lucas Ledex Inc.; Lincoln Graphic Corp.; Lincoln National Corp.; Maco Corp.; Martin Enterprises, Inc.; Metal Forge Co.; Meyer Stamping and Manufacturing Co., Inc.; FL Aerospace Corp. for Midland Ross Corp.; Miles Inc.; Kim Miller; Milton Roy Co.; Aro Corp. for Modernair Corp.; Morrill Motors, Inc.; Moyer Spring Co.; Sequa Corp. for Muncie Reclamation & Supply; National Railroad Passenger Corp.; Nationwide Industries, Inc.; New York Blower Co.; Nibco Inc.; N.I. Industries, Inc. for Norris Industries; Philips Lighting Co. Division of North American Philips Corp.; North American Van Lines, Inc. and its Fleet Service Division; Universal-Rundle Corp. for Northway Products; University of Notre Dame; Nylon Craft, Inc.; OEC-Diasonics; Parkview Memorial Hospital; Pullman Co. for Peabody ABC Corp.; Phelps Dodge Magnet Wire; Philips Industries Inc./Ventline Division; Petrochem Services, Inc.; Potlatch Corp.; Precision Heat Treating Corp.; Protective Coatings, Inc.; Public Service Company, of Indiana, Inc.; Quality Springs Products Division, Kuhlman Corp.; Rand McNally & Co.; Ransburg Corp.; Minnesota Valley Engineering, Inc. for Richmond-Lox Equipment Co.; Ross Laboratories Division, Abbott Laboratories; Saginaw Medical Center; St. Joseph Medical Center; Salvation Army; Sheller-Globe Corp.; Special Machine & Engineering, Inc.; States Engineering Corp.; Stoutco Inc.; Federal-Mogul Corp. for Switches, Inc.; Du Pont Photomasks, Inc. for Tau Laboratories; TECO, Inc.; Tokheim Corp.; Tritech Manufacturing, Inc. Tube Processing Corp.; Tulox Plastics Corp. for T.L.B. Plastics; Tuthill Corp.; Universal Cooperatives, Inc. for Universal Livestock Equipment; Valspar Corp.; Van Waters & Rogers; Wabash County Hospital; Wayne/Scott Fetzer Co. for Wayne Home Equipment; Westvaco Corp. and Zimmer, Inc.

These 139 parties have prepaid \$2,172,038.74 in settlement payments under the agreement, subject to the contingency that EPA may elect not to complete the settlement based on matters brought to its attention during the public comment period established by this Notice. Of this amount, \$1,888,326.05 would reimburse EPA for a portion of its past response costs at the I. Jones Recycling site. The remainder of the settlement payments would

represent settlement of the potential liability of certain settling parties for penalties related to EPA's July 27, 1988, unilateral order concerning the site.

EPA is entering into this agreement under the authority of section 122(g) and 107 of CERCLA. Section 122(g) authorizes early settlements with *de minimis* parties to allow them to resolve their liabilities at Superfund sites without incurring substantial transaction costs. Under this authority, the agreement proposes to settle with parties in the I. Jones case who are responsible for less than .45 percent of the volume of hazardous substances at the site. EPA issued a preliminary settlement proposal on February 8, 1989, and invited comments on that proposal by all interested parties. On March 20, 1989, EPA issued final revisions to the proposed settlement, which included several modifications made in response to comments. The EPA also provided its response to major comments which the Agency determined did not require changes to the settlement proposal. The proposed settlement reflects, and was agreed to based on, conditions as known to the parties as of March 20, 1989. Settling parties will be required to pay their volumetric share of the Government's past response costs and the estimated future response costs at the site. Settling parties will also be required to pay a settlement premium on the expected future response costs to compensate for the risks that are posed by settling before all costs are known. Settling parties had the option to choose to pay a premium of approximately 1.5 times the share of expected future response costs in exchange for a release from further civil or administrative liabilities for the site, including Federal natural resource damage liabilities, which would be reopened if total site response costs exceeded \$10.5 million. Alternatively, settling parties may choose to pay a premium of approximately 2.5 times the share of expected future response costs in exchange for a complete release from further civil or administrative liabilities for the site, including Federal natural resource damage liabilities. In addition, those settling parties that did not fully comply with the EPA's July 27, 1988, unilateral cleanup order for the I. Jones Recycling Clinton Street site will be required to pay an additional amount, equal to their volumetric share of expected future response costs, in settlement of their potential liability for noncompliance penalties related to that order. The settlement, as it is now proposed, includes several minor adjustments to volumetric shares of

settling parties, which adjustments made after the proposal, was sent to all eligible parties on March 20, 1989, in response to additional evidence provided by those parties. The affected parties are: Phelps Dodge Magnet Wire, Imperial Cleveite, Gould Manufacturing, Peabody ABC, TECO, Conrail, GTE, Peter Eckrich & Sons, and Parkview Memorial Hospital.

The Environmental Protection Agency will receive written comments relating to this agreement for 30 days from the date of publication of this notice.

A copy of the proposed administrative settlement agreement may be obtained in person or by mail from the EPA's Region V Office of Regional Counsel, 230 South Dearborn Street, Chicago, Illinois, 60604. Additional background information relating to the settlement is available for review at the EPA's Region V Office of Regional Counsel.

**Authority:** The Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. Sections 9601-9675.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 89-20769 Filed 9-1-89; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59274A; FRL-3640-8]

#### Certain Chemicals; Approval of Test Marketing Exemption

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated this application as TME-89-20. The test marketing conditions are described below.

**EFFECTIVE DATE:** August 29, 1989.

**FOR FURTHER INFORMATION CONTACT:** William B. Lee, New Chemicals Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room E-611, 401 M Street SW., Washington, DC 20460, (202) 382-3769.

**SUPPLEMENTARY INFORMATION:** Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test



marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-89-20. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-89-20. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. Records of the quantity of the TME substance produced and the date of manufacture.
2. Records of dates of the shipments to each customer and the quantities supplied in each shipment.
3. Copies of the bill of lading that accompanies each shipment of the TME substance.

#### TME-89-20

*Date of Receipt:* July 19, 1989.

*Notice of Receipt:* August 18, 1989 (54 FR 34231).

*Applicant:* Cape Industries.

*Chemical:* (G) aromatic polyester polyol.

*Use:* (G) industrial and commercial.

*Production Volume:* 200,000 lbs.

*Number of Customers:* (Confidential).

*Test Marketing Period:* Six months, commencing on first day of manufacture.

*Risk Assessment:* EPA identified no significant health or environmental concerns for the test market substance. Therefore, the test market substance will not present an unreasonable risk of injury to health or the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions or an exemption should any new information that comes to its attention which casts

significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: August 29, 1989.

**John Melone,**

*Director, Chemical Control Division, Office of Toxic Substances.*

[FR Doc. 89-20764 Filed 9-1-89; 8:45 am]

BILLING CODE 6560-50-M

#### [OPTS-59274B; FRL-36407]

#### Certain Chemicals; Approval of Test Marketing Exemption

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval of applications for test marketing exemptions (TMEs) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated these applications as TME-89-21 and TME-89-22. The test marketing conditions are described below.

**EFFECTIVE DATE:** August 29, 1989.

**FOR FURTHER INFORMATION CONTACT:** Darlene Jones, New Chemicals Branch, Chemical Control Division (TS-794), Office Toxic Substances, Environmental Protection Agency, Room E-611, 401 M Street SW., Washington, D.C. 20460, (202) 382-2279.

**SUPPLEMENTARY INFORMATION:** Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-89-21 and TME-89-22. EPA has determined that test marketing of these new chemical substances described below, under the conditions set out in the TME applications, and for the time period and restrictions specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that

specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-89-21 and TME-89-22. A bill of lading accompanying each shipment must state that the use of the substances are restricted to that approved in the TME. In addition, the applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. Records of the quantity of the TME substance produced and the date of manufacture.
2. Records of dates of the shipments to each customer and the quantities supplied in each shipment.
3. Copies of the bill of lading that accompanies each shipment of the TME substance.

#### TME-89-21 and TME-89-22

*Date of Receipt:* July 24, 1989.

*Notice of Receipt:* August 18, 1989 (54 FR 34231).

*Applicant:* Confidential.

*Chemical:* (G) Fatty acid amine-organic salts.

*Use:* (G) Corrosion Inhibitor.

*Production Volume:* (Confidential).

*Number of Customers:* (Confidential).

*Test Marketing Period:* 1 year, commencing on first day of manufacture.

*Risk Assessment:* Although EPA identified concerns for toxicity to aquatic organisms, the Agency does not expect significant environmental releases of these test market substances. EPA identified concerns for potential irreversible ocular damage due to workers who may be exposed to the substance, however, the Agency does not believe there will be significant human exposure to the TME substances because periods of potential exposure are anticipated to occur infrequently and in conjunction with the use of safety goggles. Therefore, the test market activities will not present an unreasonable risk of injury to health or the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information that comes to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.



Dated: August 29, 1989.

John W. Melone,

Director, Chemical Control Division, Office of Toxic Substances.

[FR Doc. 89-20765 Filed 9-1-89; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59272B; FRL-3640-6]

### Certain Chemicals; Approval of Test Marketing Exemption

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated this application as TME-89-17. The test marketing conditions are described below.

**EFFECTIVE DATE:** August 29, 1989.

**FOR FURTHER INFORMATION CONTACT:** Karen K. Pollard, New Chemicals Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room E-611, 401 M Street SW., Washington, DC 20460 (202) 475-8993.

**SUPPLEMENTARY INFORMATION:** Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves TME-89-17. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-89-17:

1. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME.

2. During manufacturing, processing, and use of the substance at any site controlled by the Company, any person under the control of the Company, including employees and contractors, who may be exposed via inhalation to the substance shall use:

a. Organic vapor respirator with dust prefilter.

3. The applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

a. Records of the quantity of the TME substance produced and the date of manufacture.

b. Records of dates of the shipments to each customer and the quantities supplied in each shipment.

c. Copies of the bill of lading that accompanies each shipment of the substance.

T-89-17

*Date of Receipt:* June 22, 1989.

*Notice of Receipt:* July 14, 1989 (54 FR 29779).

*Applicant:* Confidential.

*Chemical:* (G) Cross linked starch hydrolyzed acrylonitrile copolymer.

*Use:* (G) Oil fracturing fluid, thickening agent.

*Production Volume:* Confidential.

*Number of Customers:* Confidential.

*Test Marketing Period:* Two year period.

*Risk Assessment:* EPA identified concerns for delayed lung toxicity to workers exposed via inhalation, based on an analogous chemical substance. However, during manufacturing, processing, and use, this concern will be mitigated with the use of a respirator where there is exposure in the form of a dust or particulate. Therefore, the test market activities will not present an unreasonable risk of injury to health. EPA identified no significant environmental concerns for the test market substance. Therefore, the test market activities will not present an unreasonable risk of injury to the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury to health or the environment.

Dated: August 29, 1989.

John W. Melone,

Director, Chemical Control Division, Office of Toxic Substances.

[FR Doc. 89-20766 Filed 9-1-89; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3640-3]

### Proposed Determination To Prohibit, Restrict, or Deny the Specification, or the Use for Specification, of an Area as a Disposal Site; South Platte River

**AGENCY:** Environmental Protection Agency (EPA).

**SUMMARY:** Section 404(c) of the Clean Water Act (CWA) 33 U.S.C. 1344(c), authorizes the Environmental Protection Agency (EPA) to prohibit or restrict the discharge of dredged or fill material at defined sites into waters of the United States whenever it determines, after notice and opportunity for hearing, that use of such sites for discharge would have an unacceptable adverse impact on various resources, including fisheries, recreation areas and wildlife. Pursuant to section 404(c), EPA Region VIII proposes to prohibit or restrict use of the South Platte River in Douglas and Jefferson Counties, Colorado, as a discharge site for fill material in connection with construction of Two Forks dam and reservoir. On behalf of itself and the Metropolitan Water Providers (Providers), the Denver Board of Water Commissioners (DWB) has applied for a 404 permit to construct and operate Two Forks dam and reservoir which would eliminate approximately 30 miles of coldwater stream fishery, approximately 300 acres of wetland, and 7,300 acres of related upland areas. Inundation of the streams, wetlands and upland areas of the site would have an unacceptable adverse effect on fisheries, recreation and wildlife habitat.

**Purpose of Public Notice:** EPA seeks comments on this proposed determination to prohibit or restrict the discharge of dredged or fill material into the South Platte River in connection with the construction and operation of Two Forks dam and reservoir. See Solicitation of Comments, at the end of this public notice, for further details.

**Public Comment:** Comments on or requests for additional copies of the proposed determination should be submitted to the EPA Region VIII's designated Record Clerk, Mary Alice Reedy, U.S. EPA, Region VIII, 8WM-SP, 999 18th Street, Suite 500, Denver, CO 80202-2405.

EPA seeks comments concerning the issues enumerated under the Solicitation



of Comments at the end of this notice. Copies of all comments submitted in response to this notice, as well as the administrative record to date, will be made available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at the EPA Region VIII office.

In accordance with EPA regulations at 40 CFR 231.4, the Regional Administrator has decided that public hearings on this proposed 404(c) determination would be in the public interest. Mr. Lee A. DeHihns, III, has been appointed the Regional Decision Officer for purposes of any EPA action on Two Forks dam and reservoir pursuant to section 404(c); since Mr. DeHihns has been designated to exercise all such authority of the Regional Administrator for the Two Forks dam and reservoir project, Mr. DeHihns will hereafter be referred to as the Regional Administrator. A separate public notice will be published in advance of the hearings in the *Federal Register* and local newspapers to announce the date, time and location of these hearings and describe the hearing procedures. Written comments may be submitted prior to the hearings, and both oral and written comments may be presented at the hearings.

Because of the scale of the proposed project, the complexity of issues, and the large volume of information which exists about this project, the Regional Administrator hereby determines that good cause exists to establish a comment deadline of November 17, 1989. This will also provide an opportunity for people to visit the site and make their own observations if they wish to do so.

**FOR FURTHER INFORMATION CONTACT:**  
Dr. Gene Reetz, EPA, Region VIII, State Programs Branch, 8WM-SP, 999 18th Street, Suite 500, Denver, CO 80202-2405. (303) 293-1570.

**SUPPLEMENTARY INFORMATION AND BACKGROUND:**

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**I. Section 404(c) Procedure**

The Clean Water Act, 33 U.S.C. 1251 *et seq.*, prohibits the discharge of pollutants, including dredged or fill material, into waters of the United States except under a permit issued pursuant to section 404 33 U.S.C. 1344. Section 404 establishes a federal permit program to regulate the discharge of dredged or fill material subject to environmental regulations developed by EPA in conjunction with the Department of the Army Corps of Engineers (COE).

The COE may issue permits authorizing dredged and fill material discharges into waters and wetlands if the permits comply with, among other things, EPA's section 404(b)(1) Guidelines at 40 CFR Part 230 (herein after "Guidelines"), except as provided in section 404(c). Section 404(c) authorizes EPA, after providing notice and opportunity for hearing, to prohibit or restrict the discharge to waters of the United States where EPA determines that such use would have an unacceptable adverse effect on wildlife or other specified environmental values. EPA, in its discretion, can exercise section 404(c) authority to "veto" a permit the COE has decided to issue.

Regulations published at 40 CFR part 231 establish the procedures to be followed by EPA in exercising its section 404(c) authority. Whenever the Regional Administrator has reason to believe that use of a site may have

unacceptable adverse effects on one or more of the pertinent resources, EPA is to notify the COE and the applicant that EPA intends to issue a proposed determination under section 404(c). Unless the applicant or the COE persuades the Regional Administrator within 15 days that no unacceptable adverse effects will occur, the Regional Administrator is to publish a notice in the *Federal Register* of his proposed determination, soliciting public comment and offering an opportunity for a public hearing. Today's notice represents this step in the process.

Following the close of the comment period, the Regional Administrator may withdraw the proposed determination or prepare a recommended determination. A decision to withdraw will be reviewed by the Assistant Administrator for Water at EPA Headquarters. If the Regional Administrator prepares a recommended determination, he forwards it and the complete administrative record to the Assistant Administrator for Water. The Assistant Administrator then makes the final decision affirming, modifying, or rescinding the recommended determination.

**II. Project Description and Background**

The proposed Two Forks dam would be located on the South Platte River about 1 mile downstream from the confluence of the North Fork of the South Platte with the South Platte River. The dam would straddle the Jefferson-Douglas County line approximately 24 miles southwest of Denver.

The dam would consist of a concrete arch structure approximately 615 feet high with a crest length of 1,700 feet. The normal maximum reservoir pool level would be at an altitude of 6,547 feet. The reservoir would have a surface area of approximately 7,300 acres and provide an active storage capacity of 1,100,000 acre-feet (AF).

Two Forks dam and reservoir would provide long term storage for flows from the South Platte basin upstream from the dam, as well as storage of transmountain water diversions from the west slope of Colorado. Two Forks dam and reservoir storage would allow the Denver Water Department (DWD) to further integrate the northern and southern sections of its water supply system and improve yields from the existing Williams Fork and Fraser River collection systems. The DWB consists of a five-member board appointed by the Mayor of Denver to formulate the water supply and water development policies



for the City and County of Denver. The DWD is the public utility which implements the DWB policy.

The operation of the proposed reservoir, in conjunction with the rest of the DWD water supply system would result in an estimated 98,000 acre-feet of safe yield per year (AFY) from Two Forks dam and reservoir. The Blue River would supply 42 percent of the safe yield; the South Platte, 33 percent; the Fraser River, 20 percent; and the Williams Fork, 5 percent.

In December 1981, the DWB requested the COE be the lead agency in preparation of the Systemwide Environmental Impact Statement (SEIS). The SEIS was required to meet a stipulation of the 1979 Foothills Consent Decree which resulted from litigation initiated in the late 1970s concerning the construction of DWD's Strontia Springs dam and the Foothills water treatment plant. The primary purpose of the SEIS was to document the environmental impacts of the proposed future development of the DWD water supply system. The SEIS was also to include analysis of alternatives, including a No Federal Action alternative, consistent with requirements of the National Environmental Policy Act (NEPA) (42 U.S.C. 1421 *et seq.*).

In February 1984, prior to completion of the SEIS, the DWB requested section 404 permits for construction of the Two Forks dam and reservoir project. The DWB permit request changed the nature of the SEIS from that of a systemwide planning document to a site-specific EIS designed to meet all federal and state permitting requirements for the Two Forks dam and reservoir project.

In January 1987, after three years of extensive studies, review and coordination, the COE provided public notice of availability of the draft environmental impact statement (DEIS) and section 404 permit applications for Two Forks dam and reservoir project. The DEIS clearly indicated that the Two Forks dam and reservoir project was the most environmentally damaging of the alternatives examined. In April 1987, the EPA submitted comments to the COE on the DEIS and rated the draft EU-3 (environmentally unsatisfactory-inadequate information). The primary bases for the EU-3 rating were that adverse environmental impacts of the project would be significant and an appropriate mitigation plan had not been developed. Additionally, EPA expressed concerns that the DEIS inadequately addressed potentially significant water quality standards violations and failed to fully address reasonably available alternatives which had the potential to reduce or obviate

the significant adverse environmental impacts. In view of the substantial inadequacies of the document, EPA recommended that the COE prepare a supplement to the DEIS to address these outstanding issues.

In March 1988, the COE issued the final environmental impact statement (FEIS). While improvements, especially a more detailed impact analysis, had been made between the DEIS and FEIS, EPA concluded a number of major issues had not been adequately addressed. EPA's May 26, 1988 comments on the Two Forks dam and reservoir FEIS and public notice identified that major concerns remained, including the (1) lack of a definitive mitigation plan, (2) length of the proposed permit, (3) adequacy of the implementation program for "interim" water supplies and effective conservation, and (4) the lack of a re-opener of the permit process in the future to reassess need. Even with the mitigation measures developed between the DEIS and FEIS, EPA indicated the Two Forks dam and reservoir alternative remained the most environmentally damaging of the alternatives examined.

On June 9, 1988, EPA provided the COE with detailed NEPA comments on the Two Forks dam and reservoir FEIS. The detailed comments addressed (1) alternative water supply sources, (2) mitigation, (3) water quality, (4) aquatics, (5) wetlands and (6) water conservation. In addition, EPA announced that it was considering its options under section 404, including referral to a higher COE authority under section 404(q) and referral of the matter to the Council on Environmental Quality.

During an extensive, post FEIS coordination effort among EPA, the COE, the DWD and the Providers, numerous reviews and proposed modifications of the proposed Two Forks dam and reservoir 404 permit conditions were undertaken. Following these efforts, on March 15, 1989, the COE issued a "notice of intent" to issue the permit for the Two Forks dam and reservoir. In response, EPA informed the COE on March 24, 1989, that EPA would commence the 404(c) process by preparing a public notice in accordance with 40 CFR part 231. During the "15 day" period (which was extended to July 14, 1989 by mutual agreement between the applicant and EPA) available to project applicant's and the COE to convince EPA that unacceptable effects would not occur as a result of the proposed discharge, EPA met numerous times with the DWD, the Providers, and their consultants. In addition, meetings

were held with the Governor of Colorado, Mayor of Denver, numerous other elected officials, and representatives of the environmental community. EPA also received, and reviewed, thousands of comments submitted by mail. The materials received during the meetings and the correspondence will be in the Agency administrative record. During this period, visits were made to the Two Forks dam and reservoir site, Cheesman Canyon, the DWD's system and portions of northeastern Colorado.

### III. Characteristics of the Site

The South Platte basin upstream from the Two Forks dam and reservoir site is approximately 2,580 square miles and contains a mix of land uses and habitat types. South Park, a large, nearly treeless high mountain basin of approximately 1,000 square miles dominates the upper portion of the basin. The remainder of the basin is dominated by rugged rocky slopes which are heavily forested at the higher altitudes. The primary upland habitat types in the immediate project area are Douglas fir and ponderosa pine coniferous forests, with gambel oak, mountain grassland and mountain shrubland accounting for the majority of the remaining upland habitat.

#### A. Area Affected by Construction and Inundation

The reservoir would inundate approximately 7,300 acres of upland and aquatic habitat, including approximately 300 acres of vegetated wetlands and approximately 30 miles of riffle and pool complexes. Twenty five wetland community types were identified in the FEIS with the dominant types being cottonwood-willow, wet meadow, willow thicket and willow-sedge. The majority of the wetlands in the immediate project vicinity are small (79 percent are less than 1 acre) and associated with the streamside riparian areas. Wetland mammals common in the area include beaver and muskrat, and wetland birds include Wilson's warbler, belted Kingfisher, Lincoln's sparrow, dipper, and many others.

The fishery in the Two Forks dam and reservoir area is an extremely valuable and unique resource. The Colorado Division of Wildlife examined the historic records concerning the South Platte fisheries and concluded that the entire South Platte basin upstream from Denver possessed a phenomenal native fishery prior to initial settlement. By the late 1880s this quality fishery was being actively promoted by the railroads in an effort to attract fare-paying fishermen.



This large area of quality fishery has been reduced to limited portions of the basin today, much of which is in the Two Forks dam and reservoir area.

In recognition of the value and uniqueness of the remaining resource, both the U.S. Fish and Wildlife Service (USFWS) and the Colorado Wildlife Commission have selected the South Platte River in the inundation area for special status. The USFWS has designated portions of the stream in the inundation area as a Resource Category 1 indicating the "habitat to be impacted is of high value for evaluation species and is unique and irreplaceable on a national basis or in the ecoregion section". The Colorado Wildlife Commission has designated much of the stream as a Gold Medal trout fishery, one of the highest quality habitats for trout which offers the greatest potential for trophy trout fishing and angling success. The primary game fish in the area are rainbow and brown trout.

It has been suggested that the high quality fishery below Chessman Dam is a result of the presence of the dam itself. While the dam provides a warmer winter thermal regime for the fish, Colorado Division of Wildlife studies have documented the negative effects of Chessman Dam on the existing fishery. The general conclusion is that fishery management, in the presence of exceptional physical habitat, has resulted in the high quality fishery in the inundation area. This high quality fishery consists of both a high biomass (in 1985 the second highest in the State, second only to the Frying Pan River) and the density of large fish (in 1985 there were more trout greater than 14 inches per acre than any other river in Colorado).

Additional information provided by the DWD during the recent consultation period indicated that of 53 stream segments considered to be high quality fisheries in the western United States, the three South Platte stream segments to be inundated are three of the top ten fisheries on the list. Only two segments of the Frying Pan River in Colorado and single stream segments in Montana, Idaho, Wyoming, Utah, and New Mexico contained fisheries which the DWD considered to be higher quality than the three segments of the South Platte in the inundation area.

The primary recreational resources in the inundated areas are related to the free-flowing stream reaches. The high quality scenic vistas, Gold Medal trout fishing, white water rafting and tubing are further enhanced by the ease of access to the 1.9 million people in the Denver metropolitan area. There is also

an extensive system of hiking and motorized vehicle trails in the area.

The adjacent upland habitat provides food and shelter to support game species such as mule deer and elk. Other upland species of concern include Merriam's turkey, bighorn sheep, golden eagle and the endangered bald eagle, and peregrine falcon. The Two Forks dam and reservoir project area comprises a major portion of the known habitat of the threatened pawnee montane skipper butterfly.

#### *B. Area Affected by Hydrologic Operations*

##### (1) West Slope

The primary resources on the west slope of Colorado to be affected by the Two Forks dam and reservoir project are related to basins from which water would be diverted for storage in Two Forks reservoir, or other DWD reservoirs. These basins include the Blue River from Dillon Reservoir downstream, the Williams Fork, the Fraser River and the Colorado River downstream from the confluence with the Fraser. The Blue River downstream from Dillon Reservoir, as well as a 20-mile reach of the Colorado River downstream from the Fraser River, are Gold Medal trout streams. The Blue River and the Colorado River are also used for whitewater recreation and Dillon Reservoir is used for extensive water-based recreation. The Colorado River near Grand Junction contains populations of the endangered Colorado squawfish, bonytail and humpback chubs. The razorback sucker, a species presently proposed for listing as endangered is also found in this area. Much of the stream banks on these west slope rivers are bordered by riparian wetlands.

##### (2) East Slope

The hydrologically affected areas of the eastern slope of the Continental Divide extend downstream through Nebraska. The fisheries and recreational resources of the North Fork of the South Platte as well as the South Platte downstream from Antero Reservoir would be affected as a result of the operation of Two Forks dam and reservoir. South Boulder Creek from the Moffat tunnel downstream to the Ralston diversion also contains fisheries and recreational resources. Most of these stream reaches are bordered with riparian wetlands. Downstream from Denver the stream channel resources include warmwater fisheries, wetland/riparian areas and wildlife. Riparian areas are critical to this reach.

##### (3) Nebraska

The Platte River and its surrounding habitat in Nebraska provides essential habitat for many species of migratory birds. Habitat losses have caused concern for the millions of migratory birds that use the Platte River and its associated habitats. There is also concern for the welfare of summer, winter and year-round resident species. Migratory species of major importance include the Federally endangered whooping crane, peregrine falcon, bald eagle, least tern and the threatened piping plover. In addition to these endangered and threatened species, the Platte River supports about one-half million sandhill cranes and 5 to 7 million ducks and geese, including white-fronted geese, Canada geese, mallards, pintails and other waterfowl species during the spring staging period.

The area of the Platte River from Chapman to Lexington, Nebraska, has been designated as Resource Category 1, by the USFWS, indicating the uniqueness of this area. Many species of migratory birds other than waterfowl, sandhill cranes and endangered and threatened species use the Platte River Valley (such as, hawks, owls, wading birds, shore birds, gulls, terns, crows, some game birds, and songbirds).

These birds use the area during spring migration, fall migration, and for reproduction. The migratory species are of international, national, state, regional and local importance. There is also a diverse group of local fish and wildlife which is composed of game species which provide recreational and consumptive use and nongame species whose importance is predominately nonconsumptive, recreational and ecological.

#### IV. Basis of the Proposed Determination

##### *A. Section 404(c) Criteria*

The CWA requires that exercise of the final Section 404(c) authority be based on a determination of "unacceptable adverse effect" to municipal water supplies, shellfish beds, fisheries, wildlife or recreational areas. EPA's regulations define "unacceptable adverse effect" at 40 CFR 231.2(e) as:

Impact on aquatic or wetland ecosystem which is likely to result in significant degradation of municipal water supplies or significant loss of or damage to fisheries, shellfishing, or wildlife habitat or recreation areas. In evaluating the unacceptability of such impacts, consideration should be given to the relevant portions of the section 404(b)(1) Guidelines (40 CFR part 230).

The Guidelines prohibit the discharge of dredged or fill material into waters of



the United States if there is a less environmentally damaging practicable alternative, if it would cause or contribute to a violation of a State water quality standard, or if it would cause or contribute to significant degradation of waters of the United States. Those portions of the Guidelines which are particularly important in evaluating the unacceptability of environmental impacts in this case are:

- Less environmentally damaging practicable alternatives and special aquatic sites (§ 230.10(a));
- Water quality and endangered species impacts (§ 230.10(b));
- Significant degradation of waters of the United States (§ 230.10(c));
- Minimization of adverse impacts to aquatic ecosystems (§ 230.10(d));
- Impacts on existing indigenous aquatic organisms or communities (§ 230.11(e));
- Cumulative effects (§ 230.11(g)); and
- Secondary effects (§ 230.11(h)) to the aquatic ecosystem.

A major consideration during the application of the Guidelines is the definition of the "applicant". Although formally the permit applicant for the Two Forks dam and reservoir is the DWB, the section 404(b)(1) practicability analysis must consider both the DWB and the Providers as the applicant. One of the primary reasons the DWB wishes to build a Two Forks dam and reservoir is to supply water to the Providers. Since the Providers have an 80 percent interest in the cost and yields from Two Forks dam and reservoir, it is logical to consider the Providers as a part of the "applicant". Without the Providers the DWB has no "Need" to build the project. The approach taken by the COE in narrowly defining the applicant to include only the DWB during the practicability analysis while broadly defining the applicant to include the DWB as well as the Providers to establish the need for the project is obviously inconsistent.

#### *B. Adverse Impacts of the Proposed Project*

##### (1) Area Affected by Construction and Inundation.

Construction and filling of the Two Forks dam and reservoir would inundate a diverse riverine/wetland/upland complex which has extremely high fish, wildlife and recreational value. The riffle and pool component includes 21.3 miles of the main stem of the South Platte River and 8.8 miles of the North Fork of the South Platte River. Inundation of these resources would result in the loss of 1,467,600 square feet (33.7 acres) of adult trout habitat with

the corresponding loss of sustained trout standing crop estimated at 38,200 pounds. The inundated adjacent wetland/upland component comprises 7,300 acres of various vegetation types, including approximately 300 acres of wetlands.

As described in section III(A), approximately 20 miles of the main stem of the South Platte River in the inundation area has been designated as Gold Medal Trout Waters by the Colorado Wildlife Commission. This stretch of stream has also been designated as a Resource Category 1 by the USFWS. Furthermore, the three South Platte segments to be inundated are unique in terms of their proximity to a major metropolitan area. The outstanding aquatic resource and the readily available stream fishing on these high quality waters would be irretrievably lost as a result of the project.

The significant recreational uses described above would also be lost. The South Platte corridor is the only area within a convenient day-use driving distance from the Denver metropolitan area where a relatively natural setting along a major waterway is available for dispersed public recreation use. This area is also used for whitewater recreation as well as more leisurely tubing and other water-oriented recreation. No comparable substitute recreational opportunities exist in similar proximity to the Denver metropolitan area or any other city of its size.

Major wildlife impacts associated with the Two Forks dam and reservoir project in the inundation area are related to the construction and inundation impacts on 7,300 acres of terrestrial wildlife habitat. Construction and inundation will result in the loss of mule deer, elk, wild turkey and bighorn sheep habitat. The potential also exists that the bighorn sheep herd may be completely lost as a result of stress induced during construction. New roads and construction activities may also disturb potential peregrine falcon nesting.

Two Forks dam and reservoir project has the potential to affect the federally threatened and endangered bald eagle, peregrine falcon and pawnee montane skipper. The pawnee montane skipper was officially listed as a threatened species on September 25, 1986. The present montane skipper range covers about 38 square miles (24,328 acres) along the North and South Forks of the Platte River and their tributaries, Buffalo and Horse Creeks.

The 1,100,000 AF Two Forks dam and reservoir would result in a direct impact

on approximately 5,376 acres (22 percent) of the "best" montane skipper habitat. This would result in the loss of 23 to 42 percent of the montane skipper population. Additional significant, but unquantified, impacts to the pawnee montane skipper would result from the construction of recreation facilities around Two Forks Reservoir, boat launching ramps, residential development, the isolation of small pieces of habitat, and the splitting of the habitat along the North Fork of the South Platte and the mainstem of the South Platte into two separate isolated habitats.

The official position of the USFWS is that with full implementation of the conservation measures contained in the biological opinion, the project is not likely to jeopardize the continued existence of the montane skipper. Nevertheless, concern has been expressed that, even with the proposed conservation measures, the project would cause the loss of more than 40 percent of the skipper populations and the species classification could be downgraded from threatened to endangered.

##### (2) Area Affected by Hydrologic Operations

Two Forks dam and reservoir operations would reduce the flow of west slope streams with the potential for adversely affecting water quality on the west slope. EPA is concerned about potentially significant negative effects in the Williams Fork and Fraser River basins related to the loss of dilution, as well as increased salinity concentrations downstream on the Colorado River. Channel stability effects also have the potential to degrade the physical, chemical and biological integrity of the affected streams; these effects may have been understated in the FEIS. Whitewater recreation on the west slope will be negatively affected through the loss of peak flows.

The FEIS did not contain a detailed analysis of impacts of Two Forks dam and reservoir on fish and wildlife resources on the South Platte River from the Henderson gauge (just north of Denver) to the Colorado-Nebraska state line. During the summer of 1989, the Colorado Division of Wildlife sighted an endangered least tern in this area. The COE has not consulted with the USFWS concerning impacts of Two Forks dam and reservoir on the endangered least tern in Colorado.

##### (3) Nebraska

Concerns in Nebraska center around the recreational and wildlife habitat



losses, including impacts to endangered species, as a result of reduced peak flows and sediment transport. However, there is wide disagreement among the USFWS, COE and the applicant and the State of Nebraska and national environmental organizations concerning impacts of Two Forks dam and reservoir in Nebraska.

The State of Nebraska has two general concerns with the Two Forks dam and reservoir project. First, the projected impacts are based on what Nebraska believes to be an invalid hydrologic model. The Nebraska Department of Water Resources has reviewed one part of the hydrologic models and believe it is seriously flawed. Nebraska's level of concern has led the State to initiate a lawsuit with Wyoming over the use of a similar model for the Deer Creek dam and reservoir project to the U.S. Supreme Court. Further, the issues of the hydrologic model and sufficiency of the conservation measures are subject of ongoing litigation in U.S. District Court in Nebraska.

Second, Nebraska argues that the mitigation scheme for the endangered species is unauthorized, untested and has no scientific basis. Both the Nebraska Game and Parks Commission and the Department of Water Resources have reviewed the "conservation measures", which replace a water based habitat need with a land based mitigation approach, and found them untested at best and lacking in scientific validity at worst. The National Audubon Society and the National Wildlife Federation are in agreement with Nebraska concerns.

### C. Project Purpose, Need and Alternatives

#### (1) Project Purpose

EPA considers the basic project purpose for Two Forks dam and reservoir is to supply water to the Denver metropolitan area. The Guidelines at 40 CFR 230.10(a) provide that no discharge is to be allowed if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, unless the alternative has other significant adverse environmental consequences. Under 40 CFR 230.10(a)(2) and 230.3(g), an alternative is practicable if it is available and capable of being done considering cost, existing technology and logistics in light of overall project purposes. Obviously, how project purposes are defined will determine the scope of practicable alternatives.

To that end, the DWB developed a ten-point project purpose statement. This was supplemented with three Provider-specific project purposes. The DWB and the Providers argue that EPA is required to use these project purposes in determining the practicability of any alternative to the Two Forks reservoir. They also argue that the EPA cannot ignore an applicant's statement of project purpose or substitute a different project purpose for that of an applicant. In addition, they believe that the EPA should give conclusive deference to a project purpose defined by a public entity.

Under the authority in the CWA and the regulations, the federal government has the responsibility for defining project purpose. Further, project purpose should be defined at its most basic or fundamental level, i.e., without qualifiers or additional criteria often unrelated to the project's basic water supply goal. Consideration is to be afforded an applicant's stated purpose, but it would be inconsistent with the CWA and the Guidelines to simply adopt without question an applicant's definition of the project purpose. Otherwise, an applicant could craft its project purpose so that every possible alternative would be excluded from consideration. This would reduce the Guideline alternative analysis to little more than a procedural requirement to be perfunctorily carried out by the COE.

Furthermore, the COE agrees with this need to avoid unduly narrowing both the purpose of the Two Forks dam and reservoir project and the corresponding scope of alternatives. In its 404(b)(1) Evaluation (March 10, 1989) the COE concluded:

The applicant's stated project purposes taken at face value would seem to preclude the practicability of any alternative to the 1.1 million acre-foot (MAF) Two Forks \* \* \* it would be inappropriate to accept without question or review a statement of project purpose so narrowly defined.

#### (2) Project Need

EPA questions whether the applicant has demonstrated current need for the proposed project within the appropriate time period, that is, by 2035. There are four factors to consider in determining the need for the proposed Two Forks dam and reservoir: (a) The amount of water needed to meet the expected population increase, (b) the DWD water available in the near future to meet that need, (c) the uncertainty of planning estimates, and (d) the role of water conservation.

(a) Population Forecasting. The COE revised the Denver metropolitan area population estimates between the DEIS

and FEIS. Using estimates from the Bureau of Economic Analysis, the population projections made by the Denver Regional Council of Governments (DRCOG) for the DEIS were reduced by 13 percent. Since publication of the FEIS, both the Census Bureau and DRCOG have further reduced population estimates for the Denver metropolitan area.

DRCOG population estimates showed the area gained 0.1 percent during 1988 with births exceeding net migration. More people left the region during 1988 than moved in with a net migration out of approximately 16,750 persons. According to DRCOG's August 1989 projections, even if the Denver metropolitan area is able to recover from its current economic slump and return to growth rates of 2.4 percent per year by 2000, the expected population would be about 8 percent lower in 2010 than that indicated in the FEIS. This projected lower 2010 population would reduce projected water demand by 46,000 AFY. This factor alone would delay the need for additional water supplies by approximately 15 years.

#### (b) DWD's Available Water Supply.

The DWD indicated it will have 107,000 AFY of available water supplies without Two Forks dam and reservoir by 1995. These sources include 21,000 AFY available from current sources not now listed (firm safe yield less current use), 26,600 AFY in conservation reductions by DWD, and 60,000 AFY of sources to become available to DWD by 1995. DWD indicates these latter sources consist of system enhancements, water rights acquisitions, new alluvial wells, water transfers, and water exchanges that have been approved by the water courts. This 60,000 AFY had been listed in the FEIS as "interim supplies". However, DWD indicated these will be available water supplies by 1995.

The DWB indicates it may not be willing to share its available supplies. DWB indicated it cannot share its water supplies because the needs of the residents of Denver must be considered first under its charter obligations. However, the history of the DWB since expanding its service area to the adjoining suburban communities has been to share its available supplies. DWD planning documents indicated its intention to reserve sufficient water to buildout its land area including the proposed new airport. Buildout would entail residential and commercial expansion to current zoning densities. DWD also intends to reserve another 10 percent of its supply. DWD also stated a need to meet the upper limits of certain special contracts and adequate water to



build out the land area of its suburban distributors. At the expected rates of growth, such buildout would not occur until long after the 2035 planning period, possibly after the end of the next century.

The FEIS indicated that about 9000 AFY of additional water will be needed for the City and County of Denver through 2035 although Denver's proposed new airport may result in an additional water need. By comparison, DWD has reserved 20 percent, or 19,600 AFY of the proposed Two Forks dam and reservoir project safe yield. If DWB chose to reserve water needed for its own growth until 2035 or the amount that Two Forks would have provided, rather than that needed for many centuries, the remainder of the supplies could be available for the metropolitan area. This remainder is a significant amount since the DWD appears to have or will shortly have, available supplies to meet its needs and those of its suburban distributors until 2035.

Despite the finding of the COE that no sharing would take place, the 1982 Metropolitan Water Development Agreement provides for a means of adding water supply projects to be shared with DWD and the suburban communities. DWB could add its available supplies to the Metropolitan Water Development Agreement thereby providing sources of water for suburban expansion.

(c) *Planning Uncertainty.* DWD asks that the following "safety factors" be considered in assessing project need: Drought beyond that planned, uncertainties in population estimates, delays in obtaining the first yield of the project, provisions for system failure (primarily a potential failure of the Roberts Tunnel), reduced ability to decrease demand through conservation efforts, and uncertainties in "interim supplies." According to DWD, including or excluding such safety factors can accelerate or delay the need for the additional water supplies by approximately 25 years. However, most of these uncertainties appear to have been accounted for in the water demand projections. These uncertainties indicate that the timing of the Two Forks project itself is uncertain, and therefore, need for the project has not been reasonably established.

DWD's expressed desire to hold the permit for an unusually long period, also indicates uncertainty. The applicant requested that the permit life be at least 25 years with renewal options. This indicates that the need is neither immediate nor compelling. Until many of the above planning uncertainties are resolved, it appears that available

supplies and water conservation can provide for additional community growth during the planning time frame. Thus, the Two Forks dam and reservoir, and the concurrent loss of unique environmental resources, can be deferred.

(d) *Role of Water Conservation.* The COE has indicated that, as a condition of permit issuance, it would require approximately an 8 percent reduction (or 42,000 AFY) in the anticipated water demand by 2035 to be achieved through water conservation programs. DWD plans to achieve approximately 26,600 AFY of savings by 1995 by completing its ongoing meter installation plan and other conservation measures. DWD also has stated its willingness to make its conservation water available for future growth of Denver and possibly for use by the suburbs.

Experience in other communities in the western U.S. has shown that effective water conservation programs, such as rate increases and financial rebate programs for plumbing and irrigation improvements, can reduce water demand by 15 to 30 percent over 5 to 10 years. Reduction of water use by the proposed 8 percent over anticipated use is far less than can be achieved by a utility determined to cut customer use. Such savings could be achieved without changing lifestyles or landscaping practices. The water saved would also be available to supply community growth and thus avoid additional water supply projects.

DWD agreed, as part of the Foothills Consent Decree in 1979, to take steps to reduce per capita consumption by approximately 20 percent between 1979 and 1999. Yet, information developed by the COE during the NEPA process projects increased water use with higher personal incomes and household size reductions and, thus, makes this prior 20 percent reduction commitment more difficult to attain.

In fact, the COE used these factors to conclude that per capita water use would increase.

The COE has indicated that if the per capita consumption goals of the 1979 Foothills Consent Decree were attained, an additional 29,000 AFY would not be needed by 2000. Reasonable, cost-effective conservation measures are available to achieve the proposed permit reduction of 42,000 AFY and the additional 29,000 AFY necessary to achieve the Foothills goals. Further reductions of water conservation may be possible as demonstrated in other communities.

EPA is now conducting a detailed investigation of cost effective water conservation programs suitable for

Denver as part of the EPA 1989 evaluation of the DWD compliance with the Foothills Consent Decree conservation goals. A draft report on this effort is expected by January 1990. This evaluation should define additional programs suitable for Denver to achieve further water savings.

### (3) Alternatives

The following discussion concentrates on alternative supply solutions analyzed in the COE's regulatory permit process and is by no means complete. The water supply needs of the Denver metropolitan area have been extensively studied at the local, State and Federal levels for many years, and many alternatives have been proposed. However, today's notice includes the proposed determination of whether there is a practicable, less environmentally damaging alternative, or combination of alternatives, to supply the Denver metropolitan area with sufficient water supply to replace that which would be available should Two Forks dam and reservoir be constructed. The available information supports the conclusion that there are such alternatives.

(a) *Structural.* The FEIS examined in detail four practicable, structural alternatives to the 1,100,000 AF Two Forks dam and reservoir project: 660,000 AF New Cheesman dam and reservoir, 400,000 AF Two Forks dam and reservoir, 400,000 AF Estabrook dam and reservoir and 200,000 AF Estabrook dam and reservoir. These projects would supply a safe yield of 68,000, 62,000, 58,000, and 46,000 AFY to the Denver metropolitan area respectively. While these are not the only alternatives available to supply water to the Metropolitan area, they were considered reasonable alternatives for the NEPA analysis, and, determined to be practicable under the Guidelines. Each of these structural alternatives is less environmentally damaging than Two Forks dam and reservoir. Consequently, it is questionable whether Two Forks dam and reservoir complies with the Guidelines, specifically § 230.10(a).

(b) *No Federal Action.* The FEIS presented a practicable, No Federal Action alternative, comprised primarily of ground-water sources and conservation, which would result in a yield of approximately 79,000 AFY. The 1982 Metropolitan Water Development Agreement is the principal basis by which the No Federal Action alternative is considered practicable since this constitutes the existing institutional arrangement by which other water can be shared or developed. Failure to question the DWB's ability to enter into



other water sharing arrangements and by accepting the pre-existing agreements, allows the DWB to characterize the project so as to preclude the existence of practicable alternatives. This type of pre-permit application action which attempts to limit the range of available alternative is not binding. Otherwise an applicant could, through agreements or other means, foreclose all possible alternatives except its own.

(c) *Ground Water.* There are sufficient ground-water resources stored in aquifers beneath the Denver metropolitan area to warrant the careful use of those resources, in conjunction with surface waters, as part of an alternative supply to Two Forks Dam and Reservoir. The area's ground water can be categorized as having a "renewable" portion (basically the ground water in the alluvial aquifers and a small portion of the ground water in the bedrock aquifers) and a "non-renewable" portion (predominately the ground water found in the bedrock aquifers). The quality of water contained in the bedrock aquifers is generally suitable for drinking with little or no treatment.

Ground water contained in the bedrock aquifers beneath the metropolitan area is legally and physically available for use if a sound water management plan can be developed. Based on estimates by the Colorado State Engineer's Office, EPA has calculated that approximately 69 million acre-feet of legally and physically recoverable ground water are contained in the five major aquifers beneath the 1,440 square-mile Denver metropolitan area. Even if only a portion of this would be economically available, a sufficient total ground-water supply exists to expand ground water use into the next several centuries.

While EPA recognizes that a portion of the ground water can be considered as a "non-renewable" resource, this is not an excluding criterion for the purposes of the Guidelines analysis. In order for the ground water within the Denver metropolitan area to be used in conjunction with surface water, Denver and its suburbs need to consider locating wells throughout the area and integrating this source directly into their existing water supply systems. For example, the U.S. Geological Survey estimates that 3,000 AFY could be used by Denver to provide water for three city parks. As noted in the FEIS, opportunities exist for nontributary ground water to supply an additional supply of 30,000 AFY. This could mean depleting the ground water at a

somewhat faster rate than its recharge. However, with the large volume of water economically available, such a rate of depletion could be sustained for well over 1000 years.

For the purposes of the alternatives to the Two Forks dam and reservoir, ground water should be considered as part of a practicable approach to meeting metropolitan water supply needs. Just because a resource is finite does not mean the resource is unavailable for use; rather, its use must be judicious and coordinated with other available supplies.

#### D. Other Issues

##### 1. Metropolitan Cooperation

The DWD has stated in its permit application that one purpose of the proposed Two Forks dam and reservoir is to provide water to share as an inducement to extend non-water related cooperation among community governments. Community officials have expressed a variety of hopes for future cooperative efforts to share the costs of hospital, cultural, and transportation facilities. As part of these cooperative efforts, some officials hope to consolidate regional land use planning to reduce the costs and environmental burdens of independent decision making. The applicants have suggested that such sharing and cooperation depend upon a sufficiently large water supply.

Many intergovernmental relationships are now well established and such arrangements are likely to expand where mutually beneficial. The current efforts by the City and County of Denver to offer water to its neighboring communities so they can then better share regional costs and burdens is an exciting prospect for community leaders and is endorsed by EPA.

The success of these cooperative efforts appear to be dependant on the amount of water available for sharing and not on the construction of the Two Forks dam and reservoir or any other project. Since its inception, the DWB has had a history of sharing its well-managed water supply system. This practice will continue with or without the Two Forks project or as long as sufficient water is available to share. So long as sufficient water is available, conditions appear conducive to metropolitan cooperation.

As noted above, the DWB indicated that its available sources will amount to 107,000 AFY by 1995. Because the City and County of Denver may only require as much as 9,000 AFY for its own growth during the planning period or choose to reserve that amount it would have

retained from the Two Forks dam and reservoir (19,600 AFY), sufficient water appears to be available to allow the sharing of DWD's water to promote metropolitan cooperation without the Two Forks dam and reservoir. Moreover, the 1982 Metropolitan Water Development agreement provides an existing contractual arrangement for this purpose. In addition, the DWB has had, and indicated in its April 1989 policy statement it will continue to have, a policy of sharing available water beyond that needed to meet its direct charter obligations to the residents of Denver.

##### (2) Agricultural Water Exchanges and Transfers

One of the applicant's stated project purposes is to maintain Colorado's irrigated agricultural economy. Some project proponents have asserted that without the Two Forks dam and reservoir, Providers will acquire irrigation water, resulting in the "dry-up" of irrigated lands. Those proponents also alleged that this would result in substantial reduction in wetlands and other wildlife habitat. While recognizing the importance of agriculture in Colorado's economy, EPA agrees with the COE's analysis of the applicant's project purpose relating to protecting the state's agricultural economy. Protection of the States' agricultural economy is indeed an important planning goal.

It should be noted that irrigated agriculture in Colorado accounts for approximately 85-90 percent of total water use, whereas municipal and industrial use accounts for only 10-15 percent. Colorado water law permits the transfer of water rights and such transfers occur in a basically "free market" forum within the current Colorado water court process. Given the substantial proportion of water used by agriculture, and the legal system's flexibility, it is not surprising that, even without a decision of Two Forks dam and reservoir, Provider communities (Aurora and Thornton for example) have acquired agricultural water rights with the intent of transferring those rights to municipal uses.

There is no clear evidence that agricultural "dry-up" will occur as a result of a Two Forks dam and reservoir permit denial. During the "15-day" consultation period, local experts could not agree on the potential effects on irrigated agriculture of either proceeding, or not proceeding, with Two Forks dam and reservoir. No documentation was provided which indicated that the historical trends in irrigated agriculture would change with,



or without, Two Forks dam and reservoir. It would appear that local and regional land use decisions governing urban, commercial and industrial expansion, coupled with agriculture's "soft" economic situation, have driven the shifting patterns of irrigated agriculture in Colorado.

Acquisition of agricultural waters can be a component for meeting metropolitan water supply needs. Such transfers can also occur with adequate and appropriate environmental safeguards. There may be creative arrangements (such as, dry year leasing or acquisition of water "salvaged" through improved irrigation practices) which could benefit both the agricultural community and the metropolitan area and also protect environmental values. Some arrangements could be implemented now, whereas others (use of "salvaged" water) may require institutional changes.

The Governor of Colorado, in his 1988 "A Colorado Agenda for Water", made a number of observations and recommendations which have a bearing on these issues. " \* \* \* I believe the General Assembly should investigate ways to encourage water savings in the State's agricultural sector. Agriculture uses the vast majority of our water, and thus the potential for savings are tremendous. Yet our current system discourages water conservation by Agricultural users." The Governor further observed, "We know that there are a number of ways to reduce water consumption without reducing agricultural production, and we know that these methods often are cheaper than building a dam. We should seriously consider legislation which encourages farmers to find those savings and allow them to profit from their initiative." The Governor's statement also noted the need to balance a diversity of competing interests (protection of basin of origin, municipal, agriculture, environmental and recreational uses) and the desirability of fostering greater metropolitan cooperation.

### (3) Current and Potential Use of the Reservoir Area

During the initial "15-day" consultation period, several commenters expressed the opinion that the area to be directly inundated by Two Forks reservoir was not especially valuable because it was "trashed-out" and "poorly managed". The areas to be inundated range from pristine (such as Cheesman Canyon) to areas of virtually uncontrolled use (such as portions of the lower North Fork of the South Platte). No doubt the resources and recreational

opportunities of the entire area could be better managed to capitalize on the outstanding natural amenities and recreational opportunities.

### V. Proposed Determination

The Regional Administrator proposes to recommend that the discharge of dredged or fill material into the South Platte River at the Two Forks dam and reservoir site be restricted or prohibited for the purpose of constructing the proposed Two Forks dam and reservoir and ancillary facilities. Based on current information, the adverse effects of the Two Forks dam and reservoir would be unacceptable. Moreover, it appears these impacts are partly or entirely unnecessary and avoidable.

This proposed determination is based primarily on the adverse impacts to fisheries, wildlife and recreational resources. EPA has reason to believe the project would cause or contribute to significant degradation of waters of the United States and violate the Guidelines. It would directly destroy approximately 30 miles of riffle and pool complexes, approximately 300 acres of wetlands, an irreplaceable mix of recreational values readily available to the Denver metropolitan area population, and 22 percent of the known pawnee montane skipper habitat. In addition, operation of the Two Forks dam and reservoir has the potential to degrade both east and west slope recreational opportunities, and threatened and endangered fish and bird populations in Colorado and Nebraska, as well as other wildlife such as the big horn sheep. Furthermore, there are less environmentally damaging practicable alternatives for meeting regional water supply needs. Impacts which are avoidable are unacceptable.

### VI. Mitigation

As discussed above, there are practicable, less damaging alternatives to the Two Forks dam and reservoir project, without considering mitigation of potential adverse effects. However, because of the great emphasis which has been placed on mitigation throughout the COE's NEPA and permitting process, the following summarizes the Agency's major concerns with the environmental mitigation contained in the proposed Section 404 permit conditions.

The proposed Section 404 permit conditions provide for mitigation efforts for 16 different resources. The COE recognized Two Forks dam and reservoir would result in significant visual impacts but chose to defer to the U.S. Forest Service for permit conditions for this resource (Permit Conditions

page 16). During the 404(q) process, the permit conditions were altered in an attempt to address EPA's concerns with the wetland, aquatic life, water quality, conservation and available supplies. However, the mitigation plan remains insufficient to fully replace the values which would be lost as a result of Two Forks dam and reservoir construction and operation.

For example, replacement of 90 percent of the lost instream trout biomass is inappropriate. Mitigation should be used to replace all the values lost. Every effort should be made to replace the value lost with equal values. The mitigation proposal for Two Forks dam and reservoir would allow, for example, replacement of one mile of 400 pound per acre stream fishery with 2 miles of 200 pound per acre stream fishery. This approach to mitigation does not address the real value of the resource to be lost, that is, there are very few 400 pound per acre stream fisheries. This inappropriate, out-of-kind mitigation is equally unacceptable in the replacement of the quality fishing recreational values.

Furthermore, the COE and the applicant believe all practicable steps to mitigate the impacts have been taken, the permit conditions require that additional mitigation be pursued if the proposed mitigation proves ineffective. This logic renders the recreation and aquatic permit conditions suspect. It is difficult to see how the applicant will be able to pursue mitigation to replace unsuccessful mitigation if the applicant has already determined there is presently no additional practicable mitigation available.

EPA is also concerned with the after-the-impact approach to aquatic mitigation. The net result of this approach is that the risk of loss is placed on the resource. Much of the resource will be lost before the mitigation methods can be proven to work. A similar approach is used for the threatened pawnee montane skipper.

These concerns with the mitigation plan underscore the conclusion that the resource is of great value, that the resource is difficult if not impossible to replace in-kind, and impacts to this resource should be avoided if less damaging, practicable alternatives are available. As note above, there are less damaging, practicable alternatives.

### VII. Solicitation of Comments

EPA is today soliciting comments on all issues discussed in this notice. In particular, comments on the likely adverse impacts to fish, wildlife and recreational values of the rivers,



streams, and wetlands in all areas which would be affected by the construction and operation of Two Forks dam and reservoir are requested. All relevant data, studies, knowledge of studies, or informal observations are appropriate. Where comments or materials have been previously submitted to EPA, it is sufficient to reference them by title and date of submission rather than resubmitting them.

While the significant loss of aquatic and recreational values and the availability of less damaging practicable alternatives serve as EPA's main bases for this proposed 404(c) determination, EPA Region VIII has additional concerns with the proposed project, including water quality impacts, threatened and endangered species, alternatives and project need. Therefore, EPA also solicits comments on the following aspects of the project:

(1) The potential for the Two Forks dam and reservoir project to violate State water quality standards, especially as related to potential channel stability alterations;

(2) Whether, based on information collected since preparation of the biological opinions, the threatened and endangered species consultation should be reinitiated for any of the species potentially affected by the Two Forks dam and reservoir project;

(3) Information on the wildlife species which would be affected by changes in the aquatic ecosystem;

(4) Information on the recreational uses which would be affected;

(5) Information on the availability of less environmentally damaging practicable alternatives to satisfy the basic project purpose of municipal and

industrial water supply, taking into account cost, technology, and logistics, and including other alternatives which do not require the discharge of dredged material into the waters of the United States;

(6) Whether the discharge should be prohibited forever, allowed as proposed by the COE, or restricted in time, size or other manner; and

(7) Information on recent population projections by DRCOG, information on what criteria Denver should utilize to supply water under its charter obligation, and the affect of planning uncertainties on water supply planning.

Dated: August 29, 1989.

Lee A. DeHihns, III,

Regional Decision Officer.

[FR Doc. 89-20768 Filed 9-1-89; 8:45 am]

BILLING CODE 6560-60-M

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collection Requirement Submitted to Office of Management and Budget for Review

August 28, 1989.

The Federal Communications Commission has submitted the following information collection requirement to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act, as amended (44 U.S.C. 3501-3520).

Copies of the 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. 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. A copy of the comments should also be sent to the Commission. For further information contact Jerry Cowden, Federal Communications Commission, (202) 632-7513.

*Please note:* The Commission has requested emergency processing of this item under the provisions of 5 CFR 1320.18 and has requested that the Office of Management and Budget take action by August 28, 1989.

*OMB Number:* None.

*Title:* Tariff Update Format.

*Action:* New collection.

*Respondents:* Businesses.

*Frequency of Response:* One-time response.

*Estimated Annual Burden:* 39 responses; 3,900 hours; 100 hours average burden per respondent.

*Needs and Uses:* The information is needed to provide a simplified, consistent format for a scheduled update of rates charged by local telephone companies. Use of the format allows waivers of other cost support rules and a more focused and efficient review by the FCC and the public. Respondents are local telephone companies, with the exception of most small telephone companies.

*Text of Tariff Update Format*

In accordance with the provision of 5 CFR 1320.15(b)(1) the text of the Tariff Update format follows in its entirety.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

BILLING CODE 6712-01-M



RATE FACTOR DEVELOPMENT  
SWITCHED TRAFFIC SENSITIVE AND SPECIAL  
-----  
(DOLLARS IN THOUSANDS)

WS-1  
Approved by OMB  
3060-XXXX  
Expires XX/XX/XX

See below for statement  
regarding public burden  
estimate.

| TARIFF LEVEL: | REV. REQ.<br>UNDERLYING<br>CURRENT RATES * | NON-RECURRING<br>AND ICB REV.<br>IN COL. A | RECURRING<br>REVENUES | NET<br>REV. REQ.<br>CHANGE ** | ADJUSTED<br>RECURRING<br>REVENUES | RATE<br>ADJUSTMENT<br>FACTOR |
|---------------|--|--|-----------------------|-------------------------------|-----------------------------------|------------------------------|
|               | (A)  | (B)  | (C)=A-B               | (D)                           | (E)=C+D                           | (F)=E/C                      |

100 SWITCHING  
110 TRANSPORT  
120 INFORMATION

SPECIAL ACCESS  
-----  
130 SPECIAL ACCESS

\* SAME AS WS-3, COL. A  
\*\* FROM WS-3, COL. F

NOTICE: The Tariff Update Format (TUF) contains information that certain local telephone companies must file to support their access charge tariff filings. The information is needed to provide a simplified, consistent format for a scheduled update of rates charged by local telephone companies and is used by the FCC to determine whether the services offered are just and reasonable as required by the Communications Act of 1934, as amended. Your response is mandatory.

Public reporting burden for this collection of information is estimated to average 100 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Federal Communications Commission, Office of Managing Director, Washington, DC 20554, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (3060-0000), Washington, DC 20503.

This Notice is required by the Privacy Act of 1974, P.L. 93-579, December 31, 1974, 5 U.S.C. 552a(e)(3) and the Paperwork Reduction Act of 1980, P.L. 96-511, December 11, 1980, 44 U.S.C. 3504(c)(3)(c).



WS-2

CARRIER COMMON LINE RATE DEVELOPMENT SUMMARY  
(ALL AMOUNTS ARE IN WHOLE NUMBERS)

TARIFF ENTITY:

|     | DESCRIPTION  | SOURCE                                 | UNDERLYING<br>8/1/89 RATES * | PROPOSED<br>1/1/90 | CHANGE  |
|-----|--|--|------------------------------|--------------------|---------|
|     |  |  | (A)                          | (B)                | (C)=B-A |
| 100 | TOTAL COMMON LINE REV. REQ.                                    | WS-3 ROW 100,E                         |                              |                    |         |
| 110 | END USER REVENUES (INCLUDING SURCHARGE)                        | WS-14 ROW 100,B +<br>WS-14 ROW 110,B   |                              |                    |         |
| 120 | LONG TERM AND TRANSITIONAL SUPPORT                             | NECA                                   |                              |                    |         |
| 130 | REV. REQ. TO BE RECOVERED FROM CCL                             | ROW 100 - ROW 110 +<br>ROW 120         |                              |                    |         |
| 140 | CHARGEABLE ORIGINATING RATED MOU                               | WS-10 ROW 100,C +<br>(ROW 120,C * .45) |                              |                    |         |
| 150 | ORIGINATING REVENUES   | ROW 140 * ROW 240                      |                              |                    |         |
| 160 | REVENUE REQUIREMENT TO BE RECOVERED FROM TERMINATING RATED MOU | ROW 130 - ROW 150                      |                              |                    |         |
| 170 | CHARGEABLE TERMINATING RATED MOU                               | WS-10 ROW 110,C +<br>(ROW 130,C * .45) |                              |                    |         |
|     | CCL MOU  |  |                              |                    |         |
| 180 | PREMIUM ORIG. - RATED  | WS-10 ROW 100,C                        |                              |                    |         |
| 190 | NON-PREMIUM ORIG. - RATED                                      | WS-10 ROW 120,C                        |                              |                    |         |
| 200 | CHARGEABLE ORIG. - RATED                                       | ROW 140                                |                              |                    |         |
| 210 | PREMIUM TERM. - RATED  | WS-10 ROW 110,C                        |                              |                    |         |
| 220 | NON-PREMIUM TERM. - RATED                                      | WS-10 ROW 130,C                        |                              |                    |         |
| 230 | CHARGEABLE TERM. - RATED                                       | ROW 170                                |                              |                    |         |
|     | CCL RATE   |  |                              |                    |         |
| 240 | PREMIUM ORIGINATING  | (FCC ORDER)                            |                              |                    |         |
| 250 | NON-PREMIUM ORIGINATING  | ROW 240 * .45                          |                              |                    |         |
| 260 | PREMIUM TERMINATING  | ROW 160 / ROW 170                      |                              |                    |         |
| 270 | NON-PREMIUM TERMINATING  | ROW 260 * .45                          |                              |                    |         |

\* RATES IN EFFECT ON 8/1/89 UNLESS UPDATED BY LATER TRANSMITTAL PER COL'S D OR E ON WS-9

NOTE: ALL ENTRIES FOR COL. A ARE FROM 7/17/89 FILING UNDERLYING CURRENT CCL RATES

ALL ENTRIES FOR COL. B ARE REFERENCED IN THE SOURCE COLUMN



WS-3

COST ANALYSIS SUMMARY  
 (DOLLARS IN THOUSANDS)

TARIFF LEVEL:

| COST CATEGORIES                | REV. REQ. UNDERLYING CURRENT RATES * | EXOGENOUS COST ADJUSTMENT FACTOR ** | ADJUSTED BASE REV. REQ. | REV. REQ. GROWTH FACTOR | ANNUALIZED TEST PERIOD REV. REQ. | NET REV. REQ. CHANGE |
|--------------------------------|--------------------------------------|-------------------------------------|-------------------------|-------------------------|----------------------------------|----------------------|
|                                | (A)                                  | (B)                                 | (C)=A*B                 | (D)                     | (E)=C*D                          | (F)=E-A              |
| 100 COMMON LINE                |                                      |                                     |                         |                         |                                  |                      |
| 110 BFP (***)                  |                                      |                                     |                         |                         |                                  |                      |
| 120 ISW                        |                                      |                                     |                         |                         |                                  |                      |
| 130 PAY                        |                                      |                                     |                         |                         |                                  |                      |
| 140 SWITCHED TRAFFIC SENSITIVE |                                      |                                     |                         |                         |                                  |                      |
| 150 SWITCHING                  |                                      |                                     |                         |                         |                                  |                      |
| 160 TRANSPORT                  |                                      |                                     |                         |                         |                                  |                      |
| 170 INFORMATION                |                                      |                                     |                         |                         |                                  |                      |
| 180 SPECIAL ACCESS             |                                      |                                     |                         |                         |                                  |                      |
| 190 TOTAL ACCESS               |                                      |                                     |                         |                         |                                  |                      |

\* SOURCE IS WS-9 COLUMN F

\*\* SOURCE IS WS-4 COLUMN D

\*\*\* SOURCE IS WS-5 SUMMARIZED TO TARIFF LEVEL



WS-4

EXOGENOUS COST FACTOR DEVELOPMENT  
(DOLLARS IN THOUSANDS)

| TARIFF LEVEL: | REV. REQ. UNDERLYING 4/1/89 RATES EXCLUDING FCC ADJUST ** | EXOGENOUS COST CHANGES * | REV. REQ. ADJUSTED FOR EXOGENOUS COST CHANGES | EXOGENOUS COST GROWTH FACTOR |
|---------------|---|--------------------------|---|------------------------------|
|               | (A)   | (B)                      | (C)=A+B                                       | (D)=1+((C-A)/A)              |
| 100           | COMMON LINE   |                          |   |                              |
| 110           | BFP (***)   |                          |   |                              |
| 120           | ISW   |                          |   |                              |
| 130           | PAY   |                          |   |                              |
| 140           | SWITCHED TRAFFIC SENSITIVE                                |                          |   |                              |
| 150           | SWITCHING   |                          |   |                              |
| 160           | TRANSPORT   |                          |   |                              |
| 170           | INFORMATION   |                          |   |                              |
| 180           | SPECIAL ACCESS  |                          |   |                              |
| 190           | TOTAL ACCESS  |                          |   |                              |

\* SOURCE IS WS-6 COLUMN G

\*\* SOURCE IS SAME AS WS-9 COL. A SHOULD BE THE SAME AS FEBRUARY ERRATA OR OTHER TRANSMITTALS GRANTED BY THE FCC



WS-5

COMMON LINE - BASE FACTOR PORTION  
REVENUE REQUIREMENT DEVELOPMENT  
-----  
(DOLLARS IN THOUSANDS)

## STUDY AREA:

AMOUNT  
-----  
(A)

REVENUE REQUIREMENTS  
-----

100 REV. REQ. UNDERLYING CURRENT RATES \*  
(INCLUDING FCC ADJUSTMENTS)

110 ADJUSTED BASE REV. REQ.  
(L100 \* L160)

120 ANNUALIZED TEST PERIOD REV. REQ.  
(L110 \* 210)

EXOGENOUS COST FACTORS  
-----

130 REV. REQ. UNDERLYING 4/1/89 RATES \*\*  
(EXCLUDING FCC ADJUSTMENTS)

140 EXOGENOUS COST CHANGES \*\*\*

150 REV. REQ. ADJUSTED FOR EXOGENOUS  
COST CHANGES (L130 + L140)

160 EXOGENOUS COST ADJUSTMENT FACTOR  
(1+ ((L160 - L130) / L130))

BFP GROWTH FACTOR  
-----

170 BFP REV. REQ. (1/89 THRU 6/89)

180 1989 SPF

190 BFP REV. REQ. (1/88 THRU 6/88)

200 1988 SPF

210 BFP GROWTH FACTOR  
(L170 / L160) / (L190 / L200) \* (7.5/12)

\* SAME AS WS-9 COL. F SUMMARIZED AT TARIFF LEVEL

\*\* SAME AS WS-9 COL. A SUMMARIZED AT TARIFF LEVEL

\*\*\* SAME AS WS-6 COL. G SUMMARIZED AT TARIFF LEVEL



WS-6

EXOGENOUS COST CHANGES  
 (DOLLARS IN THOUSANDS)

TARIFF LEVEL:

REV. REQ.  
 UNDERLYING  
 4/1/89  
 RATES

TOTAL  
 EXOGENOUS  
 COST CHANGES \*

DEPRECIATION  
 REDESCRIPTION  
 AND  
 AMORTIZATION

OTHER \*\*\*

INSIDE  
 WIRE

DEM

SPF

EXCLUDING  
 FCC ADJUST. \*\*

COST CATEGORIES

100 COMMON LINE

110 BFP (\*\*\*)

120 ISW

130 PAY

140 SWITCHED  
 TRAFFIC SENSITIVE

150 SWITCHING

160 TRANSPORT

170 INFORMATION

180 SPECIAL ACCESS

190 TOTAL ACCESS

(G)

(F)

(E)

(D)

(C)

(B)

(A)

\* MAY NOT EQUAL THE SUM OF COLUMNS B THRU F DUE TO THE INTERACTIVE EFFECTS OF EACH RULE CHANGE

\*\* SAME SOURCE AS WS-9 COL. A

\*\*\* MAY BE USED PRUSUANT TO WAIVER ONLY



EXOGENOUS COST CHANGE DETAIL  
 (DOLLARS IN THOUSANDS)

WS-7.1  
 1 OF 2

COSTS UNDERLYING 4/1/89 RATES (EXCLUDING FCC ADJUSTMENTS)

STUDY AREA:

| COMMON LINE |     |     |           |
|-------------|-----|-----|-----------|
| BFP         | ISW | PAY | TOTAL     |
| (A)         | (B) | (C) | (D)=A+B+C |

|     |                                     |  |  |  |  |
|-----|-------------------------------------|--|--|--|--|
| 100 | REVENUES                            |  |  |  |  |
|     | REVENUE REQUIREMENTS                |  |  |  |  |
| 110 | MISCELLANEOUS REV. & UNCOLLECTIBLES |  |  |  |  |
|     | EXPENSES                            |  |  |  |  |
| 120 | PLANT SPECIFIC                      |  |  |  |  |
| 130 | NON-PLT SPECIFIC                    |  |  |  |  |
| 140 | MARKETING                           |  |  |  |  |
| 150 | CUSTOMER OPER SVC                   |  |  |  |  |
| 160 | CORPORATE OPER                      |  |  |  |  |
| 170 | OTHER                               |  |  |  |  |
| 180 | DEPRE & AMORT                       |  |  |  |  |
| 190 | TOTAL EXPENSES                      |  |  |  |  |
|     | TAXES                               |  |  |  |  |
| 200 | OTHER TAXES                         |  |  |  |  |
| 210 | FIXED CHARGES                       |  |  |  |  |
| 220 | FEDERAL INCOME                      |  |  |  |  |
|     | INVESTMENT                          |  |  |  |  |
| 230 | GSF                                 |  |  |  |  |
| 240 | COE SW                              |  |  |  |  |
| 250 | COE TRANS                           |  |  |  |  |
| 260 | C&W                                 |  |  |  |  |
| 270 | I O/T                               |  |  |  |  |
| 280 | OTHER INV                           |  |  |  |  |
| 290 | TOTAL INVESTMENT                    |  |  |  |  |
|     | RESERVES                            |  |  |  |  |
| 300 | DEPR AND AMORT                      |  |  |  |  |
| 310 | DEFERRED                            |  |  |  |  |
| 320 | OTHER                               |  |  |  |  |
| 330 | TOTAL RESERVES                      |  |  |  |  |
| 340 | AVERAGE NET INVESTMENT              |  |  |  |  |
| 350 | NET RETURN                          |  |  |  |  |



EXCGENOUS COST CHANGE DETAIL  
 (DOLLARS IN THOUSANDS)

WS-7.1  
 2 OF 2

COSTS UNDERLYING 4/1/89 RATES (EXCLUDING FCC ADJUSTMENTS)

STUDY AREA:

|   | SWITCHED TRAFFIC SENSITIVE |                  |                    | TOTAL INTERSTATE ACCESS<br>(J)=D+H+I |
|---|----------------------------|------------------|--------------------|--------------------------------------|
|   | SWITCHING<br>(E)           | TRANSPORT<br>(F) | INFORMATION<br>(G) |                                      |
|   | TOTAL<br>(H)=E+F+G         |                  |                    | SPECIAL ACCESS<br>(I)                |
| 100 REVENUES                            |                            |                  |                    |                                      |
| REVENUE REQUIREMENTS                    |                            |                  |                    |                                      |
| 110 MISCELLANEOUS REV. & UNCOLLECTIBLES |                            |                  |                    |                                      |
| EXPENSES                                |                            |                  |                    |                                      |
| PLANT SPECIFIC                          |                            |                  |                    |                                      |
| NON-PLT SPECIFIC                        |                            |                  |                    |                                      |
| MARKETING                               |                            |                  |                    |                                      |
| CUSTOMER OPER SVC                       |                            |                  |                    |                                      |
| CORPORATE OPER                          |                            |                  |                    |                                      |
| OTHER                                   |                            |                  |                    |                                      |
| 180 DEPRE & AMORT                       |                            |                  |                    |                                      |
| 190 TOTAL EXPENSES                      |                            |                  |                    |                                      |
| TAXES                                   |                            |                  |                    |                                      |
| OTHER TAXES                             |                            |                  |                    |                                      |
| FIXED CHARGES                           |                            |                  |                    |                                      |
| 220 FEDERAL INCOME                      |                            |                  |                    |                                      |
| INVESTMENT                              |                            |                  |                    |                                      |
| GSF                                     |                            |                  |                    |                                      |
| COE SW                                  |                            |                  |                    |                                      |
| COE TRANS                               |                            |                  |                    |                                      |
| C&W                                     |                            |                  |                    |                                      |
| I O/T                                   |                            |                  |                    |                                      |
| OTHER INV                               |                            |                  |                    |                                      |
| 290 TOTAL INVESTMENT                    |                            |                  |                    |                                      |
| RESERVES                                |                            |                  |                    |                                      |
| DEPR AND AMORT                          |                            |                  |                    |                                      |
| DEFERRED                                |                            |                  |                    |                                      |
| OTHER                                   |                            |                  |                    |                                      |
| 330 TOTAL RESERVES                      |                            |                  |                    |                                      |
| 340 AVERAGE NET INVESTMENT              |                            |                  |                    |                                      |
| 350 NET RETURN                          |                            |                  |                    |                                      |



EXOGENOUS COST CHANGE DETAIL  
(DOLLARS IN THOUSANDS)

WS-7.2  
1 OF 2

EXOGENOUS COST CHANGE FOR - SPF

STUDY AREA:

|  | COMMON LINE |            |            | TOTAL<br>(D)=A+B+C |
|--|-------------|------------|------------|--------------------|
|  | BFP<br>(A)  | ISW<br>(B) | PAY<br>(C) |                    |
| 100 REVENUES                               |             |            |            |                    |
| REVENUE REQUIREMENTS                       |             |            |            |                    |
| 110 MISCELLANEOUS REV. &<br>UNCOLLECTIBLES |             |            |            |                    |
| EXPENSES                                   |             |            |            |                    |
| 120 PLANT SPECIFIC                         |             |            |            |                    |
| 130 NON-PLT SPECIFIC                       |             |            |            |                    |
| 140 MARKETING                              |             |            |            |                    |
| 150 CUSTOMER OPER SVC                      |             |            |            |                    |
| 160 CORPORATE OFFER                        |             |            |            |                    |
| 170 OTHER                                  |             |            |            |                    |
| 180 DEPRE & AMORT                          |             |            |            |                    |
| 190 TOTAL EXPENSES                         |             |            |            |                    |
| TAXES                                      |             |            |            |                    |
| 200 OTHER TAXES                            |             |            |            |                    |
| 210 FIXED CHARGES                          |             |            |            |                    |
| 220 FEDERAL INCOME                         |             |            |            |                    |
| INVESTMENT                                 |             |            |            |                    |
| 230 GSF                                    |             |            |            |                    |
| 240 COE SW                                 |             |            |            |                    |
| 250 COE TRANS                              |             |            |            |                    |
| 260 C&W                                    |             |            |            |                    |
| 270 I O/T                                  |             |            |            |                    |
| 280 OTHER INV                              |             |            |            |                    |
| 290 TOTAL INVESTMENT                       |             |            |            |                    |
| RESERVES                                   |             |            |            |                    |
| 300 DEPR AND AMORT                         |             |            |            |                    |
| 310 DEFERRED                               |             |            |            |                    |
| 320 OTHER                                  |             |            |            |                    |
| 330 TOTAL RESERVES                         |             |            |            |                    |
| 340 AVERAGE NET INVESTMENT                 |             |            |            |                    |
| 350 NET RETURN                             |             |            |            |                    |



WS-7.2  
2 OF 2

EXOGENOUS COST CHANGE DETAIL  
(DOLLARS IN THOUSANDS)

EXOGENOUS COST CHANGE FOR - SPF

STUDY AREA:

|  | SWITCHED TRAFFIC SENSITIVE |                  | TOTAL<br>(H)=E+F+G | SPECIAL<br>ACCESS<br>(I) | TOTAL<br>INTERSTATE<br>ACCESS<br>(J)=D+H+I |
|--|----------------------------|------------------|--------------------|--------------------------|--|
|  | SWITCHING<br>(E)           | TRANSPORT<br>(F) |                    |                          |  |
| 100 REVENUES                               |                            |                  |                    |                          |  |
| REVENUE REQUIREMENTS                       |                            |                  |                    |                          |  |
| 110 MISCELLANEOUS REV. &<br>UNCOLLECTIBLES |                            |                  |                    |                          |  |
| 120 EXPENSES                               |                            |                  |                    |                          |  |
| PLANT SPECIFIC                             |                            |                  |                    |                          |  |
| NON-PLT SPECIFIC                           |                            |                  |                    |                          |  |
| 130 MARKETING                              |                            |                  |                    |                          |  |
| 140 CUSTOMER OPER SVC                      |                            |                  |                    |                          |  |
| 150 CORPORATE OPER                         |                            |                  |                    |                          |  |
| 160 OTHER                                  |                            |                  |                    |                          |  |
| 170  |                            |                  |                    |                          |  |
| 180 DEFFE & AMORT                          |                            |                  |                    |                          |  |
| 190 TOTAL EXPENSES                         |                            |                  |                    |                          |  |
| 200 TAXES                                  |                            |                  |                    |                          |  |
| 210 OTHER TAXES                            |                            |                  |                    |                          |  |
| FIXED CHARGES                              |                            |                  |                    |                          |  |
| 220 FEDERAL INCOME                         |                            |                  |                    |                          |  |
| 230 INVESTMENT                             |                            |                  |                    |                          |  |
| 240 GSF                                    |                            |                  |                    |                          |  |
| 250 COE SW                                 |                            |                  |                    |                          |  |
| 260 COE TRANS                              |                            |                  |                    |                          |  |
| 270 C&W                                    |                            |                  |                    |                          |  |
| 280 I O/T                                  |                            |                  |                    |                          |  |
| OTHER INV                                  |                            |                  |                    |                          |  |
| 290 TOTAL INVESTMENT                       |                            |                  |                    |                          |  |
| 300 RESERVES                               |                            |                  |                    |                          |  |
| 310 DEFR AND AMORT                         |                            |                  |                    |                          |  |
| 320 DEFERRED                               |                            |                  |                    |                          |  |
| OTHER                                      |                            |                  |                    |                          |  |
| 330 TOTAL RESERVES                         |                            |                  |                    |                          |  |
| 340 AVERAGE NET INVESTMENT                 |                            |                  |                    |                          |  |
| 350 NET RETURN                             |                            |                  |                    |                          |  |



EXOGENOUS COST CHANGE DETAIL  
 (DOLLARS IN THOUSANDS)

WS-7.3  
 1 OF 2

EXOGENOUS COST CHANGE FOR - INSIDE WIRE

STUDY AREA:

|            |                                     | COMMON LINE |     |     |           |
|------------|-------------------------------------|-------------|-----|-----|-----------|
|            |                                     | BFP         | ISW | PAY | TOTAL     |
|            |                                     | (A)         | (B) | (C) | (D)=A+B+C |
| REVENUES   |                                     |             |     |     |           |
| 100        | REVENUE REQUIREMENTS                |             |     |     |           |
| 110        | MISCELLANEOUS REV. & UNCOLLECTIBLES |             |     |     |           |
| EXPENSES   |                                     |             |     |     |           |
| 120        | PLANT SPECIFIC                      |             |     |     |           |
| 130        | NON-PLT SPECIFIC                    |             |     |     |           |
| 140        | MARKETING                           |             |     |     |           |
| 150        | CUSTOMER OPER SVC                   |             |     |     |           |
| 160        | CORPORATE OPER                      |             |     |     |           |
| 170        | OTHER                               |             |     |     |           |
| 180        | DEPRE & AMORT                       |             |     |     |           |
| 190        | TOTAL EXPENSES                      |             |     |     |           |
| TAXES      |                                     |             |     |     |           |
| 200        | OTHER TAXES                         |             |     |     |           |
| 210        | FIXED CHARGES                       |             |     |     |           |
| 220        | FEDERAL INCOME                      |             |     |     |           |
| INVESTMENT |                                     |             |     |     |           |
| 230        | GSF                                 |             |     |     |           |
| 240        | COE SW                              |             |     |     |           |
| 250        | COE TRANS                           |             |     |     |           |
| 260        | C&W                                 |             |     |     |           |
| 270        | I O/T                               |             |     |     |           |
| 280        | OTHER INV                           |             |     |     |           |
| 290        | TOTAL INVESTMENT                    |             |     |     |           |
| RESERVES   |                                     |             |     |     |           |
| 300        | DEPR AND AMORT                      |             |     |     |           |
| 310        | DEFERRED                            |             |     |     |           |
| 320        | OTHER                               |             |     |     |           |
| 330        | TOTAL RESERVES                      |             |     |     |           |
| 340        | AVERAGE NET INVESTMENT              |             |     |     |           |
| 350        | NET RETURN                          |             |     |     |           |



EXOGENOUS COST CHANGE DETAIL  
(DOLLARS IN THOUSANDS)

WS-7.3  
2 OF 2

EXOGENOUS COST CHANGE FOR - INSIDE WIRE

STUDY AREA:

|   | SWITCHED TRAFFIC SENSITIVE |                  |                    | TOTAL INTERSTATE ACCESS<br>(J)=D+H+I |
|---|----------------------------|------------------|--------------------|--------------------------------------|
|   | SWITCHING<br>(E)           | TRANSPORT<br>(F) | INFORMATION<br>(G) |                                      |
|   | TOTAL<br>(H)=E+F+G         |                  |                    | SPECIAL ACCESS<br>(I)                |
| 100 REVENUES                            |                            |                  |                    |                                      |
| REVENUE REQUIREMENTS                    |                            |                  |                    |                                      |
| 110 MISCELLANEOUS REV. & UNCOLLECTIBLES |                            |                  |                    |                                      |
| 120 EXPENSES                            |                            |                  |                    |                                      |
| PLANT SPECIFIC                          |                            |                  |                    |                                      |
| NON-PLT SPECIFIC                        |                            |                  |                    |                                      |
| MARKETING                               |                            |                  |                    |                                      |
| CUSTOMER OPER SVC                       |                            |                  |                    |                                      |
| CORPORATE OPER                          |                            |                  |                    |                                      |
| OTHER                                   |                            |                  |                    |                                      |
| 180 DEPRE & AMORT                       |                            |                  |                    |                                      |
| 190 TOTAL EXPENSES                      |                            |                  |                    |                                      |
| 200 TAXES                               |                            |                  |                    |                                      |
| OTHER TAXES                             |                            |                  |                    |                                      |
| FIXED CHARGES                           |                            |                  |                    |                                      |
| 220 FEDERAL INCOME                      |                            |                  |                    |                                      |
| INVESTMENT                              |                            |                  |                    |                                      |
| 230 GSF                                 |                            |                  |                    |                                      |
| 240 COE SW                              |                            |                  |                    |                                      |
| 250 COE TRANS                           |                            |                  |                    |                                      |
| 260 C&W                                 |                            |                  |                    |                                      |
| 270 I O/T                               |                            |                  |                    |                                      |
| 280 OTHER INV                           |                            |                  |                    |                                      |
| 290 TOTAL INVESTMENT                    |                            |                  |                    |                                      |
| RESERVES                                |                            |                  |                    |                                      |
| 300 DEPR AND AMORT                      |                            |                  |                    |                                      |
| 310 DEFERRED                            |                            |                  |                    |                                      |
| 320 OTHER                               |                            |                  |                    |                                      |
| 330 TOTAL RESERVES                      |                            |                  |                    |                                      |
| 340 AVERAGE NET INVESTMENT              |                            |                  |                    |                                      |
| 350 NET RETURN                          |                            |                  |                    |                                      |



WS-7.4  
1 OF 2

EXOGENOUS COST CHANGE DETAIL  
(DOLLARS IN THOUSANDS)

EXOGENOUS COST CHANGE FOR - DEM

STUDY AREA:

|     |                                     | COMMON LINE |     |     |           |
|-----|-------------------------------------|-------------|-----|-----|-----------|
|     |                                     | BFP         | ISW | PAY | TOTAL     |
|     |                                     | (A)         | (B) | (C) | (D)=A+B+C |
| 100 | REVENUES                            |             |     |     |           |
|     | REVENUE REQUIREMENTS                |             |     |     |           |
| 110 | MISCELLANEOUS REV. & UNCOLLECTIBLES |             |     |     |           |
| 120 | EXPENSES                            |             |     |     |           |
| 130 | PLANT SPECIFIC                      |             |     |     |           |
| 140 | NON-PLT SPECIFIC                    |             |     |     |           |
| 150 | MARKETING                           |             |     |     |           |
| 160 | CUSTOMER OPER SVC                   |             |     |     |           |
| 170 | CORPORATE OPER OTHER                |             |     |     |           |
| 180 | DEPRE & AMORT                       |             |     |     |           |
| 190 | TOTAL EXPENSES                      |             |     |     |           |
| 200 | TAXES                               |             |     |     |           |
| 210 | OTHER TAXES                         |             |     |     |           |
|     | FIXED CHARGES                       |             |     |     |           |
| 220 | FEDERAL INCOME                      |             |     |     |           |
| 230 | INVESTMENT                          |             |     |     |           |
| 240 | GSF                                 |             |     |     |           |
| 250 | COE SW                              |             |     |     |           |
| 260 | COE TRANS                           |             |     |     |           |
| 270 | C&W                                 |             |     |     |           |
| 280 | I O/T                               |             |     |     |           |
|     | OTHER INV                           |             |     |     |           |
| 290 | TOTAL INVESTMENT                    |             |     |     |           |
| 300 | RESERVES                            |             |     |     |           |
| 310 | DEPR AND AMORT                      |             |     |     |           |
| 320 | DEFERRED                            |             |     |     |           |
|     | OTHER                               |             |     |     |           |
| 330 | TOTAL RESERVES                      |             |     |     |           |
| 340 | AVERAGE NET INVESTMENT              |             |     |     |           |
| 350 | NET RETURN                          |             |     |     |           |



WS-7.4  
2 OF 2

EXOGENOUS COST CHANGE DETAIL  
(DOLLARS IN THOUSANDS)  
EXOGENOUS COST CHANGE FOR - DEM

STUDY AREA:

|   | SWITCHED TRAFFIC SENSITIVE |                  |                    | TOTAL INTERSTATE ACCESS<br>(J)=D+H+I |
|---|----------------------------|------------------|--------------------|--------------------------------------|
|   | SWITCHING<br>(E)           | TRANSPORT<br>(F) | INFORMATION<br>(G) |                                      |
|   |                            |                  |                    |                                      |
| REVENUES                                |                            |                  |                    |                                      |
| 100 REVENUE REQUIREMENTS                |                            |                  |                    |                                      |
| 110 MISCELLANEOUS REV. & UNCOLLECTIBLES |                            |                  |                    |                                      |
| EXPENSES                                |                            |                  |                    |                                      |
| 120 PLANT SPECIFIC                      |                            |                  |                    |                                      |
| 130 NON-PLT SPECIFIC                    |                            |                  |                    |                                      |
| 140 MARKETING                           |                            |                  |                    |                                      |
| 150 CUSTOMER OPER SVC                   |                            |                  |                    |                                      |
| 160 CORPORATE OPER                      |                            |                  |                    |                                      |
| 170 OTHER                               |                            |                  |                    |                                      |
| 180 DEPRE & AMORT                       |                            |                  |                    |                                      |
| 190 TOTAL EXPENSES                      |                            |                  |                    |                                      |
| TAXES                                   |                            |                  |                    |                                      |
| 200 OTHER TAXES                         |                            |                  |                    |                                      |
| 210 FIXED CHARGES                       |                            |                  |                    |                                      |
| 220 FEDERAL INCOME                      |                            |                  |                    |                                      |
| INVESTMENT                              |                            |                  |                    |                                      |
| 230 GSF                                 |                            |                  |                    |                                      |
| 240 COE SW                              |                            |                  |                    |                                      |
| 250 COE TRANS                           |                            |                  |                    |                                      |
| 260 C&W                                 |                            |                  |                    |                                      |
| 270 I O/T                               |                            |                  |                    |                                      |
| 280 OTHER INV                           |                            |                  |                    |                                      |
| 290 TOTAL INVESTMENT                    |                            |                  |                    |                                      |
| RESERVES                                |                            |                  |                    |                                      |
| 300 DEPR AND AMORT                      |                            |                  |                    |                                      |
| 310 DEFERRED                            |                            |                  |                    |                                      |
| 320 OTHER                               |                            |                  |                    |                                      |
| 330 TOTAL RESERVES                      |                            |                  |                    |                                      |
| 340 AVERAGE NET INVESTMENT              |                            |                  |                    |                                      |
| 350 NET RETURN                          |                            |                  |                    |                                      |

TOTAL  
(H)=E+F+G

SPECIAL ACCESS  
(I)



EXOGENOUS COST CHANGE DETAIL  
 (DOLLARS IN THOUSANDS)

MS-7.5  
 1 OF 2  
 EXOGENOUS COST CHANGE FOR - DEPRECIATION & AMORT.

STUDY AREA:

|     |                                     | COMMON LINE |     |     |           |
|-----|-------------------------------------|-------------|-----|-----|-----------|
|     |                                     | BFP         | ISW | PAY | TOTAL     |
|     |                                     | (A)         | (B) | (C) | (D)=A+B+C |
| 100 | REVENUES                            |             |     |     |           |
|     | REVENUE REQUIREMENTS                |             |     |     |           |
| 110 | MISCELLANEOUS REV. & UNCOLLECTIBLES |             |     |     |           |
| 120 | EXPENSES                            |             |     |     |           |
|     | PLANT SPECIFIC                      |             |     |     |           |
| 130 | NON-PLT SPECIFIC                    |             |     |     |           |
| 140 | MARKETING                           |             |     |     |           |
| 150 | CUSTOMER OPER SVC                   |             |     |     |           |
| 160 | CORPORATE OPER                      |             |     |     |           |
| 170 | OTHER                               |             |     |     |           |
| 180 | DEPRE & AMORT                       |             |     |     |           |
| 190 | TOTAL EXPENSES                      |             |     |     |           |
| 200 | TAXES                               |             |     |     |           |
|     | OTHER TAXES                         |             |     |     |           |
| 210 | FIXED CHARGES                       |             |     |     |           |
| 220 | FEDERAL INCOME                      |             |     |     |           |
| 230 | INVESTMENT                          |             |     |     |           |
|     | GSF                                 |             |     |     |           |
| 240 | COE SW                              |             |     |     |           |
| 250 | COE TRANS                           |             |     |     |           |
| 260 | C&W                                 |             |     |     |           |
| 270 | I O/T                               |             |     |     |           |
| 280 | OTHER INV                           |             |     |     |           |
| 290 | TOTAL INVESTMENT                    |             |     |     |           |
| 300 | RESERVES                            |             |     |     |           |
|     | DEPR AND AMORT                      |             |     |     |           |
| 310 | DEFERRED                            |             |     |     |           |
| 320 | OTHER                               |             |     |     |           |
| 330 | TOTAL RESERVES                      |             |     |     |           |
| 340 | AVERAGE NET INVESTMENT              |             |     |     |           |
| 350 | NET RETURN                          |             |     |     |           |



WS-7.5  
2 OF 2

EXOGENOUS COST CHANGE DETAIL  
(DOLLARS IN THOUSANDS)

EXOGENOUS COST CHANGE FOR - DEPRECIATION & AMORT.

STUDY AREA:

|  | SWITCHING<br>(E) | SWITCHED TRAFFIC SENSITIVE<br>TRANSPORT INFORMATION<br>(F) | INFORMATION<br>(G) | TOTAL<br>(H)=E+F+G | SPECIAL<br>ACCESS<br>(I) | TOTAL<br>INTERSTATE<br>ACCESS<br>(J)=D+H+I |
|--|------------------|--|--------------------|--------------------|--------------------------|--|
| 100 REVENUES                               |                  |  |                    |                    |                          |  |
| REVENUE REQUIREMENTS                       |                  |  |                    |                    |                          |  |
| 110 MISCELLANEOUS REV. &<br>UNCOLLECTIBLES |                  |  |                    |                    |                          |  |
| EXPENSES                                   |                  |  |                    |                    |                          |  |
| PLANT SPECIFIC                             |                  |  |                    |                    |                          |  |
| NON-PLT SPECIFIC                           |                  |  |                    |                    |                          |  |
| MARKETING                                  |                  |  |                    |                    |                          |  |
| CUSTOMER OPER SVC                          |                  |  |                    |                    |                          |  |
| CORPORATE OPER                             |                  |  |                    |                    |                          |  |
| OTHER                                      |                  |  |                    |                    |                          |  |
| 180 DEPRE & AMORT                          |                  |  |                    |                    |                          |  |
| 190 TOTAL EXPENSES                         |                  |  |                    |                    |                          |  |
| TAXES                                      |                  |  |                    |                    |                          |  |
| 200 OTHER TAXES                            |                  |  |                    |                    |                          |  |
| 210 FIXED CHARGES                          |                  |  |                    |                    |                          |  |
| 220 FEDERAL INCOME                         |                  |  |                    |                    |                          |  |
| INVESTMENT                                 |                  |  |                    |                    |                          |  |
| 230 GSF                                    |                  |  |                    |                    |                          |  |
| 240 COE SW                                 |                  |  |                    |                    |                          |  |
| 250 COE TRANS                              |                  |  |                    |                    |                          |  |
| 260 C&W                                    |                  |  |                    |                    |                          |  |
| 270 I O/T                                  |                  |  |                    |                    |                          |  |
| 280 OTHER INV                              |                  |  |                    |                    |                          |  |
| 290 TOTAL INVESTMENT                       |                  |  |                    |                    |                          |  |
| RESERVES                                   |                  |  |                    |                    |                          |  |
| 300 DEPR AND AMORT                         |                  |  |                    |                    |                          |  |
| 310 DEFERRED                               |                  |  |                    |                    |                          |  |
| 320 OTHER                                  |                  |  |                    |                    |                          |  |
| 330 TOTAL RESERVES                         |                  |  |                    |                    |                          |  |
| 340 AVERAGE NET INVESTMENT                 |                  |  |                    |                    |                          |  |
| 350 NET RETURN                             |                  |  |                    |                    |                          |  |



EXOGENOUS COST CHANGE DETAIL  
 (DOLLARS IN THOUSANDS)

WS-7.6  
 1 OF 2

EXOGENOUS COST CHANGE FOR - OTHER (PURSUANT TO WAIVER ONLY)

STUDY AREA:

|     |  | COMMON LINE |     |     |           |
|-----|--|-------------|-----|-----|-----------|
|     |  | BFP         | ISW | PAY | TOTAL     |
|     |  | (A)         | (B) | (C) | (D)=A+B+C |
| 100 | REVENUES                               |             |     |     |           |
|     | REVENUE REQUIREMENTS                   |             |     |     |           |
| 110 | MISCELLANEOUS REV. &<br>UNCOLLECTIBLES |             |     |     |           |
| 120 | EXPENSES                               |             |     |     |           |
| 130 | PLANT SPECIFIC                         |             |     |     |           |
| 140 | NON-PLT SPECIFIC                       |             |     |     |           |
| 150 | MARKETING                              |             |     |     |           |
| 160 | CUSTOMER OPER SVC                      |             |     |     |           |
| 170 | CORPORATE OPER<br>OTHER                |             |     |     |           |
| 180 | DEPRE & AMORT                          |             |     |     |           |
| 190 | TOTAL EXPENSES                         |             |     |     |           |
| 200 | TAXES                                  |             |     |     |           |
| 210 | OTHER TAXES<br>FIXED CHARGES           |             |     |     |           |
| 220 | FEDERAL INCOME                         |             |     |     |           |
| 230 | INVESTMENT                             |             |     |     |           |
| 240 | GSF                                    |             |     |     |           |
| 250 | COE SW                                 |             |     |     |           |
| 260 | COE TRANS                              |             |     |     |           |
| 270 | C&W                                    |             |     |     |           |
| 280 | I O/T<br>OTHER INV                     |             |     |     |           |
| 290 | TOTAL INVESTMENT                       |             |     |     |           |
| 300 | RESERVES                               |             |     |     |           |
| 310 | DEPR AND AMORT                         |             |     |     |           |
| 320 | DEFERRED<br>OTHER                      |             |     |     |           |
| 330 | TOTAL RESERVES                         |             |     |     |           |
| 340 | AVERAGE NET INVESTMENT                 |             |     |     |           |
| 350 | NET RETURN                             |             |     |     |           |



EXOGENOUS COST CHANGE DETAIL  
(DOLLARS IN THOUSANDS)

WS-7.6  
2 OF 2

EXOGENEOUS COST CHANGE FOR - OTHER (PURSUANT TO WAIVER ONLY)

STUDY AREA:

|  |           |           |             |           |         |            |
|--|-----------|-----------|-------------|-----------|---------|------------|
|  | SWITCHING | TRANSPORT | INFORMATION | TOTAL     | SPECIAL | TOTAL      |
|  | (E)       | (F)       | (G)         | (H)=E+F+G | ACCESS  | INTERSTATE |
|  |           |           |             |           | (I)     | ACCESS     |
|  |           |           |             |           |         | (J)=D+H+I  |

|     |  |  |  |  |  |  |
|-----|--|--|--|--|--|--|
| 100 | REVENUES                               |  |  |  |  |  |
|     | REVENUE REQUIREMENTS                   |  |  |  |  |  |
| 110 | MISCELLANEOUS REV. &<br>UNCOLLECTIBLES |  |  |  |  |  |
| 120 | EXPENSES                               |  |  |  |  |  |
| 130 | PLANT SPECIFIC                         |  |  |  |  |  |
| 140 | NON-PLT SPECIFIC                       |  |  |  |  |  |
| 150 | MARKETING                              |  |  |  |  |  |
| 160 | CUSTOMER OPER SVC                      |  |  |  |  |  |
| 170 | CORPORATE OPER                         |  |  |  |  |  |
|     | OTHER                                  |  |  |  |  |  |
| 180 | DEPRE & AMORT                          |  |  |  |  |  |
| 190 | TOTAL EXPENSES                         |  |  |  |  |  |
| 200 | TAXES                                  |  |  |  |  |  |
| 210 | OTHER TAXES                            |  |  |  |  |  |
|     | FIXED CHARGES                          |  |  |  |  |  |
| 220 | FEDERAL INCOME                         |  |  |  |  |  |
| 230 | INVESTMENT                             |  |  |  |  |  |
|     | GSF                                    |  |  |  |  |  |
| 240 | COE SW                                 |  |  |  |  |  |
| 250 | COE TRANS                              |  |  |  |  |  |
| 260 | C&W                                    |  |  |  |  |  |
| 270 | I O/T                                  |  |  |  |  |  |
| 280 | OTHER INV                              |  |  |  |  |  |
| 290 | TOTAL INVESTMENT                       |  |  |  |  |  |
| 300 | RESERVES                               |  |  |  |  |  |
|     | DEPR AND AMORT                         |  |  |  |  |  |
| 310 | DEFERRED                               |  |  |  |  |  |
| 320 | OTHER                                  |  |  |  |  |  |
| 330 | TOTAL RESERVES                         |  |  |  |  |  |
| 340 | AVERAGE NET INVESTMENT                 |  |  |  |  |  |
| 350 | NET RETURN                             |  |  |  |  |  |



WS-7.7  
1 OF 2

EXOGENOUS COST CHANGE DETAIL  
(DOLLARS IN THOUSANDS)  
TOTAL EXOGENOUS COST CHANGES

STUDY AREA:

| COMMON LINE |           |
|-------------|-----------|
| BFP         | ISW       |
| (A)         | (B)       |
| PAY         | (C)       |
| TOTAL       | (D)=A+B+C |

|     |                                     |  |  |  |
|-----|-------------------------------------|--|--|--|
| 100 | REVENUES                            |  |  |  |
|     | REVENUE REQUIREMENTS                |  |  |  |
| 110 | MISCELLANEOUS REV. & UNCOLLECTIBLES |  |  |  |
|     | EXPENSES                            |  |  |  |
| 120 | PLANT SPECIFIC                      |  |  |  |
| 130 | NON-PLT SPECIFIC                    |  |  |  |
| 140 | MARKETING                           |  |  |  |
| 150 | CUSTOMER OPER SVC                   |  |  |  |
| 160 | CORPORATE OPER                      |  |  |  |
| 170 | OTHER                               |  |  |  |
| 180 | DEPRE & AMORT                       |  |  |  |
| 190 | TOTAL EXPENSES                      |  |  |  |
|     | TAXES                               |  |  |  |
| 200 | OTHER TAXES                         |  |  |  |
| 210 | FIXED CHARGES                       |  |  |  |
| 220 | FEDERAL INCOME                      |  |  |  |
|     | INVESTMENT                          |  |  |  |
| 230 | GSF                                 |  |  |  |
| 240 | COE SW                              |  |  |  |
| 250 | COE TRANS                           |  |  |  |
| 260 | C&W                                 |  |  |  |
| 270 | I O/T                               |  |  |  |
| 280 | OTHER INV                           |  |  |  |
| 290 | TOTAL INVESTMENT                    |  |  |  |
|     | RESERVES                            |  |  |  |
| 300 | DEPR AND AMORT                      |  |  |  |
| 310 | DEFERRED                            |  |  |  |
| 320 | OTHER                               |  |  |  |
| 330 | TOTAL RESERVES                      |  |  |  |
| 340 | AVERAGE NET INVESTMENT              |  |  |  |
| 350 | NET RETURN                          |  |  |  |







WS-6

NOTES ON EXOGENOUS CHANGES

STUDY AREA \_\_\_\_\_

1988 \_\_\_\_\_ 1989 \_\_\_\_\_

100 SPF \_\_\_\_\_  
110 DEM \_\_\_\_\_

120 INSIDE WIRE AMORTIZATION STATUS: \_\_\_\_\_

121 \_\_\_\_\_  
122 \_\_\_\_\_  
123 \_\_\_\_\_  
124 \_\_\_\_\_  
125 \_\_\_\_\_

130 DEPRECIATION: (DESCRIBE) \_\_\_\_\_

131 \_\_\_\_\_  
132 \_\_\_\_\_  
133 \_\_\_\_\_  
134 \_\_\_\_\_  
135 \_\_\_\_\_

140 OTHER (DESCRIBE) \_\_\_\_\_

141 \_\_\_\_\_  
142 \_\_\_\_\_  
143 \_\_\_\_\_  
144 \_\_\_\_\_  
145 \_\_\_\_\_



WS-9

DEVELOPMENT OF REVENUE REQUIREMENT UNDERLYING CURRENT RATES  
(DOLLARS IN THOUSANDS)

TARIFF LEVEL:

| COST CATEGORIES                | REV. REQ. UNDERLYING RATES EXCLUDING FCC ADJUSTMENT | FCC ADJUSTMENTS 3/22/89 * | FCC ADJUSTMENTS 6/29/89 * | OTHER ADJ. BY TRANSMITTAL * | OTHER ADJ. BY TRANSMITTAL * | REV. REQ. UNDERLYING CURRENT RATES ** |
|--------------------------------|---|---------------------------|---------------------------|-----------------------------|-----------------------------|---------------------------------------|
|                                | (A)   | (B)                       | (C)                       | (D)                         | (E)                         | (F)=A+B+C+D+E                         |
| 100 COMMON LINE                |   |                           |                           |                             |                             |                                       |
| 110 BFP                        |   |                           |                           |                             |                             |                                       |
| 120 ISW                        |   |                           |                           |                             |                             |                                       |
| 130 PAY                        |   |                           |                           |                             |                             |                                       |
| 140 SWITCHED TRAFFIC SENSITIVE |   |                           |                           |                             |                             |                                       |
| 150 SWITCHING                  |   |                           |                           |                             |                             |                                       |
| 160 TRANSPORT                  |   |                           |                           |                             |                             |                                       |
| 170 INFORMATION                |   |                           |                           |                             |                             |                                       |
| 180 SPECIAL ACCESS             |   |                           |                           |                             |                             |                                       |
| 190 TOTAL ACCESS               |   |                           |                           |                             |                             |                                       |
| 200 TRANSMITTAL NUMBER ***     |   |                           |                           |                             |                             |                                       |
| 210 TRANSMITTAL DATE ****      |   |                           |                           |                             |                             |                                       |

\* IDENTIFY TRANSMITTAL ASSOCIATED WITH THIS VIEW

\*\* MUST AGREE WITH WS-3, COL. A

\*\*\* THE TRANSMITTAL NUMBER FOR COL. S, B, C, D AND E SHOULD BE ENTERED ON ROW 200. ENTER "NONE" IF NO TRANSMITTALS WERE SUBMITTED

\*\*\*\* THE TRANSMITTAL DATE SHOULD BE ENTERED ON ROW 210. ENTER "NONE" IF NO TRANSMITTALS WERE SUBMITTED



WS-10

COMMON LINE DEMAND - MOU  
 (MINUTES IN THOUSANDS)

TARIFF LEVEL:

| COMMON LINE DEMAND      | DEMAND UNDERLYING 4/1/89 RATES ** | DEMAND GROWTH FACTOR | TEST PERIOD DEMAND |
|-------------------------|-----------------------------------|----------------------|--------------------|
|                         | (A)                               | (B)                  | (C) = A*B          |
| MINUTES                 |                                   |                      |                    |
| 100 CCL ORIG. PREM.     |                                   |                      |                    |
| 110 CCL TERM. PREM.     |                                   |                      |                    |
| 120 CCL ORIG. NON-PREM. |                                   |                      |                    |
| 130 CCL TERM. NON-PREM. |                                   |                      |                    |

\* SOURCE IS WS-11

\*\* DEMAND UNDERLYING 4/1/89 RATES (INCLUDING FCC ADJUSTMENTS)  
 UNLESS UPDATED BY A LATER TRANSMITTAL PER COL'S D & E OF WS-9



WS-11

COMMON LINE MINUTES OF USE GROWTH FACTOR DEVELOPMENT  
 (MINUTES IN THOUSANDS)

TARIFF ENTITY :

|     | CCL MOU GROWTH FACTOR                        | AMOUNT<br>(A) |
|-----|--|---------------|
|     | PREMIUM ORIGINATING MOU                      |               |
| 100 | PREMIUM ORIG. MOU (1/89 THRU 6/89)           |               |
| 110 | PREMIUM ORIG. MOU (1/88 THRU 6/88)           |               |
| 120 | PREMIUM ORIG. MOU GROWTH FACTOR (NOTE 1)     |               |
|     | PREMIUM TERMINATING MOU                      |               |
| 130 | PREMIUM TERM. MOU (1/89 THRU 6/89)           |               |
| 140 | PREMIUM TERM. MOU (1/88 THRU 6/88)           |               |
| 150 | PREMIUM TERM. MOU GROWTH FACTOR (NOTE 2)     |               |
|     | NON-PREMIUM ORIGINATING MOU                  |               |
| 160 | NON-PREMIUM ORIG. MOU (1/89 THRU 6/89)       |               |
| 170 | NON-PREMIUM ORIG. MOU (1/88 THRU 6/88)       |               |
| 180 | NON-PREMIUM ORIG. MOU GROWTH FACTOR (NOTE 3) |               |
|     | NON-PREMIUM TERMINATING MOU                  |               |
| 190 | NON-PREMIUM TERM. MOU (1/89 THRU 6/89)       |               |
| 200 | NON-PREMIUM TERM. MOU (1/88 THRU 6/88)       |               |
| 210 | NON-PREMIUM TERM. MOU GROWTH FACTOR (NOTE 4) |               |

NOTE 1: (L100 / L110) ~ (7.5/12)  
 NOTE 2: (L130 / L140) ~ (7.5/12)  
 NOTE 3: (L160 / L170) ~ (7.5/12)  
 NOTE 4: (L190 / L200) ~ (7.5/12)



WS-12

COMMON LINE DEMAND - ACCESS LINES

STUDY AREA:

| COMMON LINE DEMAND  | DEMAND UNDERLYING 4/1/89 RATES ** | DEMAND GROWTH FACTOR | TEST PERIOD DEMAND |
|---|-----------------------------------|----------------------|--------------------|
| (A)   | (B)                               | (C)=A*B              |                    |
| 100 RESIDENCE, SINGLE LINE BUS. & LIFELINE SUBSCRIBER LINES |                                   |                      |                    |
| 110 MULTILINE BUSINESS & CENTREX                            |                                   |                      |                    |
| 120 SURCHARGE LINES   |                                   |                      |                    |

\* SOURCE IS WS-13

\*\* DEMAND UNDERLYING 4/1/89 FILING (INCLUDING FCC ADJUSTMENTS) UNLESS UPDATED BY A LATER TRANSMITTAL PER COL'S D & E OF WS-9



WS-13

COMMON LINE DEMAND -  
ACCESS LINE GROWTH FACTORS

STUDY AREA :

AMOUNT  
(A)

LINE GROWTH FACTORS

SINGLE LINE BUSINESS AND RESIDENCE  
LINE GROWTH FACTOR

- 100 SLB & RES. LINES (1Q89)
- 110 SLB & RES LINES (1Q88)
- 120 SLB & RES. LINES GROWTH FACTOR (NOTE 1)

MULTILINE BUSINESS (INCL. CTX)  
LINE GROWTH FACTOR

- 130 MULTILINE BUS. (INCL CTX) LINES (1Q89)
- 140 MULTILINE BUS. (INCL CTX) LINES (1Q88)
- 150 MULTILINE BUS. (INCL CTX) LINE  
GROWTH FACTOR (NOTE 2)

SURCHARGEABLE LINES GROWTH FACTOR

- 160 SURCHARGEABLE LINES (1Q89)
- 170 SURCHARGEABLE LINES (1Q88)
- 180 SURCHARGEABLE LINE GROWTH FACTOR (NOTE 3)

GENERAL - ALL LINE COUNTS ARE END OF PERIOD

- NOTE 1: (L100 / L110) (7.5/12)
- NOTE 2: (L130 / L140) (7.5/12)
- NOTE 3: (L160 / L170) (7.5/12)



WS-14

ANNUALIZED  
ACCESS PRICEOUT  
COMPARISONS

(DOLLARS IN THOUSANDS)

TARIFF ENTITY:

| REVENUES AT<br>CURRENT RATES | REVENUES AT<br>PROPOSED RATES | CHANGE  |
|------------------------------|-------------------------------|---------|
| (A)                          | (B)                           | (C)=B-A |

|     |   |  |  |
|-----|---|--|--|
| 100 | TOTAL MULTI-LINE BUSINESS<br>(INCL CTX AND SURCHARGABLE<br>LINES) |  |  |
| 110 | TOTAL RESIDENCE AND<br>SINGLE-LINE BUSINESS                       |  |  |
| 120 | TOTAL CCL   |  |  |
| 130 | TOTAL TS-SWITCHED (EXCL. DA)                                      |  |  |
| 140 | TOTAL SPECIAL   |  |  |
| 150 | DIRECTORY ASSISTANCE  |  |  |

- NOTE: 1. REVENUES ARE CALCULATED USING DEMAND UNDERLYING PROPOSED RATES.  
THE DEMAND USED TO CALCULATE THE REVENUES IN COL'S A AND B  
SHOULD BE IDENTICAL.
2. ATTACH A SEPARATE TABLE TO IDENTIFY THE MULTI-LINE BUSINESS  
SUBSCRIBER LINE CHARGE IN EACH JURISDICTION

[FR Doc. 89-20795 filed 9-1-89; 8:45 am]

BILLING CODE 6712-01-C



**FEDERAL EMERGENCY  
MANAGEMENT AGENCY****[FEMA-839-DR]****District of Columbia; Major Disaster  
and Related Determinations****AGENCY:** Federal Emergency  
Management Agency.**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the District of Columbia (FEMA-839-DR), dated August 28, 1989, and related determinations.

**DATED:** August 28, 1989.**FOR FURTHER INFORMATION CONTACT:**

Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

**Notice**

Notice is hereby given that, in a letter dated August 28, 1989, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288, as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the District of Columbia, resulting from severe storms and high winds on June 14-15, 1989, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288, as amended by Public Law 100-707. I, therefore, declare that such a major disaster exists in the District of Columbia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Public Law 93-288, as amended by Public Law 100-707, for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint James F. Oesterling of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the District of Columbia to have been affected adversely by this declared major disaster:

The District of Columbia for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

**Robert H. Morris,**

*Acting Director, Federal Emergency Management Agency.*

[FR Doc. 89-20756 Filed 9-1-89; 8:45 am]

**BILLING CODE 6718-02-M****[FEMA-839-DR]****Maryland; Major Disaster and Related  
Determinations****AGENCY:** Federal Emergency  
Management Agency.**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Maryland (FEMA-839-DR), dated August 28, 1989, and related determinations.

**DATED:** August 28, 1989.**FOR FURTHER INFORMATION CONTACT:**

Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

**Notice**

Notice is hereby given that, in a letter dated August 28, 1989, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Public Law 93-288, as amended by Public Law 100-707), as follows:

I have determined that the damage in certain areas of the State of Maryland, resulting from severe storms and high winds on June 14-15, 1989, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288, as amended by Public Law 100-707. I, therefore, declare that such a major disaster exists in the State of Maryland.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Public Law 93-288, as amended by Public Law 100-707, for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for

Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint James F. Oesterling of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Maryland to have been affected adversely by this declared major disaster:

Montgomery County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

**Robert H. Morris,**

*Acting Director, Federal Emergency Management Agency.*

[FR Doc. 89-20757 Filed 9-1-89; 8:45 am]

**BILLING CODE 6718-02-M****FEDERAL HOME LOAN BANK BOARD****Citizens Homestead Federal Savings  
Assoc.; Appointment of Conservator**

Notice is hereby given that pursuant to the authority contained in section 5(d)(3)(A) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Citizens Homestead Federal Savings Association, New Orleans, Louisiana on August 7, 1989.

Dated: August 8, 1989.

By the Federal Home Loan Bank Board.

**John F. Ghizzoni,***Assistant Secretary.*

[FR Doc. 89-20775 Filed 9-1-89; 8:45 am]

**BILLING CODE 6720-01-M****Delta Savings and Loan Assoc.;  
Appointment of Conservator**

Notice is hereby given that, pursuant to the authority contained in section 406F(c)(1)(B)(i)(I) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), as amended, the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Delta Savings and Loan Association, Kenner, Louisiana, on May 11, 1989.

Dated: August 8, 1989.



By the Federal Home Loan Bank Board.  
**John F. Ghizzoni,**  
*Assistant Secretary.*  
 [FR Doc. 89-20776 Filed 9-1-89; 8:45 am]  
 BILLING CODE 6720-01-M

**Delta Savings and Loan Assoc. F.A.;  
 Appointment of Conservator**

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Delta Savings and Loan Association, F.A., Kenner Louisiana, on August 7, 1989.

Dated: August 4, 1989.

By the Federal Home Loan Bank Board.  
**John F. Ghizzoni,**  
*Assistant Secretary.*  
 [FR Doc. 20777 Filed 9-1-89; 8:45 am]  
 BILLING CODE 6720-01-M

**Federal Savings Association of the  
 Southwest; Appointment of  
 Conservator**

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation ("FSLIC") as sole conservator ("Conservator") for Federal Savings Association of Southwest, Kilgore, Texas on July 26, 1989.

Dated: August 8, 1989.

By the Federal Home Loan Bank Board.  
**John F. Ghizzoni,**  
*Assistant Secretary.*  
 [FR Doc. 20778 Filed 9-1-89; 8:45 am]  
 BILLING CODE 6720-01-M

**First City Federal Savings and Loan  
 Assoc.; Appointment of Conservator**

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Federal Savings Association, Baton Rouge, Louisiana on August 4, 1989.

Dated: August 8, 1989.

By the Federal Home Loan Bank Board.  
**John F. Ghizzoni,**  
*Assistant Secretary.*  
 [FR Doc. 89-20779 Filed 9-1-89; 8:45 am]  
 BILLING CODE 6720-01-M

**Security Homestead Federal Savings  
 Assoc.; Appointment of Conservator**

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Security Homestead Federal Savings Association, New Orleans, Louisiana, on August 7, 1989.

Dated: August 8, 1989.

By the Federal Home Loan Bank Board.  
**John F. Ghizzoni,**  
*Assistant Secretary.*  
 [FR Doc. 20780 Filed 9-1-89; 8:45 am]  
 BILLING CODE 6720-01-M

**Citizens Homestead Assoc.;  
 Replacement of Conservator With a  
 Receiver**

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(D) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(D) (1982), the Federal Home Loan Bank Board duly replaced the Federal Savings and Loan Insurance Corporation ("FSLIC") as Conservator for Citizens Homestead Association, New Orleans, Louisiana ("Association") with the FSLIC as sole receiver for the Association on August 7, 1989.

Dated: August 8, 1989.

By the Federal Home Loan Bank Board.  
**John F. Ghizzoni,**  
*Assistant Secretary.*  
 [FR Doc. 20781 Filed 9-1-89; 8:45 am]  
 BILLING CODE 6720-01-M

**Delta Savings and Loan Assoc.;  
 Replacement of Conservator With  
 Receiver**

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(D) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(D) (1982), the Federal Home Loan Bank Board duly replaced the Federal Savings and Loan Insurance Corporation ("FSLIC") as Conservator for Delta Savings and Loan Association, Kenner, Louisiana ("Association"), with

the FSLIC as sole Receiver for the Association on August 7, 1989.

Dated: August 8, 1989.

By the Federal Home Loan Bank Board.  
**John F. Ghizzoni,**  
*Assistant Secretary.*  
 [FR Doc. 89-20782 Filed 9-1-89; 8:45 am]  
 BILLING CODE 6720-01-M

**Federal Savings Banc of the  
 Southwest; Appointment of Receiver**

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation ("FSLIC") as sole receiver ("Receiver") for Federal Savings Banc of the Southwest, Kilgore, Texas ("Association") on July 26, 1989.

Dated: August 8, 1989.

By the Federal Home Loan Bank Board.  
**John F. Ghizzoni,**  
*Assistant Secretary.*  
 [FR Doc. 89-20784 Filed 9-1-89; 8:45 am]  
 BILLING CODE 6720-01-M

**First City Savings Bank, S.S.B.;  
 Replacement of Conservator With a  
 Receiver**

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6)(D) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(D) (1982), the Federal Home Loan Bank Board duly replaced the Federal Savings and Loan Insurance Corporation ("FSLIC") as Conservator for First City Savings Bank, S.S.B., Baton Rouge, Louisiana ("Association"), with the FSLIC as sole receiver for the Association on August 4, 1989.

Dated: August 8, 1989.

By the Federal Home Loan Bank Board.  
**John F. Ghizzoni,**  
*Assistant Secretary.*  
 [FR Doc. 89-20783 Filed 9-1-89; 8:45 am]  
 BILLING CODE 6720-01-M

**Security Homestead Association;  
 Replacement of Conservator With  
 Receiver**

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6)(D) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(D) (1982), the Federal Home Loan Bank Board duly replaced the Federal Savings and Loan Insurance Corporation



("FSLIC") as Conservator for Security Homestead Association, New Orleans, Louisiana ("Association"), with the FSLIC as sole receiver for the Association on August 7, 1989.

Dated: August 8, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-20785 Filed 9-1-89; 8:45 am]

BILLING CODE 6720-01-M

## FEDERAL RESERVE SYSTEM

### Norwest Corp.; Request for Exemption

Norwest Corporation, Minneapolis, Minnesota ("Norwest"), has requested, pursuant to section 106 of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1971 *et seq.*) ("section 106"), that the Board grant an exception in order to permit the bundling of credit card products, which are offered through only one of its banking affiliates, with traditional banking products offered by its other affiliates at an aggregated lower cost to the customer. Although section 106 permits a bank to fix or to vary the consideration for extending credit or furnishing services on condition that a customer also obtain a traditional banking service (loan, discount, deposit or trust service) from that bank, it prohibits a bank from engaging in these same activities on condition that the customer obtain any additional credit or services from any other subsidiary of the bank's parent bank holding company. The Board may, however, grant an exception that is not contrary to the purposes of this provision.

Norwest proposes to bundle credit card products, currently offered through only one of its banking affiliates, with traditional banking products offered by its other banking affiliates in such a way that the total price to the consumer for the bundled products would be lower than the price to the consumer for the products if purchased separately. For example, credit card products could be made available at a reduced interest rate or with a waiver for the first year of a service fee if purchased in conjunction with other traditional banking products offered by other banking affiliates. All products offered by other banking affiliates would continue to be available separately to customers at separate prices.

In support of its request, Norwest maintains that section 106's legislative history reveals a Congressional intent to prohibit anti-competitive conduct. Norwest contends that its proposal is

not anti-competitive in that the customer would not be required either directly or indirectly to accept one product in order to obtain another product. All products are available separately at separate prices and the prices of products are kept competitive through normal market forces. Norwest concludes that it does not have enough economic power in the national credit card market to cause a lessening of competition in the markets for the other traditional banking products with which credit cards may be bundled. Customers may freely choose to purchase bundled or separate services from Norwest affiliates or from competitors.

Norwest also maintains that its proposal is consistent with the legislative history of section 106 because it only involves the bundling of traditional banking products. Norwest notes that Congress had no intent to prohibit traditional banking practices under section 106 and argues that the only difference between its current proposal and activities expressly authorized under section 106 is the fact that Norwest proposes to bundle the products offered by more than one affiliate.

Notice of the request is published solely in order to seek the views of interested persons on the issues presented by the request and does not represent a determination by the Board that the request meets or is likely to meet the standards of section 106.

The request may be inspected at the offices of the Board of Governors.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary of the Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than October 2, 1989.

Board of Governors of the Federal Reserve System, August 29, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-20715 Filed 9-1-89; 8:45am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 89F-0343]

#### Minnesota Mining & Manufacturing Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Minnesota Mining & Manufacturing Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of a copolymer of vinylidene fluoride and hexafluoropropene as an adjuvant for ethylene-vinyl acetate polymers for food-contact use.

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

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B4154) has been filed by Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, MN 55144-1000, proposing that § 177.1350 *Ethylene-vinyl acetate copolymers* (21 CFR 177.1350) be amended to provide for the safe use of a copolymer of vinylidene fluoride and hexafluoropropene as an adjuvant for ethylene-vinyl acetate polymers for food-contact use.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: August 24, 1989.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-20733 Filed 9-1-89; 8:45am]

BILLING CODE 4160-01-M

## Health Care Financing Administration

### Statement of Organization, Functions, and Delegations of Authority

Part F. of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), (**Federal Register**, Vol. 48, No. 198, pg. 46440, dated Wednesday, October 12, 1983 and Vol. 51, No. 63, pg. 11348, dated Wednesday, April 2, 1986) is amended to reflect a realignment of functions within the Division of Contractor Financial Management and within the Division of Provider Audits, Office of Financial Operations, Bureau of Program



Operations, Associate Administrator for Operations.

The specific changes to Part F. are as follows:

- Section FP.20.A.4.a., Division of Contractor Financial Management (FPA71) is amended by deleting the functional statement in its entirety and replacing it with the following functional statement:

*a. Division of Contractor Financial Management (FPA71)*

Provides leadership in developing, implementing and evaluating policies and procedures for the Medicare contractor budget process. Formulates and approves the national budget for Medicare contractor administrative costs. Develops, implements and monitors cash management letter-of-credit procedures for contractors and servicing banks. Develops, implements, and monitors fund control for the Medicare contractor administrative costs. Sets requirements and procedures for contractors and regional offices to prepare and submit periodic budget estimates and reports. Analyzes and evaluates budget estimates submitted by contractors for ADP systems proposals. Participates in experimental contract Request for Proposal (RFP) preparation and proposal evaluation made by the Bureau of Program Operations (BPO). Participates in negotiations and approval of all related price adjustments. Reviews periodic contractor expenditure reports to evaluate budget execution and determinations of the allowability of costs. Designs, maintains and, as necessary, prepares specifications to revise the Medicare financial administration and benefit payment systems. Analyzes contractor administrative cost data and trends. Directs and prepares instructions to guide regional office performance to assure consistency in implementation of financial policy. Interprets cost reimbursement principles and policies for contractors related to operational accounting issues. Determines compliance with accepted accounting principles and procedures. Participates in the formulation of regulations and development of administrative cost and benefit outlays reporting policy for the Catastrophic/Drug Program. Establishes procedures for the reporting of Catastrophic/Drug Program expenditures.

- Section FP.20.A.4.d., Division of Provider Audits (FPA76) is amended by deleting the functional statement in its entirety and replacing it with the following functional statement:

*d. Division of Provider Audits (FPA76)*

Analyzes regulations, executive orders, policies and legislative proposals and assesses their financial impact on the audit budget. Develops the plan, necessary audit programs, guidelines and instructions for the implementation of current and future regulations, legislation and court orders. Establishes audit protocols, priorities and procedures for use in performing compliance reviews required by applicable legislation, i.e., drug processors under the Catastrophic Drug provision. Plans and develops audit strategies that can be employed to improve and enhance the management of the audit function. Develops rationale for the audit and reimbursement portion of the national contractor budget and legislative audit budget package applicable to catastrophic and drug legislation. Develops the return ratio requirements for provider audits to assure maximum return on investment (expenditures). Reviews and evaluates contractor audit and reimbursement reports to determine the effectiveness of contractor audit and reimbursement performance and compliance with established audit guidelines, priorities, funding limitations and workload objectives. Analyzes and researches issues and responds to reimbursement and financial audit reports and studies prepared by the Office of Inspector General and General Accounting Office and other components both within and outside HCFA. Coordinates Provider Statistical & Reimbursement Report (PS&R) related activities with contractors, Blue Cross and Blue Shield Association (BCBSA) and HCFA central and regional office components. Implements, maintains and develops future enhancements for a uniform system of audit and reimbursement data collection and retrieval (System Tracking for Audit and Reimbursement) which supports the PRISM system, and manages the timely development and implementation. Plans, monitors and reports on special audit projects (e.g., uniform cost reports, skilled nursing facility and home health agency prospective payment). Conducts national and regional training for contractors on audit and reimbursement issues.

Dated: August 23, 1989.

**Robert A. Streimer,**

*Acting Associate Administrator for Management.*

[FR Doc. 89-20740 Filed 9-1-89; 8:45 am]

BILLING CODE 4120-01-M

**National Institutes of Health**

**National Heart, Lung, and Blood Institute; Opportunity for a Cooperative Research and Development Agreement and an Exclusive License To Pursue Research and Development of a Chinese Hamster Ovary Cell Line That Produces B19 Proteins**

**AGENCY:** National Institutes of Health, Public Health Service, HHS.

**ACTION:** Notice.

**SUMMARY:** Offer of an opportunity for collaborative research and apply for an exclusive license for: scientific and commercial production of a genetically-engineered cell line that produces empty capsids of B19 (human) parvovirus; development of a B19 parvovirus diagnostic and of a vaccine against the virus; exploration of potential packaging of this cell line for use in gene therapy; and development of the nonstructural protein of parvovirus as a cytotoxic reagent, using the cell line and other techniques.

**ADDRESS:** Responses and requests for further information, including a copy of the patent application, may be addressed to Mr. Stephen A. Ficca, Executive Officer and Technology Development Coordinator, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 5A50, 9000 Rockville Pike, Bethesda, Maryland 20892, (301) 496-2411.

**DATE:** Interested parties should submit a written plan for development and marketing of the invention within 30 days from the date of this notice.

Late or incomplete responses will not be considered. If the Government determines that it is necessary, timely responses may be allowed another opportunity to provide additional information, to present an oral statement, and to answer questions. A potential awardee's failure to submit a timely response will be considered in the Government's assessment of any objection raised by the company to the granting of an exclusive patent license to the awardee finally selected.

**SUPPLEMENTARY INFORMATION:** The Clinical Hematology Branch (CHB), National Heart, Lung, and Blood Institute (NHLBI) of the National Institutes of Health (NIH) seeks an exclusive licensee under U.S. Patent (pending) "Chinese Hamster Ovary Cell Line Producing B19 Proteins" who will also collaborate with NHLBI to pursue efficiently and effectively further research and development of a Chinese



hamster ovary (CHO) cell line that produces B19 proteins to (1) develop an assay for antibodies to B19 parvovirus; (2) produce a vaccine to protect patients against infection with B19 parvovirus; (3) explore the potential of the cell line for transfer of genetic material into bone marrow cells for purposes of gene therapy; (4) and utilize this cell line and other techniques in developing the nonstructural protein of B19 parvovirus as a cytotoxic reagent. Scientists from the CHB, NHLBI, have used recombinant DNA technology to engineer a stable cell line that produces the major and minor structural proteins of B19 parvovirus. These proteins are produced in natural proportions and self-assemble into noninfectious virion capsids. These capsids are indistinguishable from infectious virus present in serum and infected bone marrow cells by electron microscopy and immunoblot. This cell line may be useful in developing practical assays for B19 parvovirus antibody and also serve as the basis for a vaccine for the virus. Parvoviruses have been proposed as vectors for gene therapy, and this cell line might be employed for packaging of other cells. Finally, the nonstructural protein of B19 parvovirus is toxic to proliferating cells and may have potential usefulness in the treatment of cancer.

The Government seeks a company which, in accordance with the requirements of the regulations governing the licensing of Government-owned inventions (37 CFR 404.8), presents the most meritorious plan for: (1) The commercial exploitation of a genetically-engineered cell line that produces empty capsids of B19 (human) parvovirus with the best terms for the Government; and (2) the further development of the invention through collaborative research with the NHLBI. Specifically, the company must be able to:

(1) Culture 3-11-5 CHO cells under conditions that maintain stable expression of the transfected genes and production of empty capsids. The company will provide the collaborating Government laboratory with sufficient quantities of empty capsids and metabolically radioactively-labelled empty capsids for investigative purposes. The company will assure minimal lot-to-lot variation by determination of B19 protein production and encapsidation using standard techniques.

(2) Develop an immunological assay for anti-B19 parvovirus IgM and IgG antibodies utilizing the products of the cell line. The company will be responsible for quality control of this

product, its manufacture, and its marketing. Until commercial distribution occurs, the company will provide to selected state and other government laboratories designated by NHLBI sufficient CHO 3-11-5 lysate for the performance of such antibody tests. The company will be responsible for expeditiously achieving regulatory approval of this assay, and any other assays, by the Food and Drug Administration.

(3) Develop a vaccine based on the CHO 3-11-5 cell line for the purpose of protecting patients with underlying hemolysis who are at risk for transient aplastic crisis; immunosuppressed and susceptible patients who are at risk for chronic anemia due to persistent parvovirus infection; pregnant women who are susceptible to this virus from infection and possible fetal loss; and for broader vaccination of the general population if indicated. The company will be responsible for performing adequate preclinical and clinical trials of such a vaccine, including support of basic immunologic studies in the collaborating laboratory.

**CRITERIA FOR REVIEW OF APPLICANT COMPANIES' PLANS:** Companies' plans will be reviewed by a panel of senior Government scientists. The principal criteria used in the review will be those set forth by 37 CFR 404.7(a)(1)(ii)-(iv); and:

(1) Expertise and experience in mass mammalian cell line development, cell culture, and purification of proteins from cell culture, including quality control of the cell line and its expressed protein.

(2) Expertise and experience in protein chemistry and virology that would insure the ability to isolate and characterize empty capsid particles.

(3) Expertise and experience in developing diagnostic assays.

(4) Expertise and experience in developing vaccines.

(5) Expertise and experience in related methods for the support of this research, including prior experience in the construction of recombinant genes for production of vaccine molecules, production of monoclonal antibodies and hyperimmune sera, and standard molecular assays for protein, DNA, and RNA.

(6) Expertise and experience in the design, conduct, and evaluation of clinical studies for development of biological products, including recombinant proteins.

(7) Prior development and regulatory experience with recombinant proteins that have been evaluated in clinical studies under INDA.

(8) Willingness to share in the cost and the development of 3-11-5 cell line to its fullest potential by collaboration with and support of the collaborating Government laboratory. Specifically, the company will support basic laboratory work in B19 parvovirus directed towards utilizing the cell line for gene therapy and utilizing the nonstructural protein of B19 parvovirus. The company will provide financial support to be used for supplies, travel and equipment and provide at least 4 individuals to work in the Clinical Hematology Branch laboratory.

(9) Commitment to pay to the United States Government reasonable royalties once the diagnostic product or vaccine is marketed at rates to be negotiated, based on rates set forth in the company's plan.

(10) Agreement to comply with the Department of Health and Human Services' rules involving human/animal subjects.

(11) Appropriateness of the plans for efficiently and effectively pursuing this research and development, including milestones and deadlines for a vaccine and diagnostic products.

If it is necessary, in order to determine which applicant is best qualified to commercialize the invention in collaboration with the NHLBI, offerors may be allowed an opportunity to provide additional information, present an oral statement, and/or answer questions.

Upon selection of the best qualified applicant, an exclusive license will be negotiated in accordance with the procedures of 37 CFR part 404. A Cooperative Research and Development Agreement (CRADA) will be negotiated on the basis of the NIH Model CRADA, with the exclusive licensee selected under 37 CFR part 404.

Dated: August 28, 1989.

**William F. Raub,**

*Acting Director, National Institutes of Health.*

[FR Doc. 89-20711 Filed 9-1-89; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Administration

[Docket No. N-89-2041]

### Submission of Proposed Information Collection to the Office of Management and Budget

**AGENCY:** Office of Administration, HUD.

**ACTION:** Notice.



**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

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

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as

described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: August 29, 1989.

**David S. Cristy,**

*Deputy Director, Information Policy and Management Division.*

**Proposal:** Information Collection and Recordkeeping Requirements on Loan Servicing—section 223(f) and 221(d) Coinsurance Programs.

**Office:** Housing.

**Description of the Need for the Information and Its Proposed Use:** The information collected includes items which coinsuring lenders collect from mortgagors to monitor project performance and management as well as items which HUD collects from coinsuring lenders to monitor and to ensure effective servicing of section 223(f) and 221(d) insured loans.

**Form Number:** HUD-92329, 93479, 93480, 93841, 92410, 93486, 949, 9250, 92458, 92266, 92426, 2744A, 2744B, 2744C, 2744D, and 2744F.

**Respondents:** Businesses or Other For-Profit.

**Frequency of Submission:** Recordkeeping and Annually.

**Reporting Burden:**

|   | Number of respondents | × | Frequency of response | × | Hours per response | = | Burden hours |
|---|-----------------------|---|-----------------------|---|--------------------|---|--------------|
| Recordkeeping.....  | 5                     |   | 1                     |   | 1                  |   | 5            |
| Annual Report:  |                       |   |                       |   |                    |   |              |
| Inventory Reconciliation.....   | 30                    |   | 1                     |   | 1                  |   | 30           |
| Servicing Report.....   | 30                    |   | 1                     |   | 2                  |   | 60           |
| Financial Statements.....   | 1,300                 |   | 1                     |   | 85                 |   | 110,500      |
| Occasional Reports:   |                       |   |                       |   |                    |   |              |
| Change of Management Agents.....  | 130                   |   | 1                     |   | 4                  |   | 520          |
| Reserve for Replacements Transactions.....                              | 650                   |   | 1                     |   | 1                  |   | 650          |
| Reports Related to Troubled Projects, Acquisition, and Disposition..... | 130                   |   | 1                     |   | 2                  |   | 260          |
| Other Mortgagor Reports to Lender.....                                  | 200                   |   | 1                     |   | 1                  |   | 200          |
| Other Lender Reports to HUD.....  | 200                   |   | 1                     |   | 1                  |   | 200          |

**Total Estimated Burden Hours:** 112,425.

**Status:** Reinstatement.

**Contact:** Matthew C. Andrea, HUD, (202) 755-4956; John Allison, OMB, (202) 395-6880.

Dated: August 29, 1989.

[FR Doc. 89-20752 Filed 9-1-89; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-89-2042]

**Submission of Proposed Information Collection to the Office of Management and Budget**

**AGENCY:** Office of Administration, HUD.  
**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for

review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

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

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension,



reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: August 28, 1989.

John T. Murphy,  
Information Policy and Management  
Division.

Proposal: Statement of Taxes  
Office: Administration

Description of the Need for the  
Information and Its Proposed Use:  
The Form HUD-434 will be used by  
the Department to record the  
necessary information pertaining to  
taxes to enable HUD to establish its

tax records and to continue immediate  
payment of taxes. The form also will  
verify the taxes paid when the  
lender's claim is audited for insurance  
benefits.

Form Number: HUD-434

Respondents: State or Local  
Governments, Businesses or Other  
For-Profit, and Federal Agencies or  
Employees

Frequency of Submission: On Occasion  
Reporting Burden:

|         | No. of<br>respondents | × | Frequency of<br>response | × | Hours per<br>response | = | Burden<br>hours |
|---------|-----------------------|---|--------------------------|---|-----------------------|---|-----------------|
| HUD-434 | 433                   |   | 1                        |   | .5                    |   | 214             |

Total Estimated Burden Hours: 217

Status: Extension

Contact: Monroe Herndon, HUD, (202)  
755-6448, John Allison, OMB, (202)  
395-6880

Dated: August 28, 1989.

[FR Doc. 89-20753 Filed 9-1-89; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Seventh Regular Meeting

AGENCY: Fish and Wildlife Service,  
Interior.

ACTION: Notice.

**SUMMARY:** This notice sets forth summaries of the proposed U.S. positions for the seventh regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Comments or other relevant information concerning these proposed negotiating positions are solicited. A public meeting to discuss these proposed negotiating positions as well as proposals to amend the Convention's appendices concerning species to be controlled also will be held.

**ADDRESS:** Information and comments should be communicated to the U.S. Fish and Wildlife Service, Office of Management Authority, P.O. Box 3507, Arlington, Virginia 22203-3507. Information and comments received pursuant to this notice are available for public inspection at the Office of Management Authority, 4401 N. Fairfax Drive, Room 432, Arlington, Virginia 22203, telephone (703) 358-2095, from

8:00 a.m. to 4:15 p.m., Monday through Friday (except holidays).

**DATES:** A public meeting will be held on September 8, 1989, from 1:00-4:30 p.m., in rooms 7000A and 7000B of the U.S. Department of Interior, 18th and C Streets, NW., Washington, DC.

The Service will consider information and comments received by close of business September 15, 1989.

**FOR FURTHER INFORMATION CONTACT:** Arthur Lazarowitz, Chief, Operations Branch, Office of Management Authority, P.O. Box 3507, Arlington, Virginia 22203-3507, telephone (703) 358-2095.

#### Background

The United States is a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as CITES or the Convention), an international agreement designed to control international trade in certain species of animals and plants. The purpose of such control is to ensure that no species becomes extinct or threatened with extinction due to trade. CITES provides for biennial meetings of the Conference of the Parties (COP) at which CITES implementation is reviewed.

This notice is the third in a series of notices intended to inform the public of preparations for the seventh regular meeting (COP7) to be held in Lausanne, Switzerland, October 9-20, 1989. The first notice, published on December 8, 1988 (53 FR 49611-49612), announced the time and place of COP7 and called for suggestions for agenda items for COP7. The second notice, published on March 20, 1989 (54 FR 11449-11450), set forth the provisional agenda for COP7 (subsequently revised). The U.S. Fish and Wildlife Service (Service) invited the public to provide information and comments on that provisional agenda and also announced a public meeting

that was subsequently held on March 29, 1989, to receive further public input toward development of the U.S. positions. A separate series of notices from the Service's Office of Scientific Authority has been and will be addressing proposals to amend CITES Appendices I and II which are lists of species controlled by CITES.

#### Proposed Negotiating Positions

In this notice, the Service summarizes proposed negotiating positions for COP7. Numerals next to each summary correspond to the numbers used in the provisional agenda as revised (Doc. 7.1(Rev.)). A summary of any information and comments on the agenda items received at the March 29, 1989, public meeting or submitted in writing to the Service, as well as a brief rationale, follow each proposed summary negotiating position. In some instances, no proposed negotiating position is stated, but an explanation for not developing one is given.

#### I. Official Opening Ceremony

*Proposed negotiating position:* No position necessary.

*Information and comments:* None received.

*Rationale:* Not an issue for negotiation.

#### II. Welcoming Address

*Proposed negotiating position:* As Chair of the Standing Committee, the United States will present a welcoming address which will emphasize the need for the Parties, the Secretariat and nongovernmental organizations to rededicate themselves and provide the leadership to make CITES one of the most important and effective conventions for the conservation of wild fauna and flora.

*Information and comments:* None received.



*Rationale:* It is believed that CITIES has not lived up to its potential and that in light of renewed public concern for the environment the time is ripe to reinvigorate the implementation process.

### III. Adoption of the Rules of Procedure

*Proposed negotiating position:* As Chair of the Bureau for the meeting, the United States will suggest that consideration be given to the admission of the public to the proceedings of Committees I and II in such a manner as not to disturb the normal functioning of these committees.

*Information and comments:* None received.

*Rationale:* World attention will be focused on COP7 because of concern over the serious decline of African elephant populations. Public awareness of CITES will be enhanced by opening Committee I and Committee II meetings. However, limitations on public attendance may be necessary in order to ensure the normal functioning of these committees. Generally, the Plenary sessions shall be open to the public (Rule 21 of the provisional Rules of Procedure, Doc 7.3). Sessions of Committees I and II are open to delegates and observers, but no mention is made of public attendance (Rule 22). Decisions taken in Committees I and II are not open for discussion in the Plenary session unless one-third of the voting delegates support a motion to open debate (Rule 13 paragraph 6).

### IV. Election of Chair and Vice-Chair of the Meeting and of Committees I and II

*Proposed negotiating position:* Support the election of Chair and Vice-Chair on the basis of capabilities and regional representation.

*Information and comments:* None received.

*Rationale:* CITES is a worldwide convention. CITES would benefit from the use of human resources from every region of the world.

### V. Adoption of Agenda and Working Programme

*Proposed negotiating position:* Support adoption of the provisional agenda (Doc. 6.1 (Rev.)).

*Information and comments:* None received.

*Rationale:* Usually adoption is *pro forma*.

### VI. Establishment of the Credentials Committee and Committees I and II

*Proposed negotiating position:* Support the establishment of the Credentials Committee and Committees I and II.

*Information and comments:* None received.

*Rationale:* Establishment of the Credentials Committee is a *pro forma* matter. The United States supports the establishment of Committees I and II provided most Parties participating in COP7 have been able to send at least two delegates, or that the rules governing debate of Committee I and Committee II recommendations in Plenary have been sufficiently relaxed to ensure that most delegations will have had an opportunity to debate such recommendations before a final decision is made.

### VII. Report of the Credentials Committee

*Proposed negotiating position:* Support adoption of the report of the Credentials Committee if it does not recommend the exclusion of legitimate representatives of countries party to CITES. Representatives whose credentials are not in order should be afforded observer status as under Article XI.7(a). If Credentials have been delayed, representatives should be allowed to vote on a provisional basis. A liberal interpretation of the rules of procedure on credentials should be adhered to in order to permit clearly legitimate representatives to participate.

*Information and comments:* None received.

*Rationale:* Adoption of the report is usually *pro forma*. Exclusion of representatives whose credentials are in order could undermine cooperation among Parties which is essential to the effective implementation of CITES.

### VIII. Admission of Observers

*Proposed negotiating position:* The United States supports the admission as observers of all representatives of agencies or bodies which meet the requirements specified in CITES that they be technically qualified in protection, conservation or management of wild fauna or flora.

*Information and comments:* None received.

*Rationale:* Participation of qualified nongovernmental organizations at COP's is specifically provided by Article XI of CITES. The United States has typically supported the opportunities of all technically qualified observers to participate to the maximum extent. Such wide participation has, on the whole, proven beneficial.

### IX. Matters Related to the Standing Committee

#### 1. Report by the Chairman

*Proposed negotiating position:* As Chair, the United States should stress the leadership role of the Standing Committee as it relates to oversight of the development and execution of the Secretariat's budget and the provision of general policy and operational direction to the Secretariat concerning CITES implementation.

*Information and comments:* None received.

*Rationale:* The operations of the Secretariat would be more effective if guided by a set of long-term goals and objectives established by the Parties that could then be used to structure short-term work plans. The Secretariat's budget needs to be presented in a comprehensive, clear and concise fashion so that the Standing Committee and the Parties can better oversee the Secretariat's budget functions. The Secretariat staff must be given long-term contracts and full benefits as a matter of the highest priority.

#### 2. Election of New Members

*Proposed negotiating position:* Support the election of regional members that are willing and able to actively participate in Standing Committee activities.

*Information and comments:* None received.

*Rationale:* The Standing Committee has the potential to become a stronger leader in the development of CITES. Its mandate was substantially strengthened by COP6 and its review of the economy and efficiency of the Secretariat was a good start at using this expanded mandate. Capable and energetic regional members are essential to the development of the Standing Committee's leadership role. In keeping with the principle of rotation of office the United States will not be standing for re-election as North American regional member of the Standing Committee and will probably be replaced by Canada. New Representatives from Europe and Oceania will also be chosen to replace the Federal Republic of Germany and Australia, respectively.

#### 3. Election of Alternate Regional Members

*Proposed negotiating position:* Advocate the adoption of a U.S. proposal to amend the mandate of the Standing Committee to establish alternate regional members.



*Information and comments:* None received.

*Rationale:* Alternate regional members would attend Standing Committee meetings only in the absence of the member of the region to which the alternate belongs. Because of their representational function and authority to vote, attendance of regional members or their alternates is important to the effective functioning of the Standing Committee.

#### X. Report of the Secretariat

*Proposed negotiating position:* None Necessary.

*Information and comments:* One commenter recommended that the COP evaluate the effectiveness of the Secretariat and implement a mechanism for job performance evaluation, including hiring and firing criteria. The commenter indicated that "signatories to the Convention and animal protection/conservation NGO's worldwide are dissatisfied with the current performance of the Secretariat, and their grievances should have their hearing at the Conference of the Parties."

*Rationale:* This agenda item enables the Secretariat to make a report to the COP of its activities in the immediately prior year. It usually contains such information as an accounting of CITES membership, reservations, Party submission of annual and biennial reports and the like. Normally, the Parties accept the report with little comment. The Secretariat's report has not been received by the Service as of this date. Full consideration will be given to any comments concerning the performance of the Secretariat. As noted under item IX.1, Report by the Chairman (of the Standing Committee), there are certain deficiencies in the operation of the Secretariat that need to be remedied. Secretariat staff members are employees of the United Nations Environment Programme (UNEP), which has the ultimate authority for personnel decisions.

#### XI. Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties

*Proposed negotiating position:* Oppose any substantial increase in the Secretariat's budget representing an increase in its work program; recommend that the Secretariat continue to work with the Standing Committee to impose economies. Make clear the U.S. Government's position that its contributions under the financial amendment are voluntary. Continue to press for complete accounting of external revenues and expenditures and

for a more transparent budget presentation.

*Information and comments:* None received.

*Rationale:* A large part of the increase in the 1990-1991 budget flows from the Standing Committee's decision to transfer the ivory control unit's budget from external funding to the core budget in order to exercise closer oversight. UNEP's decision to reclassify most of the professional positions in the Secretariat also caused part of the increase. External funding still represents a large part of the increase. External funding still represents a large part of the Secretariat's budget, and the Parties still need a comprehensive accounting of those funds.

#### XII. Committee Reports and Recommendations

##### 1. Animals Committee

*Proposed negotiating position:* None necessary.

*Information and comments:* None received.

*Rationale:* The Animals Committee's report may contain information and/or recommendations on continuation of the review of significant trade in Appendix II species, on the draft resolution on first breeding facility for bred-in-captivity criteria for the first breeding facility for a new species, a request for committee operating budget, and a summary of marking techniques. These issues are discussed separately elsewhere in this notice. The overall applicability of the Berne criteria may also be discussed but no conclusion/recommendation is expected to be presented.

##### 2. Plants Committee

*Proposed negotiating position:* Continue to encourage development of the committee, and accomplishment of its tasks identified in the report, to improve the effectiveness of CITES for plants. Tasks include: (1) Strengthen interaction with other (including regional) plant organizations and institutions; (2) publish identification *Guide*; (3) publish checklists and develop computerized databases on listed higher taxa; (4) study significant trade in orchids (and selected succulents); (5) assess trade in bulbs, timber, and possibly medicinal plants; (6) other stated (often administrative) items to encourage or assist Parties in implementing CITES and to consistently interpret its provisions for plants; and (7) expand educational efforts.

*Information and comments:* None Received.

*Rationale:* The United States has chaired the prior Plant Working Group

and the Committee since 1983. Improving CITES effectiveness for the many listed (and the many possibly qualifying) plants is a long-term undertaking. Consider request for operating budget.

##### 3. Identification Manual Committee

*Proposed negotiating position:* Continued to foster development of the animal and plant identification manuals and the plant *Guide* for use by port and border enforcement officers and to seek information on their usefulness. Renew efforts to recruit a new chairman for the Committee, preferably one from the European region for the sake of continuity.

*Information and comments:* None received.

*Rational:* The identification manuals are a long term undertaking due to the large number of species controlled by CITES. The former chairman of the manual for animals, a Swiss Federal Government employee, resigned at COP6 and is acting as a caretaker until a successor can be found.

##### 4. Nomenclature Committee

*Proposed negotiating position:* Encourage and support the development/adoption of checklists for all taxa. Support clarification of any taxa not adequately described by proponents at the time of listing in the Appendices.

*Information and comments:* One commenter raised several questions related to how the Parties should deal with listing status questions when an inadequate scientific description of a taxon was given at the time of the listing.

*Rationale:* Implementation of the Convention is strengthened by use of uniform names of listed species by all parties, and adopted checklists provide guidance. Furthermore, the Chairman of the Nomenclature Committee has requested that the CITES Secretariat "prepare proposed 'procedures for action' of the Nonmenclature Committee in cases requiring interpretation of the nonmenclatural status of a species in the absence of supporting documentation at the time the listing was adopted by the Parties." The Chairman of the Nomenclature Committee also requested the CITES Secretariat to "obtain an independent legal opinion of the limits of authority [that] permanent committees hold regard to interpreting the intent of the Conference of the Parties (in relation to the preparation of the procedures for action)".



### XIII. Interpretation and Implementation of the Convention

#### 1. Report on National Reports Under Article VIII, Paragraph 7, of the Convention

*Proposed negotiating position:* Support measures that would encourage or pressure Parties to submit their annual reports and that would upgrade their quality.

*Information and comments:* None received.

*Rationale:* Approximately 70 percent of the Parties are submitting an annual report, up from 58 percent in 1981. Accurate and complete report data are necessary to adequately measure the impact of international trade on the species and can be a useful enforcement tool.

#### 2. Review of Alleged Infractions

*Proposed negotiating position:* Support necessary and appropriate recommendations designed to obtain wider compliance with the terms of CITES.

*Information and comments:* None received.

*Rationale:* Article XIII provides for COP review of alleged infractions. A COP may make whatever recommendations it deems appropriate. The Service has received a first draft of the Secretariat's Infractions Report which covers the period July 1987-May 1989, and notes that 15 Parties have not identified a Scientific Authority and so notified the Secretariat.

#### 3. Trade in Ivory From African Elephants

*Proposed negotiating position:* If the African elephant is listed on Appendix I, with no populations excluded from such listing, oppose any move to allow countries to trade in stockpiles of African elephant ivory or other parts or derivatives for primarily commercial purposes.

*Information and comments:* One commenter urged that a joint session of Committees I and II be held to consider elephant issues in order to facilitate participation of delegations and observers with few members. The commenter also opposed the establishment of quotas for the ivory trade regardless of origin (e.g. confiscated, culled, etc.)

*Rationale:* Importation of Appendix I specimens for primarily commercial purposes is not allowed under the terms of CITES. It is very doubtful that legal trade of ivory stocks could be accomplished without providing cover for illegal trade. In response to a 1981 request to allow commercial trade in

Appendix I flood-killed lizards, the Parties recommended they be saved in storage or destroyed (Conf.3.14).

#### 4. Trade in Rhinoceros Products

*Proposed negotiating position:* Support reasonable proposals that would enhance interdiction of the illegal rhinoceros horn trade and rhinoceros protection in the wild.

*Information and comments:* One commenter urged the U.S. Government to take all possible steps to eliminate trade in rhinoceros products.

*Rationale:* Illegal taking and trade of rhinoceros horn have been further depleting the already endangered species of rhinoceros. Medicinal forms are difficult to interdict. Further measures need to be taken on the supply side and in the consumer countries.

#### 5. Trade in Leopards Skins

*Proposed negotiating position:* Advocate stricter controls if necessary to prevent quota violations. Oppose any further increases in quotas without adequate supporting data that includes well documented studies based on sound scientific principles.

*Information and comments:* One commenter urged a strong position against trade in leopards, and measures that would ensure that leopards are being killed because of their unacceptable activities and not to fill the quota.

*Rationale:* Trade of leopard skins for noncommercial purposes is allowed under CITES resolution Conf.6.9, which recognizes killing in defense of life and property and to enhance the survival of the species. Controversy exists over the adequacy of a leopard study produced for the Secretariat. Thus far, no quota increases have been requested.

#### 6. Trade in Plant Specimens

*Proposed negotiating position:* No draft resolutions or other documents are pending. The Plants Committee will hold its second meeting simultaneously with portions of COP7. Encourage and be generally supportive of recommendations and items presented at COP7 that would improve CITES effectiveness for plants. If an item on certification of orchid nurseries is presented, consider supporting it within the existing CITES framework for issuance of certificates and permits for artificially propagated specimens of species.

*Information and comments:* None received.

*Rationale:* As no specific items have been presented, no firmer positions can be adopted. The Conservation Committee of the International Orchid

Commission, and the Orchid Specialist Group of the Species Survival Commission of the IUCN, are seeking ways to expedite trade in artificially propagated orchids, as discussed in the first meeting of the Plants Committee. Orchid specialists familiar with various countries may offer advice and assistance to Parties in reaching their decisions as to which nurseries propagate orchids artificially. So long as certification is based on species and certain knowledge of each facility (not just on general information and without first knowing the facility's full inventory), and so long as the Parties remain actively responsible in using the advice and assistance to issue certificates and permits, the effort should be encouraged.

#### 7. Marking of Specimens

*Proposed negotiating position:* Support continuing efforts to find new practical and effective methods of marking of animal and plant specimens.

*Information and comments:* None received.

*Rationale:* Article VI provides that where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. The Animals Committee may present a paper at COP7 that describes and evaluates current marketing systems for live animals and parts and derivatives and that questions the systems of marking of ranched specimens recommended by resolution Conf. 5.16 (see also item XIII.18, Trade in ranched specimens between Parties, non-Parties and reserving Parties.)

#### Significant Trade in Appendix II Species

*Proposed negotiating position:* Support expeditious completion of studies of significantly traded Appendix II species. Support regular funding for the coordination of significant trade study projects.

*Information and comments:* One commenter recommended that a mechanism should be implemented that would restrict trade to reasonable and biologically sustainable levels.

*Rationale:* It has been 6 years since the Parties recognized that some Appendix II species may have been traded at levels detrimental to their survival and without sufficient information to know whether or not this was the case. Over 85 species were identified as fitting that description. Some studies have been started and a few completed, but not enough has been done. Without adequate biological data, the possibility that some of those



species are being detrimentally affected by trade is rather high.

#### 9. Sale of Confiscated Specimens of Species Included in Appendix II

*Proposed negotiating position:* Oppose any proposal that would give the Secretariat general authority to receive confiscated specimens for the purpose of auction and that would authorize the Secretariat to expend the proceeds of auction to establish a conservation program with the confiscating country to study the status of the species and/or assist the Management Authority of that country.

*Information and comments:* None received.

*Rationale:* The administration of such auctions and project development proposals would divert valuable resources of the Secretariat to activities best left to the individual Parties. While some governments may have problems assuring that the disposal of confiscated specimens and the disposition of the proceeds thereof is free from wrongdoing, the Secretariat should not be seen as a surrogate for such governments and, given the possibility of a large and continuing supply of such specimens, as a commercial establishment for the sale of Appendix II specimens.

#### 10. Export/Re-Export Permit/Certificates

*Proposed negotiating position:* Support proposals that a security stamp must be authenticated on its face and its number printed on the face of the permit or certificate; that permits/certificates should be refused if modified without indication that modification was made by the appropriate authorities; that the date of issuance of the country of origin permit number be included on the re-export certificate (if available); that re-export certificates indicate country of last re-export with permit number and date of issuance in block 5 of the standardized permit; that validity of such documents be conditional on transport of live animals in accordance with IATA Live Animals Regulations; and that each Party send to the Secretariat three signature specimens of each official authorized to sign CITES export permits and re-export certificates.

*Information and comments:* None received.

*Rationale:* Printing the number of the security stamp on the face of the permit or certificate and cancelling the security stamp would mitigate against removal and reuse of security stamps. Modification of permits/certificates without official indication of the validity

of such modification makes it difficult to distinguish between official and unofficial (sometimes fraudulent) modification. Inclusion of the date of issuance of the country of origin export permit in some instances would facilitate the search for the permit by the issuing authority. Inclusion of the last country of re-export's permit number and issuance date on the next re-export certificate would facilitate tracing back of a shipment of CITES specimens that has entered two or more countries. Current U.S. regulations under the Lacey Act requires shipping containers for live mammals and birds to meet, at a minimum, space and design guidelines of IATA's Live Animals Regulations (LAR). These regulations are a stricter domestic measure, permissible under Article XIV of CITES. The Service has been conditioning its export permits/re-export certificates on compliance with LAR.

#### 11. Treatment of Genuine Re-Export Certificates for Illegal Specimens

*Proposed negotiating position:* Support the proposition that an importing country has the right to question the validity of a CITES document which on its face was appropriately issued, but which may not have been issued in accordance with all CITES requirements.

*Information and comments:* None received.

*Rationale:* While substantial weight must be given to the official documents of another country, they should not be binding on the importing country (and exporting country if prospective trade involves Appendix I species) if that country has good reason to believe that issuance was not in accordance with all CITES requirements. CITES does not expressly state that the importing country must accept all official documents of the exporting country. CITES does provide that each Party must take stricter domestic measures regarding the conditions for trade or the complete prohibition thereof (Article XIV, paragraph 1(a)).

#### 12. Transport of Live Animals

*Proposed negotiating position:* Support modification of resolution Conf. 6.24 if that modification would not substantially weaken resolutions adopted at previous COP's.

*Information and comments:* One commenter was distressed that two earlier resolutions designed to reduce transport related mortalities have failed to be implemented, citing Conf. 6.24 relating to a checklist of requirements for safe transport, among other things; and Conf. 1.6 relating to a call for the

phasing in of captive-bred animals to replace wild ones in the international trade of pets.

*Rationale:* This agenda item relates to the conditions of transport for live animals rather than whether wild or captive-bred animals should be used in the international trade of pet specimens. Oppose any attempt to eliminate the Conf. 4.20, paragraph (d) recommendation that for so long as the CITES Secretariat and Committee (now the Standing Committee would fulfill this function) agree, IATA (International Air Transport Association) Regulations are generally deemed to meet CITES requirements with respect to air transport.

#### 13. Guidelines for Evaluating Marine Turtle Ranching Proposals

*Proposed negotiating position:* Support the recommendations of a meeting convened by the International Union for the Conservation of Nature and Natural Resources (IUCN) relating to guidelines for evaluating marine turtle ranching proposals, provided they would promote protection of wild populations of marine turtles.

*Information and comments:* None received.

*Rationale:* While the Parties have considered several ranching proposals, none have been accepted. The meeting convened by IUCN in San Jose, Costa Rica in January of 1988 produced draft guidelines, but none have been finalized.

#### 14. Review of Resolution Conf. 5.21 on Special Criteria for the Transfer of Taxa From Appendix I to Appendix II

*Proposed negotiating position:* Support the extension of Conf. 5.21, provided those Parties whose species are transferred pursuant thereto, are required to later justify the transfer on the basis of information that meets the "Berne Criteria" for downlisting to Appendix II (See Conf. 1.2)

*Information and comments:* None received.

*Rationale:* Conf. 5.21 allows an exemption from the strict criteria for downlisting species placed on Appendix I at COP1 or at the original negotiation meeting of CITES in 1973. Conf. 5.21 coupled downlisting with export quotas to reduce the possibilities that trade would be detrimental to the survival of the species. Since data were insufficient for meeting the Berne Criteria for downlisting, export quotas based on such data are not likely to provide assurance of nondetrimental trade over an extended period of time. Management of the species for export under the quota system should enhance



the capabilities of the Conf.5.21 countries of origin to obtain the data necessary to meet the downlisting Berne Criteria.

15. Consideration of Criteria and Applications for Inclusion of New Species in the "Register of Operations Which Breed Specimens of Species Included in Appendix I in Captivity for Commercial Purposes"

*Proposed negotiating position:* Support the adoption of reasonable criteria designed to assure that breeding operations are not established or maintained in a manner detrimental to the survival of the species.

*Information and comments:* None received.

*Rationale:* While resolution Conf.2.12 defines the term "bred in captivity," it needs more quantitative definition to enable breeding operations to feel more assured that they would meet or would continue to meet Conf.2.12 criteria. The United States and Canada have submitted like proposals for COP7 consideration that would provide such assurance.

16. Exemption for Blood and Tissue Samples for DNA Studies From CITES Permit Requirements

*Proposed negotiating position:* Oppose any exemption for blood and tissue samples that is not within the terms of CITES and existing CITES resolutions.

*Information and comments:* None received.

*Rationale:* Presumably, a real problem exists in expediting CITES formalities to accommodate specimens subject to spoilage or high trade volume. All reasonable solutions should be explored to resolve the problem short of negating the requirements of CITES.

17. Return of Live Animals of Appendix II or III Specimens

*Proposed negotiating position:* Oppose any recommendation that would favor return of live Appendix II or III specimens accompanied by faulty documents to the country of export without penalty to the importer or exporter.

*Information and comments:* None received.

*Rationale:* The application of sanctions for illegal trade is essential to fostering compliance with CITES rules.

18. Trade in Ranched Specimens Between Parties, Non-Parties and Reserving Parties

*Proposed negotiating position:* Oppose any substantial weakening of the marking and trade criteria of resolution Conf. 5.16.

*Information and comments:* None received.

*Rationale:* The marking and trade criteria of Conf. 5.21 were specifically tightly drawn to provide strong assurances that the wild Appendix I populations related to ranched Appendix II populations would not be impacted by trade in specimens from the ranching operations. Trade was limited to non-reserving Parties (non-Parties and reserving Parties could not participate in such trade), in part, to prevent the wild Appendix I specimens from being traded as Appendix II ranched specimens and probably as an inducement to reserving Parties and non-Parties to become Parties.

19. Amendments to Appendix III

*Proposed negotiating position:* Oppose any move to restrict Appendix III listings to coincide with meetings of COP.

*Information and comments:* None received.

*Rationale:* Article XVI allows any Party to unilaterally list a species in Appendix III at any time. Presumably, this proposal is for purposes of administrative convenience, since it would enable regulatory agencies to adjust to new species listings all at one time—once every 2 years after each COP. However, it would work to postpone Appendix III listings and the protection afforded thereby for up to two years. Perhaps a resolution could encourage Parties to consider deferring Appendix III listings to COP's if to do so would not produce biological harm to the species.

XIV. Consideration of Proposals for Amendment of Appendices I and II

Suggestions for appropriate changes to the CITES Appendices were solicited in the September 14, 1988, *Federal Register* (53 FR 35530). On March 21, 1989, the Service identified the species that the United States might submit as proposed amendments to the Appendices (54 FR 11551) and requested further information and comments. The Service reviewed all available information and submitted its proposed amendments to the CITES Secretariat by the May 12, 1989, deadline. The decision on the proposals considered and those submitted was announced in early September in the *Federal Register*. Proposed amendments submitted by other Parties have been received and reviewed by the Service. These proposals and a tentative negotiating position on each proposal have been announced in the August 23, 1989, *Federal Register* (54 FR 35013).

XV. Conclusion of the meeting

1. Determination of the Time and Venue of the Next Regular Meeting of the Conference of the Parties

*Proposed negotiating position:* Favor holding COP8 in the Pacific area, provided adequate funding is available and all Parties will be admitted to the host country without political difficulties. Support the holding of COP's on a biennial basis.

*Information and comments:* None received.

*Rationale:* As yet, the Pacific area has not hosted a COP. It is an important wildlife and plant area with significant trade problems. Holding the COP there would help focus attention in that area on CITES and stimulate interest in its goals and activities. COP meetings energize governmental and nongovernmental organizations concerned with CITES to reexamine its implementation. Studies have indicated that much needs to be done to bring implementation up to a satisfactory level. Stretching out meetings to 3-year intervals under these circumstances is not appropriate. It is likely that the apparent cost savings that would result from a 3-year intervals would be reduced by an increase in committee meetings in the interim.

Request for Information and Comments and Announcement of Public Meeting

Information and comments related to the above proposed negotiating positions are hereby solicited. They should be forwarded to: U.S. Fish and Wildlife Service, Office of Management Authority, P.O. Box 3507, Arlington, Virginia 22203-3507. For express mail and messenger deliveries the address is: 4401 N. Fairfax Drive, Room 432, Arlington, Virginia.

A public meeting will be held on Friday, September 8, 1989, from 1:00 to 4:30 p.m., in rooms 7000A and 7000B, U.S. Department of Interior (Main Building), 18th and C Streets, NW., Washington, DC for the purpose of receiving information and comments and discussion of the proposed negotiating positions summarized above, as well as proposals to amend CITES Appendices I and II. Written statements may be submitted at or before the meeting. Appointments to speak may be made with the Office of Management Authority at the street address mentioned above or by telephoning (704) 358-2095. Speakers without appointments will be given an opportunity to speak following speakers with appointments to the extent time allows. This meeting will be conducted



in a rather informal manner. Participants will be provided opportunities, to the extent that time allows, to comment on each point.

#### Observers

Article IX, Paragraph 7 of the Convention provides:

"Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by the observers, shall be admitted unless at least one-third of the Parties object:

(a) International agencies or bodies, either government or nongovernmental, and national governmental agencies and bodies; and

(b) National non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located. Once admitted these observers shall have the right to participate, but not to vote."

Persons wishing to be observers representing United States national non-governmental organizations must receive prior approval of the Service. Requests for such approval should include evidence of technical qualification in protection, conservation or management of wild fauna or flora and should be sent to the Office of Management Authority (see "Address above). Copies of letters of approval should be used by these organizations to inform the Secretariat of their wish to send observers to the meeting. In the past, the Secretariat has required such information to be received at least 1 month prior to the meeting. The letters should be sent to the Secretariat at the following address: CITES Secretariat, 6 rue du Maupas, Case postale 78, CH-1000 LAUSANNE 9 Chauderon, Switzerland.

This notice was prepared by Arthur Lazarowitz of the Office of Management Authority.

Dated: August 31, 1989.

Richard N. Smith,

Acting Deputy Director.

[FR Doc. 89-20948 Filed 9-1-89; 8:45 am]

BILLING CODE 4310-55-M

#### Bureau of Land Management

[UT-060-4320-02]

#### Grazing Advisory Board; Meeting

August 28, 1989.

**AGENCY:** Bureau of Land Management, Moab District, Interior.

**ACTION:** Grazing Advisory Board meeting notice.

**SUMMARY:** Notice is hereby given in accordance with Public Law 92-483 that the Moab District Grazing Advisory Board will meet September 28, 1989. The meeting will begin at 10 a.m. in the conference room of the Bureau of Land

Management Price Resource Area Office, 900 N. 700 E. Price, Utah 84501.

The agenda for the Grazing Advisory Board Meeting includes a discussion of fiscal 1989 range management projects, allotment management plans, and the prioritization of 1990 range improvement project packages and range improvement funds. The board will also hear an update on drought measures in the Moab District.

The Meeting is open to the public. Interested persons may make oral statements to the board between 2:00 and 3:00 p.m. on September 28, 1989 or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532, by September 26, 1989.

Summary minutes of the Board meeting will be maintained in the District Office and will be available within thirty (30) days following the meeting.

**Kenneth V. Rhea,**

Associate District Manager.

[FR Doc. 89-20751 Filed 9-1-89; 8:45 am]

BILLING CODE 4310-DQ-M

#### National Park Service

#### Badlands National Park, South Dakota

**AGENCY:** National Park Service and United States Forest Service.

**ACTION:** Boundary adjustment order.

Order adjusting the boundary of the North Unit of Badlands National Park and transferring jurisdiction of certain lands to the Department of Agriculture and transferring jurisdiction of certain other lands to the Department of the Interior.

**SUMMARY:** Pursuant to the authority contained in the Act of May 7, 1952, 66 Stat. 65, 16 U.S.C. 441f and the Act of August 8, 1968, 82 Stat. 663, 16 U.S.C. 441j, and as land exchanges are currently being consummated which enhance the land-ownership pattern for the North Unit of Badlands National Park as well as the Buffalo Gap National Grassland, the Department of the Interior and the Department of Agriculture have agreed to the boundary adjustments contained herein.

**EFFECTIVE DATE:** The effective date of this Order is September 5, 1989.

**FOR FURTHER INFORMATION CONTACT:**

Chief, Land Resources Division, Rocky Mountain Region, P.O. Box 25287, Denver, Colorado 80225-0287, (303) 969-2610 or FTS 327-2610.

**SUPPLEMENTARY INFORMATION:** The above-cited authorities authorize the

Secretary of the Interior to adjust and redefine the boundary of the North Unit of Badlands National Park provided the total acreage of the area does not exceed the acreage of the area as authorized by the Act of August 8, 1968, 82 Stat. 663, 16 U.S.C. sec. 441j. Further, the Act of May 7, 1952, 66 Stat. 65, 16 U.S.C. sec. 441f, provides that federally-owned lands under the administrative jurisdiction of any other Department or Agency of the Federal Government shall be included within the park area only with the approval of the head of such Department or Agency.

On December 4, 1987 Mr. F. Dale Robertson, Chief, U.S. Forest Service, Washington, DC, gave approval for the subject boundary adjustment as it affects U.S. Forest Service administered lands being included into the Badlands National Park. The total acreage of the Badlands National Park will be reduced by 519.34 acres upon completion of this boundary adjustment.

The lands are all located in the Black Hills Meridian.

I. The following described lands in paragraph I are hereby excluded from the Badlands National Park and the boundary is so revised. Subject to valid existing non-Federal rights, if any, the administrative jurisdiction of all federally-owned lands described hereafter in this paragraph are hereby transferred to the Department of Agriculture to be administered as part of the Buffalo Gap National Grassland, Nebraska National Forest, in accordance with existing and future applicable laws and regulations.

#### Jackson County, South Dakota

T. 4 S., R. 18 E., Sec. 2, S½NW¼ NW¼;

(Federal land)

T. 3 S., R. 18 E., Sec. 13, NW¼ (non-Federal land);

Sec. 14, N½ (Federal land);

Sec. 15, N½ (non-Federal land);

Sec. 16, NE¼. (Federal land),

containing 980 acres, more or less.

#### Pennington County, South Dakota

Part of Section 12 as shown on "Certificate of Survey in Badlands National Park" Dependent Resurvey and Subdivision Section 12, T. 3 S., R. 17 E. B.H.M., Pennington County, South Dakota. Said survey was recorded on December 21, 1988 with the County Register of Deeds in Book 22 of Plats on page 142, more particularly described as follows:

Beginning at the section corner common to Sections 1, 6, 7, and 12, Township 3 South, Ranges 17 and 18 East of the Black Hills Meridian; thence South 01 degrees 18 minutes West, 2629.5 feet along the section line



common to Sections 7 and 12 to the ¼ corner common to Sections 7 and 12; thence South 01 degree 20 minutes West, 809.1 feet along the section line common to Sections 7 and 12 to a point on said section line; thence North 63 degrees 31 minutes West, 589.0 feet to Angle Point 10; thence North 32 degrees 17 minutes West, 3819.3 feet to the ¼ corner common to Sections 1 and 12; thence South 88 degrees 50 minutes East, 2645.8 feet along the section line common to Sections 1 and 12 to the point of beginning and containing 117.84 acres, more or less, of Federal land.

The above-described parcels of land in paragraph I contain 1097.84 acres, more or less.

II. Subject to valid existing non-Federal rights, the following described lands in paragraph II are hereby included into the Badlands National Park and the boundary is so revised.

**Jackson County, South Dakota**

T. 4 S., R. 18 E., Sec. 2, N½NE¼NW¼.

Parts of Sections 7 and 8 as shown on "Certificate of Survey in Buffalo Gap National Grasslands" Dependent Resurvey and Subdivision sections 7 and 8, T. 3 S., R. 18 E., B.H.M., Jackson County, South Dakota. Said survey was recorded on September 1, 1987, with the County Register of Deeds in Book C of Plats on page 192, more particularly described as follows:

Beginning at the southwest corner of said Section 7, thence N 01 degrees 20 minutes E along the west line of Section 7, a distance of 1,860.4 feet to P.I. No. 1;  
 thence S 63 degrees 31 minutes E 1231.4 feet to P.I. No. 2 which is on the north line to the S½S½ of said Section 7;  
 thence S 88 degrees 47 minutes E 1,466.8 feet to the center south ¼ corner of said Section 7 which is also P.I. No. 3;  
 thence S 88 degrees 44 minutes E 1,318.5 feet to P.I. No. 4 which is on the north line of the S½S½ of said Section 7;  
 thence N 16 degrees 24 minutes E 416.5 feet to P.I. No. 5;  
 thence N 49 degrees 39 minutes E 716.5 feet to P.I. No. 6;  
 thence N 57 degrees 55 minutes E 803.9 feet to the P.I. No. 7 which is also the ¼ corner common to said Sections 7 and 8;  
 thence N 52 degrees 32 minutes E 275.1 feet to P.I. No. 8;  
 thence S 56 degrees 57 minutes E 324.2 feet to P.I. No. 9 which is on the east-west center section line of said Section 8;  
 thence S 88 degrees 54 minutes E 1735.3 feet to P.I. No. 10 which is on the east-west center section line of said Section 8;

thence N 04 degrees 32 minutes E 232.0 feet to P.I. No. 11;  
 thence N 25 degrees 39 minutes E 388.6 feet to P.I. No. 12;  
 thence N 21 degrees 03 minutes W 403.0 feet to P.I. No. 13;  
 thence N 02 degrees 42 minutes W 211.8 feet to P.I. No. 14;  
 thence N 72 degrees 31 minutes E 445.3 feet to P.I. No. 15;  
 thence N 89 degrees 08 minutes E 345.9 feet to P.I. No. 16;  
 thence S 59 degrees 23 minutes E 796.6 feet to P.I. No. 17;  
 thence S 54 degrees 28 minutes E 743.0 feet to P.I. No. 18;  
 thence S 49 degrees 37 minutes E 738.4 feet to P.I. No. 19 which is on the east-west center section line of said Section 8;  
 thence S 51 degrees 57 minutes E 223.7 feet to P.I. No. 20;  
 thence S 39 degrees 27 minutes E 352.5 feet to P.I. No. 21 which is the east line of the SE¼ of said Section 8;  
 thence S 01 degree 29 minutes W along the east line of the SE¼ to the southeast corner of said Section 8;  
 thence N 88 degrees 57 minutes W along the south line of the SE¼ of Section 8 to the south ¼ corner of said Section 8;  
 thence N 89 degrees 02 minutes W along the south line of the SW¼ of said Section 8 to the southwest corner of Section 8 which is also the SE corner of said Section 7;  
 thence N 88 degrees 53 minutes W along the south line of the SE¼ of said Section 7 to the south ¼ corner of Section 7;  
 thence N 88 degrees 58 minutes W along the south line of the SW¼ of said Section 7 to the southwest corner of Section 7, said point being also the point of being. The above-described parcels of land contain 578.5 acres, more or less.

The transfer of administrative jurisdiction of the existing Federal lands and the hereafter acquired non-Federal lands described in paragraph II is hereby accepted by the Department of the Interior to be administered as part of the Badlands National Park in accordance with existing and future applicable laws and regulations.

Dated: August 28, 1989.

**Manuel Lujan Jr.,**

*Secretary of the Interior.*

[FR Doc. 89-20692 Filed 9-1-89; 8:45 am]

**BILLING CODE 4310-70-M**

**National Capital Region, Public Affairs; Public Meeting**

The National Park Service is seeking public comments and suggestions on the

planning of the 1989 Christmas Pageant of Peace, which opens December 14 on the Ellipse, south of the White House.

A public meeting will be held at the Park Service's National Capital Region Building in East Potomac Park at 1100 Ohio Drive, SW., Room 234, at 10 a.m., Wednesday, October 11, 1989.

Interested persons who would like to comment at the meeting may notify the National Park Service by calling the Office of Public Affairs between 9 a.m. and 4 p.m., weekdays at (202) 485-9666. Persons who cannot attend the meeting may send written comments to Regional Director, National Capital Region, 1100 Ohio Drive, SW., Washington, DC 20242. Written comments will be accepted until October 25, 1989.

Dated: August 28, 1989.

**Ronald N. Wrye,**

*Acting Regional Director, National Capital Region.*

[FR Doc. 89-20685 Filed 9-1-89; 8:45 am]

**BILLING CODE 4310-70-M**

**National Register of Historic Places; Notification of Pending Nominations**

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 26, 1989. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by September 29, 1989.

**Carol D. Shull,**

*Chief of Registration, National Register.*

**ARIZONA**

**Pima County**

*Speedway—Drachman Historic District, Roughly bounded by Lee St., Park Ave., Speedway Blvd., 7th Ave., Drachman St., and 2nd Ave., Tucson, 89001460.*

**CONNECTICUT**

**Farfield County**

*Greens Ledge Lighthouse (Operating Lighthouses in Connecticut MPS), Long Island Sound, S of Five Mile River and W of Norwalk Harbor, Rowayton vicinity, 89001468.*

*Peck Ledge Lighthouse (Operating Lighthouses in Connecticut MPS), Long Island Sound, SE of Norwalk Harbor and NE of Goose Island, Norwalk vicinity, 89001472.*

*Penfield Reef Lighthouse (Operating Lighthouses in Connecticut MPS), Long Island Sound off Shoal Point, Bridgeport vicinity, 89001473.*



*Stratford Point Lighthouse (Operating Lighthouses in Connecticut MPS)*, Stratford Point at mouth of Housatonic River, Stratford, 89001476

*Tongue Point Lighthouse (Operating Lighthouses in Connecticut MPS)*, W side of Bridgeport Harbor at Tongue Point, Bridgeport vicinity, 89001478

#### Middlesex County

*Lynde Point Lighthouse (Operating Lighthouses in Connecticut MPS)*, SE terminus of Sequassen Ave., Old Saybrook, 89001469

*Saybrook Breakwater Lighthouse (Operating Lighthouses in Connecticut MPS)*, S terminus of Saybrook Jetty at mouth of Connecticut River, Old Saybrook, 89001474

#### New Haven County

*Falkner Island Lighthouse (Operating Lighthouses in Connecticut MPS)*, Long Island Sound, 5 mi. S of Guilford, Guilford vicinity, 89001467

*Southwest Ledge Lighthouse (Operating Lighthouses in Connecticut MPS)*, SW end of east breakwater at entrance to New Haven Harbor, New Haven vicinity, 89001475

*Stratford Shoal Lighthouse (Operating Lighthouses in Connecticut MPS)*, SW end of east breakwater at entrance to New Haven Harbor, New Haven vicinity, 89001477

#### New London County

*New London Harbor Lighthouse (Operating Lighthouses in Connecticut MPS)*, Lower Pequot Ave., New London, 89001470

*New London Ledge Lighthouse (Operating Lighthouses in Connecticut MPS)*, Entrance to New London Harbor, E side of Main Channel, New London vicinity, 89001471

#### FLORIDA

##### Alachua County

*WRUF Radio Station*, Old, Museum Rd. and Newell Dr., Gainesville, 89001479

##### Leon County

*Los Robles Gate*, Thomasville and Meridian Rds., Tallahassee, 89001480

##### Palm Beach County

*Johnson, C.L., House*, 315 E. Sessoms Ave., Lake Wales, 89001481

#### ILLINOIS

##### Kane County

*Old Hotel*, 241 Main St., Sugar Grove, 89001464

#### KANSAS

##### Wilson County

*Flack, Dr. A.C., House*, 303 N. 8th St., Fredonia, 89001463

#### MASSACHUSETTS

##### Middlesex County

*American Waltham Watch Company Historic District (Waltham MRA)*, Waltham, 89001501

*American Watch Tool Company (Waltham MRA)*, 169 Elm St., Waltham, 89001574

*Andrews, Joseph, House (Waltham MRA)*, 258 Linden St., Waltham, 89001554

*Baker, Charles, House (Waltham MRA)*, 107 Adams St., Waltham, 89001484

*Baker, Charles, Property (Waltham MRA)*, 119-121 Adams St., Waltham, 89001485

*Banks, E. Sybill, House (Waltham MRA)*, 27 Appleton St., Waltham, 89001488

*Beard, Josiah, House (Waltham MRA)*, 70 School St., Waltham, 89001529

*Beth Eden Baptist (Waltham MRA)*, 82 Maple St., Waltham, 89001544

*Boston Manufacturing Company Housing (Waltham MRA)*, 380-410 River St., Waltham, 89001534

*Boston Manufacturing Company Housing (Waltham MRA)*, 153-165 River St., Waltham, 89001535

*Brigham House (Waltham MRA)*, 235 Main St., Waltham, 89001551

*Building at 202-204 Charles Street (Waltham MRA)*, 202-204 Charles St., Waltham, 89001493

*Buttrick, Francis, House (Waltham MRA)*, 44 Harvard St., Waltham, 89001566

*Buttrick, Francis, Library (Waltham MRA)*, 741 Main St., Waltham, 89001547

*Byam, Charles, House (Waltham MRA)*, 337 Crescent St., Waltham, 89001576

*Central Square Historic District (Waltham MRA)*, Roughly bounded by Church, Carter, Moody, Main, Lexington, and Church Sts., Waltham, 89001526

*Charles Street Workers' Housing Historic District (Waltham MRA)*, 128-144 Charles St., Waltham, 89001503

*Christ Episcopal Church (Waltham MRA)*, 750 Main St., Waltham, 89001546

*Clough, Benjamin F., House (Waltham MRA)*, 42-44 Prospect St., Waltham, 89001536

*Colburn, Gilbert, House (Waltham MRA)*, 110-112 Crescent St., Waltham, 89001578

*Company F State Armory (Waltham MRA)*, Curtis and Sharon Sts., Waltham, 89001571

*Dow, Lenoir, House (Waltham MRA)*, 215 Adams St., Waltham, 89001487

*Dunbar-Stearns House (Waltham MRA)*, 209 Linden St., Waltham, 89001517

*East Main Street Historic District (Waltham MRA)*, Roughly E. Main St. from Townsend St. to Chamberlain Ter., Waltham, 89001498

*Eastern Middlesex County Second District Court (Waltham MRA)*, 38 Linden St., Waltham, 89001516

*First Congregational Church (Waltham MRA)*, 730 Main St., Waltham, 89001548

*First Parish Church (Waltham MRA)*, 87 School St., Waltham, 89001507

*Fisher, Henry N., House (Waltham MRA)*, 120 Crescent St., Waltham, 89001577

*Fiske, Elijah, House (Waltham MRA)*, 457 Lincoln St., Waltham, 89001514

*Fitch, Ezra, School (Waltham MRA)*, 10 Ash St., Waltham, 89001489

*Flagg, Frederick, House (Waltham MRA)*, 65 Fairmont Ave., Waltham, 89001573

*French, Daniel, School (Waltham MRA)*, 38-40 Common St., Waltham, 89001581

*Fuller-Bemis House (Waltham MRA)*, 41-43 Cherry St., Waltham, 89001495

*Gale-Banks House (Waltham MRA)*, 935 Main St., Waltham, 89001545

*Gibbs, William, House (Waltham MRA)*, 14 Liberty St., Waltham, 89001561

*Gilbrae Inn (Waltham MRA)*, 403 River St., Waltham, 89001550

*Grove Hill Cemetery (Waltham MRA)*, 290 Main St., Waltham, 89001549

*Hagar-Smith-Livermore-Sanderson House (Waltham MRA)*, 51 Sanders Ln., Waltham, 89001532

*Hager-Mead House (Waltham MRA)*, 411 Main St., Waltham, 89001572

*Hall, Henry C., House (Waltham MRA)*, 107 Crescent St., Waltham, 89001579

*Hammond, Ephraim, House (Waltham MRA)*, 265 Beaver St., Waltham, 89001490

*Hammond, Jonathan, House (Waltham MRA)*, 311 Beaver St., Waltham, 89001491

*Hardy, Nahum, House (Waltham MRA)*, 724 Lexington St., Waltham, 89001562

*Harrington Block (Waltham MRA)*, 376-390 Moody St., Waltham, 89001543

*Harrington, Samuel, House (Waltham MRA)*, 475 South St., Waltham, 89001508

*Hill, Rev. Thomas, House (Waltham MRA)*, 132 Church St., Waltham, 89001528

*Hobbs Brook Basin Gate House (Waltham MRA)*, Off Winter St. at mouth of Hobbs Brook, Waltham, 89001524

*Holbrook, Richard, Houses (Waltham MRA)*, 29-31 Heard St., Waltham, 89001565

*Johnson, Edwin C., House (Waltham MRA)*, 177 Weston St./8 Caldwell St., Waltham, 89001522

*Johnson, Newell D., House (Waltham MRA)*, 428 Lexington St., Waltham, 89001564

*Lawton Place Historic District (Waltham MRA)*, Lawton Pl. between Amory Rd. and Jackson St., Waltham, 89001504

*Libby, Nelson F., House (Waltham MRA)*, 147-149 Weston St., Waltham, 89001521

*Linden Street Bridge (Waltham MRA)*, Boston & Maine Railroad over Linden St., Waltham, 89001515

*Lord's Castle (Waltham MRA)*, 211 Hammond St., Waltham, 89001567

*Lyman Street Historic District (Waltham MRA)*, Roughly Lyman St. from Church to Main Sts., Waltham, 89001505

*Martin, Aaron, Houses (Waltham MRA)*, 188-194 Adams St., Waltham, 89001486

*Martin, Aaron, House (Waltham MRA)*, 786 Moody St., Waltham, 89001540

*Moody Street Fire Station (Waltham MRA)*, 533 Moody St., Waltham, 89001541

*Moody Street Historic District (Waltham MRA)*, Moody and Crescent Sts., Waltham, 89001502

*Mount Feake Cemetery (Waltham MRA)*, 203 Prospect St., Waltham, 89001497

*Mt. Prospect School for Boys (Waltham MRA)*, 90 Worcester Ln., Waltham, 89001525

*Murray, Robert, House (Waltham MRA)*, 85 Crescent St., Waltham, 89001580

*Newton Street Bridge (Waltham MRA)*, Newton St. at River St. over the Charles River, Waltham, 89001539

*North Lexington Street Historic District (Waltham MRA)*, 508-536 N. Lexington St., Waltham, 89001500

*O'Hara Waltham Dial Company (Waltham MRA)*, 74 Rumford Ave., Waltham, 89001533

*Olcott, John E., House (Waltham MRA)*, 35-37 Central St., Waltham, 89001492

*Oxford, The (Waltham MRA)*, 4 Adams St., Waltham, 89001483

*Peck, John M., House (Waltham MRA)*, 27 Liberty St., Waltham, 89001559



*Piety Corner Historic District (Waltham MRA)*, Roughly Bacon and Lexington Sts., Waltham, 89001499

*Potter—O'Brien House (Waltham MRA)*, 206 Newton St., Waltham, 89001538

*Prospect House (Waltham MRA)*, 11 Hammond St., Waltham, 89001568

*Robbins, Royal E., School (Waltham MRA)*, 58 Chestnut St., Waltham, 89001496

*Sanderson, John, House (Waltham MRA)*, 562 Lexington St., Waltham, 89001563

*Sanderson, Mathan, II, House (Waltham MRA)*, 111 Lincoln St., Waltham, 89001513

*Sanderson, Nathan, I, House (Waltham MRA)*, 107 Lincoln St., Waltham, 89001556

*Sanderson—Clark Farmhouse (Waltham MRA)*, 75 Lincoln/26 Lincoln Ter., Waltham, 89001557

*Smith, Marshall, House (Waltham MRA)*, 26 Liberty St., Waltham, 89001560

*Smith, Perez, House (Waltham MRA)*, 46 Lincoln St., Waltham, 89001558

*St. Charles Borromeo Church (Waltham MRA)*, Hall and Cushing Sts., Waltham, 89001569

*St. Mary's Roman Catholic Church Complex (Waltham MRA)*, 133 School St., Waltham, 89001527

*Stanley, Leonard W., House (Waltham MRA)*, 23-25 Taylor St., Waltham, 89001509

*Stark Building (Waltham MRA)*, 416-424 Moody St., Waltham, 89001542

*Stark, Robert M., House (Waltham MRA)*, 176 Main St., Waltham, 89001552

*Stearns, Amos, House (Waltham MRA)*, 1079 Trapelo Rd., Waltham, 89001518

*Stewart, Henry, House (Waltham MRA)*, 294 Linden St., Waltham, 89001553

*Swasey, James, House (Waltham MRA)*, 30 Common St., Waltham, 89001530

*Tyler, Frank J., House (Waltham MRA)*, 238 Linden St., Waltham, 89001555

*United States Watch Company (Waltham MRA)*, 256 Charles St., Waltham, 89001494

*Waltham Gas Light Company (Waltham MRA)*, 2 Cooper St., Waltham, 89001506

*Waltham Gas and Electric Company Generating Plant (Waltham MRA)*, 96 Pine St., Waltham, 89001537

*Waltham High School (Waltham MRA)*, 55 School St., Waltham, 89001531

*Waltham Water Works Shop (Waltham MRA)*, 92 Felton St., Waltham, 89001570

*Warren, Nathan, House (Waltham MRA)*, 50 Weston St., Waltham, 89001520

*Wellington, Benjamin, House (Waltham MRA)*, 56 Whittier St., Waltham, 89001523

*Wellington, William, House (Waltham MRA)*, 785 Trapelo Rd., Waltham, 89001512

*Wellington—Castner House (Waltham MRA)*, 685 Trapelo Rd., Waltham, 89001511

*Wetherbee House (Waltham MRA)*, 357 Crescent St., Waltham, 89001575

*White, Warren, House (Waltham MRA)*, 192 Warren St., Waltham, 89001519

*Whitney—Farrington—Cook House (Waltham MRA)*, 385 Trapelo Rd., Waltham, 89001510

**MISSOURI****Franklin County**

*Downtown Washington Historic District*, Roughly W. Front St. from Stafford St. to Market St. and Elm St. from W. Front St. to Fourth St., Washington, 89001465

**NEBRASKA****Scotts Bluff County**

*US Post Office—Scottsbluff*, 120 E. 16th St., Scottsbluff, 89001462

**OHIO****Greene County**

*South School*, 909 S. High St., Yellow Springs, 89001459

**Hamilton County**

*Edwards, William, Farmhouse*, 3851 Edwards Rd., Newtown, 89001455

*St. Peter's Lick Run Historic District*, 2145-2153 Queen City Ave., Cincinnati, 89001453

**Lucas County**

*Toledo Olde Towne Historic District*, Roughly bounded by Central Ave., Cherry St., Franklin Ave., Bancroft St., and Collingwood Ave., Toledo, 89001454

**Mahoning County**

*Damascus Grade School*, 14923 Morris St., Damascus, 89001456

*Sebring, Frank, House*, 385 W. Ohio Ave., Sebring, 88000545

**Summit County**

*Corbusier, John William Creswell, House (Hudson MPS)*, 226 College St., Hudson, 89001451

*Hudson Historic District (Boundary Increase) (Hudson MPS)*, Roughly bounded by Hudson St., Old Orchard Dr., Aurora St., Oviatt St., Streetsboro St., and College St. to Aurora, Hudson, 89001452

*Izant, Grace Coulter, House (Hudson MPS)*, 250 College St., Hudson, 89001450

*Porter, Orin, House (Hudson MPS)*, 240 College St., Hudson, 89001449

**Washington County**

*St. Mary's School, Old*, 132 S. Fourth St., Marietta, 89001457

**WISCONSIN****Door County**

*Baileys Harbor Range Light*, Roughly Co. Rd. Q, Ridges Rd., and WI 57, Baileys Harbor, 89001466

[FR Doc. 89-20806 Filed 9-1-89; 8:45 am]

BILLING CODE 4310-70-M

**DEPARTMENT OF JUSTICE****Lodging of Consent Decree; Bourdeauhui**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on August 23, 1989, a proposed Consent Decree in *United States v. Bourdeauhui*, No. H-88-354, was lodged with the United States District Court for the District of Connecticut. This suit was brought under section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9607(a), to recover costs incurred by EPA in connection with

removal actions conducted at two mercury-contaminated sites in Willington, Connecticut. As a result of settlements with other potentially responsible parties and defendants, EPA already has recovered \$229,000. The proposed Consent Decree would resolve the liability of the four remaining defendants—Eugene Bourdeauhui, Edward Battle, Ott Dental Supply Co., and Smith-Holden, Inc.—for \$200,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to Jay Printing, D.J. Ref. 90-11-2-356.

The proposed Consent Decree may be examined at the office of the United States Attorney, District of Connecticut, Federal Courthouse Building, 141 Church Street, Post Office Box 1824, New Haven, Connecticut 06508, and at the Region 1 Office of the Environmental Protection Agency, J.F.K. Federal Building, Boston, Massachusetts 02203. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1647, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$1.90 (10 cents per page reproduction cost) made payable to the Treasurer of the United States.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-20750 Filed 9-1-89; 8:45 am]

BILLING CODE 4410-01-M

**Lodging of Consent Decree Pursuant to the Resource Conservation and Recovery Act in United States v. City of Durant, Oklahoma and State of Oklahoma**

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on June 30, 1989, a proposed Consent Decree in *United States v. City of Durant and State of Oklahoma*, Civil Action No. 89-314-C, was lodged with the United States District Court for the District of Oklahoma.



The Complaint in this enforcement action was filed on June 30, 1989, against City of Durant and State of Oklahoma pursuant to section 309, 33 U.S.C. 1319, of the Clean Water Act seeking civil penalties for the improper management of a Publicly Owned Treatment Works (POTW) and injunctive relief to abate the release of hazardous substances from the POTW. The proposed Consent Decree ("Decree") requires the City to pay a civil penalty of \$33,000 and implement a schedule for construction and modification of the POTW.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States v. City of Durant*, D.J. No. 90-5-1-1-2774.

The proposed Consent Decree may be examined at the office of the United States Attorney, 33 Federal Courthouse, Fifth and Muskogee, Muskogee, Oklahoma 74401 and at the United States Environmental Protection Agency, Region VI, 1445 Ross Avenue, Dallas, Texas 75202-2733. Copies of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Room 1521, U.S. Department of Justice, 9th and Pennsylvania Avenue, NW., Washington, DC 20530. In requesting a copy please enclose a check in the amount of \$1.50 payable to the Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-20693 Filed 9-1-89; 8:45am]

BILLING CODE 4410-01-M

## Drug Enforcement Administration

[Docket No. 87-74]

### Leonardo V. Lopez, M.D.; Denial of Application

On October 1, 1987, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Leonardo V. Lopez, M.D., (Respondent) of 12791 Superior, Southgate, Michigan 48195, proposing to deny his application, executed on September 5, 1987, for registration as a practitioner under 21 U.S.C. 823(f). The Order to Show Cause alleged that Respondent's registration would be

inconsistent with the public interest as that term is used in 21 U.S.C. 823(f).

Respondent requested a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. Following prehearing procedures, a hearing was held on April 12, 1988, in Ann Arbor, Michigan. Respondent failed to appear at the hearing. Subsequently, by letter dated May 26, 1988, Respondent notified Government counsel that he had not appeared at the hearing because he had suffered a heart attack on April 4, 1988. Respondent further advised in the letter that he was still interested in obtaining DEA registration.

On August 4, 1988, Judge Bittner ordered that the record of the April 12, 1988, hearing be stricken and that a new hearing be conducted. Following prehearing procedures, a hearing was held on January 11, 1989, in Ann Arbor, Michigan. On June 9, 1989, the Administrative Law Judge issued her opinion and recommended ruling, findings of fact, conclusions of law and decision. No exceptions were filed and on August 1, 1989, the Administrative Law Judge transmitted the record of these proceedings to the Administrator. The Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that in 1977, the Michigan State Police, Diversion Investigation Unit, obtained information from a confidential informant that Respondent was selling prescriptions for controlled substances for no legitimate medical purpose. As a result, an undercover investigation of Respondent was initiated. On four separate occasions between June 14, 1977 and August 9, 1977, a Michigan State Police detective went to Respondent's office in an undercover capacity. On three of these occasions, the detective was accompanied by a Michigan Department of Licensing and Regulation investigator. Respondent wrote prescriptions for Tuinal, Desoxyn, Quaalude and Valium, all controlled substances, for the undercover officers during each visit. Respondent never performed any sort of physical examination prior to issuing the prescriptions. Respondent wrote a total of fifteen prescriptions for the officers during the four visits. Of these prescriptions, nine of them were for fictitious individuals. Respondent never asked the officers for any information about the backgrounds of these

individuals before issuing prescriptions in their names.

During these visits, neither Respondent nor the officers made any attempt to hide the fact that the prescriptions were written strictly as a business transaction and not for a valid medical need. During the second visit, Respondent wrote one of the officers a prescription for Quaalude, but stated that he would have to be more careful because the state or Federal authorities were "after him." Respondent then stated that he had to raise the price of the prescriptions because of the risk involved. On at least one occasion, one of the undercover officers told Respondent that he was selling the drugs that Respondent prescribed for him. In addition, the officers spoke with other individuals in Respondent's waiting room during the visits. These individuals made it clear to the officers that they had come to Respondent solely to "score" or buy prescriptions for drugs from the doctor.

Respondent was arrested on August 15, 1977, and charged with two felony counts of delivery of Desoxyn in violation of the laws of the State of Michigan. On September 22, 1977, Respondent entered a guilty plea in Recorder's Court for the City of Detroit to one count of delivery of Desoxyn, a felony offense.

On January 2, 1985, Respondent executed an application for registration with DEA. Subsequently, on March 24, 1986, the Deputy Assistant Administrator, Office of Diversion Control, DEA, issued to Respondent an Order to Show Cause why that application should not be denied. A hearing regarding that application was held before Administrative Law Judge Francis L. Young on April 19, 1986. On November 25, 1986, Judge Young issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. Judge Young recommended that Respondent's application for registration be denied. In a final order effective February 12, 1987, the Administrator adopted Judge Young's recommendation in its entirety and thus denied Respondent's application. See, *Leonardo V. Lopez, M.D.*, Docket No. 86-39, 52 FR 4542 (February 12, 1987).

At the hearing regarding the application which is the subject of this final order, Respondent essentially argued that his need for a DEA registration to obtain employment and the passage of time since his conviction constitute compelling reasons to grant his application. With respect to Respondent's asserted need for a DEA registration, Judge Bittner stated that



that need does not outweigh the public interest in assuring that controlled substances are properly handled. The Drug Enforcement Administration registers medical practitioners so that they may prescribe, dispense, administer and otherwise handle controlled substances in order to effectively treat their patients. These substances are controlled because of their potential for abuse and they must be handled responsibly.

Judge Bittner further stated that the mere fact that the events for which Respondent was convicted occurred in 1977 does not establish that now he should have a DEA registration. The paramount issue is not how much time has elapsed since his unlawful conduct, but rather, whether during that time Respondent has learned from past mistakes and has demonstrated that he would handle controlled substances properly if entrusted with a DEA registration. Judge Bittner concluded that the record of these proceedings does not contain such a demonstration. In fact, at the hearing, when referring to the events which led to his 1977 conviction, Respondent stated that he had "forgotten all the details about it." This statement clearly indicates that Respondent does not appreciate the egregiousness of his past unlawful conduct. Further, the Administrative Law Judge was not convinced that Respondent recognizes and understands the responsibilities that accompany DEA registration.

In light of the reasons stated above, as well as Respondent's controlled substance-related felony conviction, the Administrative Law Judge concluded that Respondent's registration would be inconsistent with the public interest and thus, recommended the denial of Respondent's application for registration. The Administrator has considered the factors listed in 21 U.S.C. 823(f) and concurs with the Administrative Law Judge's conclusion that Respondent's registration would be inconsistent with the public interest. The Administrator adopts the opinion and recommended ruling, findings of fact, conclusions of law and decision of the Administrative Law Judge in its entirety.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b), hereby orders that the application of Leonardo V. Lopez, M.D., executed on September 5, 1987, for registration as a practitioner under the Controlled Substances Act, be, and it hereby is, denied.

This order is effective September 5, 1989.

**John C. Lawn,**  
*Administrator.*

Dated: August 28, 1989.  
[FR Doc. 89-20695 Filed 9-1-89; 8:45 am]  
BILLING CODE 4410-09-M

[Docket No. 89-31]

**Anderson T. Scott, Jr., M.D.,**  
**Covington, VA; Hearing**

Notice is hereby given that on April 5, 1989, the Drug Enforcement Administration, Department of Justice, issued to Anderson T. Scott, Jr., M.D., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke your DEA Certificate of Registration, AS1601954, and deny any pending applications for registration.

Thirty days have elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Tuesday, August 29, 1989, commencing at 10:00 a.m., at the United States Court of Appeals for the Federal Circuit, Courtroom one, second floor, 717 Madison Place, NW., Washington DC.

Dated: August 23, 1989.  
**John C. Lawn,**  
*Administrator, Drug Enforcement Administration.*  
[FR Doc. 89-20697 Filed 9-1-89; 8:45 am]  
BILLING CODE 4410-09-M

**Office of Juvenile Justice and Delinquency Prevention**

**Meeting of State Advisory Group Chairs**

**AGENCY:** Office of Juvenile Justice and Delinquency Prevention, Justice.  
**ACTION:** Notice of advisory committee meeting.

**SUMMARY:** This notice sets forth the schedule for the forthcoming meeting of the State Advisory Groups. Notice of the meeting is required by the Federal Advisory Committee Act.

**DATE:** September 16, 1989-2:00 p.m.-5:00 p.m. September 17, 1989-9:00 a.m.-5:00 p.m. September 18, 1989-9:00 a.m.-12:00 p.m.

**ADDRESS:** Omni Georgetown Hotel, 2121 P Street, NW., Washington, DC 20037.

**SUPPLEMENTARY INFORMATION:** The State Advisory Groups, and advisory

committee established pursuant to section 3(2)(A) of the Federal Advisory Committee Act (5 U.S.C. app. 2) will meet to carry out its advisory functions under section 241(f) of the Juvenile Justice and Delinquency Prevention Act of 1984, as amended. These sessions which will be open to the public, are scheduled at the above listed dates.

**FOR FURTHER INFORMATION CONTACT:** For information please contact Pamela Swain, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Washington, DC 20531, (202) 724-5921.

Dated: August 31, 1989.  
**Terrence S. Donahue,**  
*Acting Administration, Office of Juvenile Justice and Delinquency Prevention.*  
[FR Doc. 89-20933 Filed 9-1-89; 8:45 am]  
BILLING CODE 4410-16-M

**DEPARTMENT OF LABOR**

**Pension and Welfare Benefits Administration**

**Advisory Council on Employee Welfare and Pension Benefits Plans; Meetings**

Pursuant to section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C. 1142, two meetings of the Advisory Council on Employee Welfare and Pension Benefits Plans will be held on Tuesday and Wednesday, September 26 and 27, 1989, in Suite N-3437, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC.

The purpose of the September 26 meeting, which will begin at 9:30 a.m., is to consider items listed below and to invite public comment on any aspect of the administration of ERISA.

1. Assistant Secretary's Report on:
  - (a) PWBA update and priorities.
  - (b) Miscellaneous Issues.
2. General Business of the Advisory Council.
3. Report of the Enforcement Work Group.
4. Report of the Access To Health Care Work Group.
5. Statements from the Public.

The purpose of the September 27 meeting, which will begin at 9:30 a.m., is to consider items listed below and to invite public comment on any aspect of the administration of ERISA.

1. General Business of the Advisory Council.
2. Chief, Division of Technical Assistance and Inquiries Report on:
  - (a) Participant Assistance.
  - (b) Benefit Recoveries.



3. Report of the National Retirement Income Policy Work Group.

4. Report of the Pension Portability Work Group.

5. Discussion of Current Proposed Legislation.

6. Statements from the Public.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before September 20, 1989, to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N-5677, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals wishing to address the Advisory Council should forward their request to the Executive Secretary or telephone (202/523-8753). Oral presentations will be limited to ten minutes, but an extended statement may be submitted for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before September 20, 1989.

Signed at Washington, DC this 30th day of August, 1989.

**William E. Morrow,**

*Executive Secretary, ERISA Advisory Council.*

[FR Doc. 89-20747 Filed 9-1-89; 8:45 am]

BILLING CODE 4510-29-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### Small Business Competitiveness Demonstration Program; Plan for Expansion in Targeted Industry Categories

**AGENCY:** Office of Small and Disadvantaged Business Utilization, NASA.

**ACTION:** Notice.

**SUMMARY:** This notice invites public comment on NASA's proposed plan to expand small business participation in 10 industry categories pursuant to Title VII of the "Business Opportunity Development Reform Act of 1988," Public Law 100-656.

**DATES:** Comments are due in writing on September 29, 1989.

**ADDRESS:** Comments should be addressed to Franz Hoffmann, National Aeronautics and Space Administration, Office of Small and Disadvantaged Business Utilization, Room 116, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Mr. Franz Hoffmann (202) 453-2088, Small Business Advisor.

**SUPPLEMENTARY INFORMATION:** Among other things, Title VII of the "Business Opportunity Development Reform Act of 1988" seeks to demonstrate whether targeted goaling and management techniques can expand Federal contract opportunities for small business in industry categories where such opportunities historically have been low despite adequate numbers of small business contractors in the economy. NASA has been identified as a participant in the demonstration program.

For purposes of the expansion portion of the demonstration program, NASA the targeted the following industries:

| Industry number | Industry title  |
|-----------------|---|
| 1. 3571.....    | Electronic Computers.   |
| 2. 3577.....    | Computer Peripheral Equipment, Not Elsewhere Classified (NEC).                                  |
| 3. 3663.....    | Radio & TV Broadcasting and Communications Equipment.   |
| 4. 3764.....    | Guided Missile and Space Vehicle Propulsion Units and Propulsion Units Parts.                   |
| 5. 3769.....    | Guided Missile and Space Vehicle Parts and Auxiliary Equipment, Not Elsewhere Classified (NEC). |
| 6. 3812.....    | Search, Detection, Navigation, Guidance, Aeronautical, and Nautical Systems and Instruments.    |
| 7. 3827.....    | Optical Instruments and Lenses.   |
| 8. 7371.....    | Computer Programming Services.  |
| 9. 7373.....    | Computer Integrated Systems Design.   |
| 10. 7379.....   | Computer Related Services, Not Elsewhere Classified (NEC).                                      |

### NASA's Policy and Implementation Initiatives Proposed to Achieve the Goals.

The headquarters Office of Small and Disadvantaged Business Utilization (OSDBU) is responsible for the development and management of NASA programs to assist small businesses, as well as firms which are owned and controlled by socially and economically disadvantaged individuals. The office functionally oversees and directs the activities of corresponding offices at each of the nine NASA installations. The primary objective of the small business program is to increase the participation of small and disadvantaged businesses in NASA procurement. In support of this objective, the office offers individual

counseling sessions to business people seeking advice on how to best pursue contracting opportunities with NASA. Specific guidance is provided regarding procedures for getting on bidder's mailing lists, current and planned procurement opportunities, arrangements for meeting with technical requirements personnel and various assistance or preference programs which might be available. The OSDBU will assist the contracting activities in implementing the Small Business Competitiveness Demonstration Program. NASA will implement this program by putting into effect the following initiatives:

—Develop instructional programs and train the Agency's procurement personnel in their roles and responsibilities in implementing the provisions under the law.

—Where possible, break out requirements to allow more participation by small businesses in areas where their participation has been historically low or nonexistent.

—Continue mailing copies of solicitations directly to small business.

—Enhance outreach programs to help small businesses become more competitively involved in the Agency acquisition activities.

—Increase sponsorship and participation in seminars and workshops which provide prospective vendors with detailed information on NASA's requirements.

—Conduct training sessions for middle and top management personnel.

—Encourage and promote joint ventures, teaming agreements and other similar arrangements, which permit small business concerns to effectively compete for contract solicitations for which an individual small business concern would lack the requisite capacity or capability needed to establish responsibility for the award of a contract.

—Small Business set-asides.

Dated: August 25, 1989.

**Eugene D. Rosen,**

*Director, Office of Small and Disadvantaged Business Utilization.*

[FR Doc. 89-20686 Filed 9-1-89; 8:45 am]

BILLING CODE 7510-01-M

## NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

### Agency Information Collection Activities Under Office of Management and Budget Review

**AGENCY:** National Endowment for the Arts.



**ACTION:** Notice.

**SUMMARY:** The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**DATE:** Comments on this information collection must be submitted by October 5, 1989.

**ADDRESSES:** Send comments to Mr. Jim Houser, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3002, Washington, DC 20503; (202-395-7316). In addition, copies of such comments may be sent to Mrs. Anne C. Doyle, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401).

**FOR FURTHER INFORMATION CONTACT:** Mrs. Anne C. Doyle, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401) from whom copies of the documents are available.

**SUPPLEMENTARY INFORMATION:** The Endowment requests the reinstatement of a previously approved collection of information. This entry is issued by the Endowment and contains the following information:

(1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

**Title:** International Panel "Exhibition Project Description". Frequency of Collection: Annually. Respondents: Non-profit institutions.

**Use:** The Arts Endowment and the United States Information Agency (USIA) cooperate in selecting cultural programming including exhibitions for overseas presentation by USIA. The form is needed to allow an International Panel to determine the suitability of exhibitions for international touring. The form will be sent to U.S. museum officials.

**Estimated Number of Respondents:**  
200

**Average Burden Hours per Response:**  
1

*Total Estimated Burden: 200*

Anne C. Doyle,

Administrative Services Division, National Endowment for the Arts.

[FR Doc. 89-20706 Filed 9-1-89; 8:45 am]

BILLING CODE 7537-01-M

## NUCLEAR REGULATORY COMMISSION

### Abnormal Occurrences for First Quarter Calendar Year 1989; Dissemination of Information

Section 208 of the Energy Reorganization Act of 1974, as amended requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incidents at NRC licensees were determined to be abnormal occurrences (AOs) using the criteria published in the Federal Register on February 24, 1977 (42 FR 10950). The AOs are described below, together with the remedial actions taken. The events are also being included in NUREG-0090, Vol. 12, No. 1 ("Report to Congress on Abnormal Occurrences: January-March 1989"). This report will be available in the NRC's Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC about three weeks after the publication date of this Federal Register notice.

#### Nuclear Power Plants

##### 89-1 Plug Failure Resulting in Steam Generator Tube Leak at North Anna Unit 1

The second general AO criterion notes that major degradation of essential safety-related equipment can be considered an abnormal occurrence. Also, one of the AO examples notes that a major deficiency in design, construction, or operation having safety implications requiring immediate remedial action can be considered an abnormal occurrence. In addition, another AO example notes that an incident with implications for similar facilities (generic incidents) which create major safety concern can be considered an abnormal occurrence.

**Date and Place**—February 25, 1989; North Anna Unit 1, a Westinghouse-designed pressurized water reactor (PWR), operated by Virginia Electric and Power Company, and located in Louisa County, Virginia.

**Nature and Probable Consequences**—At 2:07 p.m., Unit 1 automatically tripped from 76 percent power. The initiating signal for the reactor trip was

"C" steam generator (S/G) steam flow greater than feedwater flow coincident with a low S/G water level; this was later determined to be caused by the "C" main feedwater regulating valve closing due to a problem in the instrument air supply line.

During recovery operations, operators noted that primary system makeup was 50-60 gpm greater than letdown and that the condenser air ejector monitor indicated increased radiation. The licensee identified a primary-to-secondary leak of about 74 gpm in the "C" S/G and declared a Station Alert at 3:25 p.m. The licensee continued cooldown and depressurization. The plant entered cold shutdown at 10:12 p.m. and the Station Alert was terminated at 10:20 p.m. At the time of the event, Unit 2 was in a refueling shutdown.

Investigation showed that the leak was in tube R3C60 (Row 3 Column 60), about 4 inches above the seventh support plate. The tube had been plugged by Westinghouse in 1985. The leak was due to a hot leg mechanical plug failure. The top portion of the plug was severed from the body of the plug, was propelled up the inner diameter of the tube by the primary system pressure, and punctured the tube just above the U-bend transition. The puncture was approximately 2 1/4 inches long and 3/4 inches wide. The plug dented an adjacent tube, R4C60. A small radioactive release occurred, resulting in dose rates less than approximately 3 percent of technical specification limits.

Failure of the plug was attributed to primary water stress corrosion cracking of heat treated plug material (Inconel 600) due to low mill anneal temperatures which rendered the material highly susceptible to stress corrosion cracking.

The primary-to-secondary leak was well within the normal primary system makeup capability; in addition, the radiological releases were well below technical specification limits. However, the event identified major safety concerns because: (a) This was an unexpected failure mechanism for S/G tubes; (b) it was a potential common mode failure mechanism with the possibility of multiple S/G tubes failing; and (c) there were generic implications for other plants using such susceptible tube plugs.

Previously, North Anna Unit 1 experienced a S/G tube rupture on July 15, 1987. This leak was also in the "C" steam generator, also near the seventh support plate. The 1987 event was not caused by plug failure, but occurred because of fatigue failure due to fluid elastic excitation. The tube had failed



over 360 degrees of the circumference, and the fractured ends were displaced in the axial direction approximately one-half inch. The leak rate was estimated to be between 550 to 637 gpm. This event was reported as abnormal occurrence 87-15 in NUREG-0090, Vol. 10, No. 3.

*Cause or Causes*—As discussed above, the cause of the plug failure was attributed to primary water stress corrosion cracking of the heat treated Inconel 600 plug material.

#### Actions Taken To Prevent Recurrence

*Licensee*—The licensee's recovery plan was to investigate (with Westinghouse) the cause of the failure, determine corrective actions, and place Unit 1 into a refueling/maintenance outage so that S/G repairs could be done simultaneously. The susceptible plugs were identified in the S/Gs for both Unit 1 and Unit 2. Repairs consisted either of removing susceptible plugs and replacing them, or inserting a different type of plug into susceptible plugs. Repairs were completed for the S/Gs of both units and the NRC agreed that the plants could be restarted. Unit 2 returned to power operation by the end of April 1989. Unit 1 restarted in July 1989.

*NRC*—The NRC continues to investigate the potential generic implications of heat treated mechanical plugs used by Westinghouse, Combustion Engineering, and Babcock and Wilcox designed plants. On March 23, 1989, the NRC issued Information Notice No. 89-33 ("Potential Failure of Westinghouse Steam Generator Tube Mechanical Plugs") to all holders of operating licenses or construction permits for PWRs to alert licensees to the potential for plug failures.

On May 15, 1989, the NRC issued Bulletin No. 89-01 ("Failure of Westinghouse Steam Generator Tube Mechanical Plugs") to all holders of operating licenses or construction permits for PWRs. The bulletin requested the addressees to determine whether certain mechanical plugs supplied by Westinghouse are installed in their steam generators and, if so, that an action plan be implemented to ensure that these plugs will continue to provide adequate assurance of reactor coolant system pressure boundary integrity under normal operating, transient, and postulated accident conditions.

#### 89-2 Steam Generator Tube Repairs at McGuire Unit 1

The second general AO criterion notes that major degradation of essential safety-related equipment can be considered an abnormal occurrence.

Also, one of the AO examples notes that major degradation of the primary coolant pressure boundary can be considered an abnormal occurrence.

*Date and Place*—March 7, 1989; McGuire Unit 1, a Westinghouse-designed pressurized water reactor (PWR) operated by Duke Power Company, and located in Mecklenburg County, North Carolina.

*Nature and Probable Consequences*—At 11:40 p.m., Unit 1, while at 100 percent power, received a "B" main steam line radiation monitor alarm which could not be reset. A substantial and continual decrease in pressurizer level and steam generator (S/G) "B" feedwater flow were noted in the control room. The control room operators suspected a S/G tube leak. The licensee immediately took action to reduce plant load. At 11:45 p.m., the licensee declared a Station Alert. At 11:46 p.m. the reactor was manually tripped (which caused a turbine trip), and the licensee continued procedures for plant cooldown to equalize reactor coolant and S/G pressure to reduce the leak rate. The licensee terminated the Station Alert at 6:15 p.m. on March 8, 1989.

The maximum tube leak rate was estimated to be between 540 and 600 gpm. This leak rate considerably exceeds the normal primary system makeup capability (i.e., with the centrifugal charging pumps (CCPs) operating as part of the chemical and volume control system). In order to keep up with the leak, the licensee switched the pumps to their safety injection lineup—the pumps taking suction on the fueling water storage tank and injecting into all four cold legs of the reactor vessel. In this mode, each CCP can pump from about 150 gpm at normal operating pressure to over 300 gpm at reduced pressure.

Steam generator tube rupture is one of the design basis accidents considered in the NRC safety review of nuclear power plants. Significant S/G tube ruptures, where the leak rate considerably exceeds the normal primary system makeup capability, occasionally occur, as it did at McGuire Unit 1, and previously at Ginna and North Anna Unit 1. The event at Ginna occurred on January 25, 1982 with an estimated maximum leak rate of about 760 gpm; the event was reported as abnormal occurrence 82-4 in NUREG-0090, Vol. 5, No. 1. The event at North Anna Unit 1 occurred on July 15, 1987 with an estimated maximum leak rate between 550 to 637 gpm; the event was reported as abnormal occurrence 87-15 in NUREG-0090, Vol. 10, No. 3.

An Augmented Inspection Team (AIT) was sent by the NRC to investigate the McGuire Unit 1 event. The team concluded that the operating crew performed competently, but weaknesses in both normal and emergency operating procedures were identified. The tube failure did not result in a radiological release to the environment that exceeded regulatory limits. The event did not result in exceeding a technical specification (TS) safety limit. The whole body and thyroid doses from this event were a small fraction of the TS limits. All notifications to the NRC and offsite agencies were made in a timely manner. The AIT report, documented in Inspection Report Nos. 50-369/89-06 and 50-370/89-06, was issued to the licensee on April 10, 1989.

*Cause or Causes*—Investigation by the licensee determined that the leak was due to a crack in tube R18C25 on the cold leg side (preheater section) about 3/4 inches long, and about one foot above the top of the tube sheet. The licensee concluded that the cause of the tube rupture was intergranular stress corrosion cracking; the rupture was contained within a long, shallow, axial groove on the outside tube surface.

#### Actions Taken To Prevent Recurrence

*Licensee*—The licensee's recovery actions included inspection of all tubes in all four S/Gs, metallurgical analysis of the ruptured tube, removal or plugging of tubes as necessary, and revision of the procedures which the AIT identified as needing upgrading. The licensee committed to a 100 percent inspection of the inservice S/G tubes of all S/Gs at both McGuire Units 1 and 2 at their next refueling outages.

*NRC*—The NRC staff concurred with the corrective actions taken, and the commitments made by the licensee. Permission to restart Unit 1 was given on May 5, 1989. The plant attained criticality on May 9, 1989, and reached full power operation on May 13, 1989.

#### Other NRC Licensees

(Industrial Radiographers, Medical Institutions, Industrial Users, etc.)

#### 89-3 Medical Therapy Misadministration

The general AO criterion notes that an event involving a moderate or more severe impact on public health or safety can be considered an abnormal occurrence.

*Date and Place*—January 23, 1989; Abbott Northwestern Hospital; Minneapolis, Minnesota.

*Nature and Probable Consequences*—A patient suffering from a malignant



tumor on his right femur (thigh) received a 250 rad radiation dose to the left femur by mistake.

The patient was scheduled for 12 treatments of 250 rads each to the right thigh using a cobalt-60 teletherapy device. The procedure was for the patient to be brought to the teletherapy simulator to begin preparation for the actual treatment. The simulator is used to chart or map the exact area on the patient's body to be exposed to the cobalt-60. Once this area is determined, it is outlined with indelible ink by the simulator technologist. The patient is then transferred to the cobalt-60 teletherapy room for treatment.

On January 23, 1989, the patient was placed on the simulator table. Due to machine restrictions, however, the table had to be turned 180 degrees, placing the patient's left thigh closest to the technician and the thigh to be treated furthest away. With the patient's position reversed, the technician mistakenly marked the wrong thigh. Once the marking was completed, the therapy physician reviewed and approved the incorrect setup. The patient was then taken to the treatment room where the left femur was exposed to 250 rads of radiation. The therapy technologist discovered the error within minutes of the exposure when she received a copy of the simulator check list. The check list specified that the right femur was the area to be treated. Treatment was subsequently performed on the correct femur and the treatment schedule continued.

The patient's referring physician and the NRC's Region III Office were informed of the misadministration on January 23, 1989. The licensee determined that the misadministration could possibly cause the patient increased fatigue and possible bone marrow suppression in the left femur.

**Cause or Causes**—Several personnel errors occurred in this misadministration. The simulator technologist, in turning the table, apparently disoriented herself, and marked the wrong thigh. The therapy physician checked and approved the incorrect thigh marking and treatment. The therapy technologist should have waited until the patient's simulator check list was available in the teletherapy unit before commencing treatment.

#### Actions Taken To Prevent Recurrence

**Licensee**—As documented in an NRC Region III Confirmatory Action Letter dated January 25, 1989, the licensee committed to: (1) Provide additional guidance to the simulator and operator technologists and the therapy physician

on procedures governing teletherapy administration; (2) inform the operator technologist that the completed simulation check list describing the treatment must be on hand and reviewed prior to setup; (3) provide NRC Region III within 30 days a comprehensive quality assurance/quality control (QA/QC) program which will incorporate Item 2; and (4) assure that the QA/QC procedure also will cover dosimetry, treatment planning and implementation, and radiation safety practices.

On February 16, 1989, the licensee notified NRC Region III that it had completed all items listed in the Confirmatory Action Letter. The licensee's QA/QC program includes dosimetry checks by three independent reviewers, chart checks by two independent reviewers, and treatment prescription by a physician. The hospital had a QA/QC policy prior to the misadministration that included some of the above procedures.

**NRC**—An NRC inspection was conducted on February 14-15, 1989, to review the circumstances associated with the event. Four minor violations of NRC requirements were identified—none relating to the misadministration. An NRC consulting physician reviewed the patient misadministration and determined that the misadministration would not likely have any significant or deleterious effect on the patient. The licensee's revised policy, and its implementation, will be reviewed by the NRC at the next routine inspection at the hospital.

#### 89-4 Medical Therapy Misadministration

The general AO criterion notes that an event involving a moderate or more severe impact on public health or safety can be considered an abnormal occurrence.

**Date and Place**—March 9, 1989; Kennebec Valley Medical Center; Augusta, Maine.

**Nature and Probable Consequences**—A radiotherapy physician had prescribed therapeutic treatments in fractionated doses to two elderly patients from a Veterans' Administration facility. One patient was to be treated for a brain tumor, while the second patient was to be treated for a lesion near the lower palate. Both patients were brought to the hospital at the same time. Because of an identification error, the second (lower palate) patient was brought into the treatment room and the procedure for the brain tumor treatment was begun. When the error was discovered, the procedure was stopped. A total of 100

rads had been delivered to the brain of the patient. The patient had correctly received 2400 rads to the lower palate from previous treatments.

The licensee has advised the NRC that no adverse effects are anticipated as a result of the misadministration.

**Cause or Causes**—The misadministration was caused by human error on the part of the staff of the radiotherapy department at the medical center. The names, physical appearances, and treatment planning pictures of both patients were similar.

#### Action Taken To Prevent Recurrence

**Licensee**—The licensee's planned corrective actions include a strengthening of its patient identification policies along with second person confirmation of patient identity and treatment parameters.

**NRC**—NRC Region I will conduct an inspection to review the circumstances associated with this misadministration.

#### 89-5 Medical Diagnostic Misadministration

The general AO criterion notes that an event involving a moderate or more severe impact on public health or safety can be considered an abnormal occurrence.

**Date and Place**—March 14, 1989; New England Center Hospitals; Boston, Massachusetts.

**Nature and Probable Consequences**—A patient was intended to receive an iodine-123 uptake and diagnostic scan. This would result in an exposure to the thyroid of about 7 rads. However, a staff endocrinologist mistakenly requested an iodine-131 upstage and scan. A floor administrator, transcribing the request to a computer, selected an iodine-131 whole body scan as the intended request. The dosage for this incorrect procedure was prepared and administered to the patient by nuclear medicine department personnel, resulting in the patient receiving five millicuries of iodine-131. This misadministration resulted in a therapeutic dose to the thyroid of approximately 4,000 to 5,000 rads, with a possible range between 1,200 and 9,000 rads. This dosage could affect the function of the thyroid.

The licensee stated that the patient, a cardiac patient under the care of an endocrinologist, might later have been administered a similar dosage of iodine-131 for thyroid ablation as treatment for his cardiac condition. However, this is no basis for the misadministration; the incident should not have occurred if



proper controls had been in place and followed.

**Cause or Causes**—The licensee stated that the misadministration was caused by human error on the part of the staff endocrinologist and lack of training of involved personnel. The root cause was done to inadequate supervision of activities.

#### Actions Taken To Prevent Recurrence

**Licensee**—The licensee stated that: (1) The Chief of Nuclear Medicine will review all requests for iodine-131 whole body scans, and (2) there will be weekly interdepartmental meetings of the Nuclear Medicine Department and the Department of Endocrinology.

**NRC**—NRC Region I conducted a special inspection on June 5, 1989, to review the circumstances associated with the event, and the appropriateness of the licensee's corrective actions. The results of the inspection are under review. Region I requested an NRC medical consultant to review the incident.

Dated at Rockville, MD this 29th day of August, 1989.

For the Nuclear Regulatory Commission,  
Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 89-20793 Filed 9-1-89; 8:45 am]

BILLING CODE 7590-01-M

#### Advisory Committee on Reactor Safeguards; Revised Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on September 7-9, 1989 in Room P-110, 7920 Norfolk Avenue, Bethesda, MD. Notice of this meeting was published in the Federal Register on July 26, 1989 and August 22, 1989.

Thursday, September 7, 1989, Room P-110, 7920 Norfolk Avenue, Bethesda, MD.

**8:30 a.m.-8:45 a.m.: Comments by ACRS Chairman**—The ACRS Chairman will report on items of current interest.

**8:45 a.m.-12:00 Noon: Maintenance of Nuclear Power Plants (Open)**—The Committee will review and report on the proposed NRC policy statement and an associated draft regulatory guide related to maintenance programs at nuclear power plants.

**1:00 p.m.-2:00 p.m.: License Renewal (Open)**—The Committee will hear and discuss a report from NRC staff representatives regarding the status of activities related to license renewal for nuclear power plants.

**2:00 p.m.-4:30 p.m.: Individual Plant Examination for External Events (IPEEE) (Open)**—A briefing and discussion with representatives of the NRC staff and the nuclear industry will be held regarding the status of the IPEEE program.

**4:45 p.m.-5:45 p.m.: Industrial Sabotage (Open/Closed)**—The Committee will review and report on a proposed resolution of Generic Issue A-29, Nuclear Power Plant Design for Reduction of Vulnerability to Industrial Sabotage.

Portions of this session will be closed as necessary to discuss information related to security provisions at nuclear power plants.

**5:45 p.m.-6:30 p.m.: Accident Severity Scale (Open)**—A briefing and discussion regarding proposed accident severity scale for use in the public announcement of nuclear power plant events and accidents will be held.

Friday, September 8, 1989, Room P-110, 7920 Norfolk Avenue, Bethesda, MD.

**8:30 a.m.-12:00 Noon: Seabrook Nuclear Power Station, Unit 1 (Open)**—The Committee will review and report on the proposed off-site emergency preparedness for full power operation of the Seabrook nuclear power plant.

**1:00 p.m.-3:00 p.m. and 3:15 p.m.-4:15 p.m.: EPRI Requirements for Advanced Light Water Reactors (Open)**—A briefing and discussion will be held regarding the status of the NRC review of the proposed EPRI Requirements for Advanced LWRs.

**4:15 p.m.-5:15 p.m.: NUMARC Activities (Open)**

A briefing and discussion will be held regarding NUMARC activities related to nuclear power plant IPEs and accident management.

**5:15 p.m.-5:45 p.m.: Advanced Pressurized Water Reactors (Open)**—A briefing and discussion will be held regarding the status of the NRC staff review of Westinghouse and Combustion Engineering standardized nuclear power plants.

**5:45 p.m.-6:15 p.m.: Future ACRS Activities (Open)**—The Committee will discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee.

Saturday, September 9, 1989, Room P-110, 7920 Norfolk Avenue, Bethesda, MD.

**8:30 a.m.-12:00 Noon: Preparation of ACRS Reports to NRC (Open)**—The Committee will continue the discussion of the proposed ACRS reports to NRC regarding items considered during this meeting.

**1:00 p.m.-1:45 p.m.: Appointment of ACRS Members (Open/Closed)**—The Committee will discuss qualifications of candidates proposed for nomination as ACRS Members.

Portions of this session will be closed as appropriate to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

**1:00 p.m.-1:45 p.m.: Subcommittee Activities (Open)**—The Committee will discuss the status of assigned ACRS subcommittee activities, including activities of NRC regional offices.

**1:45 p.m.-2:30 p.m.: Miscellaneous (Open)**—The Committee will complete discussion of items considered during this meeting.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on October 27, 1988 (53 FR 43487). 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. Persons desiring to make oral statements should notify the ACRS Executive Director 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 Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS 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.

I have determined in accordance with subsection 10(d) Public Law 92-463 that it is necessary to close portions of this meeting as noted above to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)) and Safeguards/Security Information applicable to specific nuclear facilities (5 U.S.C. 552b(c)(3)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the



opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 310/492-8049), between 8:15 a.m. and 5:00 p.m.

Dated: August 28, 1989.

John C. Hoyle,

Advisory Committee Management Officer.  
[FR Doc. 89-20794 Filed 9-1-89; 8:45 am]

BILLING CODE 7590-01-M

**Issuance and Availability of NUREG-1217, "Evaluation of Safety Implications of Control Systems in LWR Nuclear Power Plants—Technical Findings Related to USI A-47," and NUREG-1218, "Regulatory Analysis for Resolution of USI A-47"**

The U.S. Nuclear Regulatory Commission (NRC) staff is issuing the resolution of Unresolved Safety Issue (USI) A-47, "Safety Implications of Control Systems." The resolution is documented in two final reports entitled "Evaluation of Safety Implications of Control Systems in LWR Nuclear Power Plants—Technical Findings Related to USI A-47" (NUREG-1217) and "Regulatory Analysis for Resolution of USI A-47 (NUREG-1218)." The proposed resolution and the draft NUREG reports had been published for public comment on May 27, 1988. All the comments received were addressed and summarized in appendix C of NUREG-1217. Safety Implications of Control Systems was identified as an Unresolved Safety Issue in the NRC 1980 Annual Report to the Congress pursuant to section 210 of the Energy Reorganization Act of 1974 as amended on December 13, 1977.

Nuclear power plant instrumentation and control systems are composed of safety-related protection systems and non-safety related control systems. The safety-related protection systems are designed to satisfy the General Design Criteria identified in appendix A to 10 CFR part 50. They are used in part to trip the reactor when certain plant parameters exceed allowable limits and to protect the core from overheating by actuating emergency core cooling systems. Non-safety-related control systems are used to maintain the plant within prescribed pressure and temperature limits during shutdown, startup, and normal power operation. The non-safety-related control systems are not relied on to perform any safety functions during or following postulated transients or accidents. They are used, however, to control plant processes that

could have an impact on plant dynamics.

The purpose of the USI A-47 study was to perform a review of the non-safety-related control systems and to assess the effects of control system failures on plant safety. To this end, tasks were established to identify potential control system failures that, either singly or in selected combinations, could cause overpressure, overcooling, overheat, overflow, or reactivity events.

The NRC staff concluded from its A-47 investigations that certain actions should be taken to further enhance safety in LWR plants. These actions recommend that plants: (1) Provide systems to protect against reactor vessel/steam generator overflow events and to prevent steam generator dryout, (2) include in their plant procedures and their technical specifications provisions to periodically verify operability of these systems, and (3) modify selected emergency procedures to ensure safe plant shutdown following a small-break loss-of-coolant accident. Most plants already have substantial design protection against control system failures. The recommended safety improvements would apply to those plants for which additional or enhanced protection is warranted. The recommended actions are included in Appendix C of NUREG-1218.

Copies of the documents included in the final resolution for USI A-47 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. A copy is also available for public inspection and/or copying at the NRC Public Document Room, 2120 L Street, NW., Lower Level, Washington, DC.

Dated at Rockville, Maryland this 28th day of August 1989.

For the Nuclear Regulatory Commission.

R. Wayne Houston,

Director, Division of Safety Issue Resolution,  
Office of Nuclear Regulatory Research.

[FR Doc. 89-20741 Filed 9-1-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-237 and 50-249]

**Commonwealth Edison Co.;  
Withdrawal of Application for  
Amendments to Facility Operating  
Licenses**

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Commonwealth

Edison Company (the licensee) to withdraw its October 29, 1985, application for proposed amendment to Provisional Operating License No. DPR-19 and Facility Operating License DPR-25 for the Dresden Nuclear Power Station, Unit Nos. 2 and 3, located in Grundy County, Illinois.

The proposed amendment would have revised the Technical Specifications to implement detection requirements of Generic Letter 84-11 for Dresden 2, revise the ISI time period to reflect the second 10-year program, and correct various typographical errors for Dresden Nuclear Power Station Unit Nos. 2 and 3.

The Commission has previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on April 23, 1986 (51 FR 15394). However, by letter dated August 4, 1989, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated October 29, 1985, and the licensee's letter dated August 4, 1989, which withdrew the application for the license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and the Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

Dated at Rockville, Maryland this 28th day of August 1989.

For the Nuclear Regulatory Commission.

Byron L. Siegel,

Project Manager, Project Directorate III-2,  
Division of Reactor Projects III, IV, V, and  
Special Projects.

[FR Doc. 89-20742 Filed 9-1-89; 8:45 am]

BILLING CODE 7590-01-M

[License No. 21-24472-01; Docket No. 030-18655; EA 89-068]

**Nuclear and Radiologic Imaging  
Physicians, Troy Professional Building,  
Order Suspending License and  
Revoking License**

I

Nuclear and Radiologic Imaging Physicians, Troy Professional Building, 2151 Livernois, Suite 201, Troy, Michigan 48083 (the licensee) is the holder of Byproduct Material License No. 21-24472-01 (the license), which was issued by the Nuclear Regulatory Commission (Commission or NRC) on April 17, 1985 and is due to expire on April 30, 1990. The license authorizes Nuclear and Radiologic Imaging Physicians to possess byproduct material for use in



performing diagnostic and certain therapeutic medical procedures in accordance with the conditions specified in the license. Dr. Subhash C. Khullar is the only authorized user listed on the license.

## II

During the period April 25 through May 25, 1989, NRC Region III conducted an inspection of the licensee's byproduct material program. As a result of this inspection, two apparent violations of NRC requirements were identified. These apparent violations included: (1) Byproduct material stored at locations not authorized by the license and (2) failure to make NRC-required records available to NRC inspectors upon reasonable notice.

On April 25, 1989, NRC inspectors arrived at one of the authorized locations listed in the license (2151 Livernois, Suite 201, Troy, Michigan). There they met an individual who indicated he was Dr. Khullar's business manager. When asked how to contact Dr. Khullar, he stated that the Doctor saw patients at Sanford Medical Center in Utica, Michigan. In Dr. Khullar's absence, the inspectors were unable to review NRC-required records of receipt, use and disposal of radioactive material for that facility. The Business Manager agreed to attempt to contact Dr. Khullar and inform him of an inspectors' request to review records.

A visit by the NRC inspectors to Sanford Medical Center (Sanford) on the afternoon of April 25, 1989, revealed several sealed sources containing byproduct material and three shipping cases which contained decayed unit doses of NRC-licensed radiopharmaceuticals. Sanford was previously an authorized location of use, but was not, at this time, authorized by any NRC license for use or storage of byproduct material. An attempt to contact Dr. Khullar by his Medical Assistant at Sanford was unsuccessful.

On April 26, 1989, in an attempt to locate Dr. Khullar, the inspectors visited another authorized location of use listed in the license, 31500 Schoolcraft, Livonia, Michigan. The inspectors were informed that the office was closed, but were allowed access into the facility. The facility appeared to be vacated and no records of receipt, use, or disposal of radioactive material were located; nor were the inspectors able to verify whether a closeout survey for radioactive contamination had been performed as required by 10 CFR 30.36(b).

Also on April 26, the inspectors returned to Sanford Medical Center and informed Dr. Khullar's medical assistant

that Dr. Khullar could not possess radioactive material at that location. The Medical Assistant agreed to release the material for transfer to another licensee authorized for possession; however, she wanted to inform Dr. Khullar. While she was talking to Dr. Khullar, the inspectors requested to talk with him. They were promptly told by the Medical Assistant that he was in a meeting and could not talk to them.

On April 28, 1989, an inspector contacted the Medical Assistant at Sanford and informed her of the importance of talking with Dr. Khullar. The inspector was informed by the Medical Assistant that Dr. Khullar was busy and could not speak with him.

On May 2, 1989, as a result of numerous unsuccessful attempts to contact Dr. Khullar, a certified letter was mailed to Dr. Khullar requesting a date, time, and location where NRC could meet with him to perform an inspection of his licensed activities. The letter was received back at the NRC Region III office on May 25, 1989 and was marked as unclaimed.

On June 19, 1989, the Region III Deputy Regional Administrator attempted to contact the licensee and a message was left with Dr. Khullar's secretary stressing the importance of a response from Dr. Khullar; however, the call was not returned. On July 3, 1989, the Region III Regional Administrator sent a letter with an enclosed Notice of Violation (Notice), citing the license for violations involving storage of material at an unauthorized location and failure to allow NRC inspectors access to NRC-required records.

That letter with enclosed Notice was sent Certified Mail to all known locations where Dr. Khullar has worked. The certified letter as well as the enclosed Notice required that Dr. Khullar respond within 30 days. Both the letter and the Notice stated that failure to respond to the Notice within 30 days could result in revocation of the license. The certified letter was accepted at one of the licensee's addresses; however, NRC has not received a response to the letter or the Notice as of the date of this Order.

## III

Dr. Khullar's failure to respond to the Notice of Violation and his apparent efforts to avoid his regulatory responsibilities raise substantial questions regarding Dr. Khullar's ability or willingness to comply with NRC requirements, and cannot and will not be tolerated. As a result of these actions on the part of the licensee, I lack the requisite reasonable assurance that the licensee's current operations can be

conducted under Byproduct Material License No. 21-24472-01 in accordance with the Commission's requirements and that the health and safety of the public will be protected. Consequently, the public health, safety, and interest require that Byproduct Material License No. 21-24472-01 be suspended, that the licensee be required to transfer all licensed material to an authorized recipient, and, thereafter, that the license be revoked. Furthermore, pursuant to 10 CFR 2.201(c) and 2.202(f), I find that no prior notice is required and that this Order is effective immediately.

## IV

In view of the above, pursuant to sections 81, 161b, 161c, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR parts 2, 30, and 35, *it is hereby ordered*, effective immediately, that:

- a. Byproduct Material License No. 21-24472-01 is suspended except for the activity set forth in Section IV.b. The licensee shall not receive any licensed material. The licensee shall cease and desist from any use of byproduct material in its possession and shall immediately place all such material in locked storage.
- b. Within 30 days of the date of this Order, the licensee shall cause all licensed material in its possession to be transferred to an authorized recipient in accordance with 10 CFR 30.41 and shall submit for NRC approval: (1) A completed form NRC-314 and (2) a radiation survey report prepared in accordance with 10 CFR 30.36 to confirm the absence of radioactive materials or to establish the levels of residual radioactive contamination. This information should be addressed to the Regional Administrator, NRC Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.
- c. Upon a written finding by the Regional Administrator, NRC Region III, that no licensed material remains in the licensee's possession, Byproduct Material License No. 21-24472-01 is revoked. The Regional Administrator, NRC Region III, may, in writing, relax or rescind any of these provisions for good cause shown.

## V

Pursuant to 10 CFR 2.202(b), the licensee may show cause why this Order, in whole or in part, should not have been issued by filing a written answer under oath or affirmation within 20 days of the date of issuance of this Order, setting forth the matters of fact



and law on which the licensee relies. The licensee may answer, as provided in 10 CFR 2.202(d), by consenting to the entry of this Order. If the licensee fails to file an answer within the specified time, consents to this order, or fails to request a hearing in accordance with section VI below, and in the absence of any other request for a hearing, this order shall be final without further proceedings.

#### VI

The licensee or any other person adversely affected by this Order may request a hearing on all or any aspects of this Order within 20 days of the date of this Order. Any answer to this Order or request for a hearing shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the Regional Administrator, Region III, U.S. Nuclear Regulatory Commission, 799 Roosevelt Road, Glen Ellyn, Illinois 60137. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d). An answer to this order or a request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of the hearing. If a hearing is held, the issue to be considered shall be whether this Order shall be sustained.

For the Nuclear Regulatory Commission,

James Lieberman,

Director, Office of Enforcement.

Dated at Rockville, Maryland, this 23rd day of August 1989.

[FR Doc. 89-20743 Filed 9-1-89; 8:45 am]

BILLING CODE 7590-01-M

#### OFFICE OF PERSONNEL MANAGEMENT

#### Establishment of the Director's Task Force on Pay Reform

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Notice.

**Establishment of a Task Force.** This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) and advises of the establishment of the Director's Task Force on Pay Reform. The Director of the Office of Personnel Management has determined that establishment of this Task Force is in the public interest.

**Designation.** Director's Task Force on Pay Reform.

**Purpose.** The purpose of the Task Force is to provide an opportunity for a wide spectrum of interested parties to have significant involvement in discussions on pay reform initiatives and to develop options to the current Federal pay system for the Director's consideration. Federal agencies, unions and management associations, public interest groups and private sector experts will be represented on the Task Force.

**FOR FURTHER INFORMATION CONTACT:** The Office of the Director, OPM, is the organization within the agency sponsoring this task force. For additional information, contact Mr. Vernon B. Parker, Counselor to the Director, OPM, on (202) 632-6101.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 89-20842 Filed 9-1-89; 8:45 am]

BILLING CODE 6325-01-M

#### Director's Task Force on Pay Reform

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Notice of meetings.

**SUMMARY:** According to provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the OPM Director's Task Force on Pay Reform will be held on:

#### DATES:

September 20, 1989, 11:00 a.m., Office of Personnel Management, Room 1350, 1900 E Street, NW., Washington, DC.

September 27, 1989, 10:00 a.m., Office of Personnel Management, Room 1350, 1900 E Street, NW., Washington, DC.

October 4, 1989, 10:00 a.m., Office of Personnel Management, Room 1350, 1900 E Street, NW., Washington, DC.

October 11, 1989, 10:00 a.m., Office of Personnel Management, Room 1350, 1900 E Street, NW., Washington, DC.

**Agenda:** The Task Force will consider various alternatives for reforming the Federal white collar pay system and

develop options for the Director's consideration.

**FOR FURTHER INFORMATION CONTACT:** Vernon B. Parker, Counselor to the Director, Room 5524, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415.

**SUPPLEMENTARY INFORMATION:** As time permits, an opportunity will be provided for members of the public in attendance at the meetings to provide their views.

Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 20841 Filed 9-1-89; 8:45 am]

BILLING CODE 6325-01-M

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-27185; File Nos. SR-NYSE-89-01; SR-MSE-89-05]

#### Self-Regulatory Organizations; New York Stock Exchange, Inc. and Midwest Stock Exchange, Inc.; Order Approving and Notice and Order Granting Accelerated Approval to Proposed Rule Changes

On February 24, 1989, the New York Stock Exchange, Inc. ("NYSE") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to establish specific written sales practice and suitability criteria and standards concerning uncovered short options transactions.<sup>3</sup>

The NYSE proposed rule change was noticed in Securities Exchange Act Release No. 26621 (March 9, 1989), 54 FR 10769 (March 15, 1989).<sup>4</sup> No comments

<sup>1</sup> 15 U.S.C. 78s(b)(1) (1982).

<sup>2</sup> 17 CFR 240.19b-4 (1986).

<sup>3</sup> On August 24, 1989, the NYSE amended its proposed rule change to modify the "Special Statement for Uncovered Option Writers" that is to be provided to uncovered options writers. See Letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Joseph Furey, Branch Chief, Division of Market Regulation, SEC, dated August 23, 1989. In addition, on July 13, 1989, the Midwest Stock Exchange ("MSE") submitted to the Commission a proposed rule change (File No. SR-MSE-89-05) substantially identical to the amended NYSE proposed rule change and to proposed rule changes by the other options exchanges which were recently approved by the Commission. See Securities Exchange Act Release No. 28952 (June 27, 1989), 54 FR 27258. Hereinafter, the terms "self-regulatory organizations" and "exchanges" refer to the NYSE and MSE.

<sup>4</sup> Because the MSE proposed rule change is substantially identical to the NYSE amended proposed rule change this order also serves as the notice and order granting accelerated approval to File No. SR-MSE-89-05.



were received on the proposed rule change.

The exchanges' proposed rule changes require that member and member organizations transacting business with the public in writing uncovered short options contracts develop, implement, and maintain specific written criteria and standards for approving customer accounts for uncovered short options transactions. The proposed rule changes also require that member and member organizations establish a minimum net equity requirement for approving and maintaining such customer accounts. If a customer does not meet the member or member organization's specific criteria/standards, the customer's account may be approved for uncovered short options transactions only by the member or member organization's Senior Registered Options Principal or Compliance Registered Options Principal. The reasons for approving any such account must be recorded and the records maintained by the member or member organization. The exchanges' proposed rule changes further require that the member or member organization develop, implement, and maintain specific written procedures concerning the member or member organization's supervisory review of customer accounts which have established uncovered short options positions. In addition, the exchanges' proposed rule changes require that members and member organizations furnish to customers a written description of the risks involved in uncovered short options transactions, at or prior to the customers' initial uncovered short options transaction.<sup>5</sup> This written disclosure document must be furnished to customers in addition to the Options Disclosure Document required to be provided to customers trading in options pursuant to existing rules of the exchanges.<sup>6</sup>

The exchanges state that the proposed rule changes are designed to increase customer awareness of the risks entailed in writing uncovered options contracts and to intensify member and member organization supervision of customer accounts engaged in writing uncovered options contracts.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6 and the rules

and regulations thereunder.<sup>7</sup> Specifically, the Commission believes that the exchanges' development and implementation of specific written procedures governing: (1) The suitability of customers for writing uncovered short options transactions; (2) the approval of accounts engaged in such uncovered writing; and (3) the establishment of specific minimum net equity requirements for initial approval and maintenance of customer accounts will protect investors by ensuring that only those investors suitable for writing uncovered options will be approved to do so. In particular, the proposed rule change is designed to ensure that only those investors who possess the financial resources, investment background and objectives, and suitable risk tolerance will be approved for writing uncovered options.

In addition, the Commission believes that the distribution to customers of a short succinct written statement that describes the risks associated with uncovered options writing, at or prior to the customers' initial uncovered short options transaction, will help ensure investor protection because it will increase customer awareness of the potential for significant losses in writing uncovered short options contracts. In this regard, the Commission notes that since disclosure is an important component of investor protection under the federal securities laws, providing investors with a special uncovered short options risk statement may help ameliorate problems associated with uncovered short options transactions (e.g., significant margin calls), especially during volatile markets such as those experienced in October 1987.<sup>8</sup>

The Commission finds good cause for approving the MSE proposed rule change prior to the thirtieth day after the date of publication in the *Federal Register* because the MSE proposed rule change is substantially identical to the amended NYSE proposed rule change. In addition, the Commission recently approved substantially identical proposed rule changes submitted by the other options exchanges.<sup>9</sup> Moreover, the MSE rule change is part of an agreement among the options exchanges to adopt new uniform sales practice standards for short uncovered options writing.

Interested persons are invited to submit written data, views and arguments concerning the foregoing.

<sup>7</sup> 15 U.S.C. 78f (1982).

<sup>8</sup> See Division of Market Regulation, "The October 1987 Market Break" (February 1988) at 12-15 through 12-18.

<sup>9</sup> See Securities Exchange Act Release No. 26952 (June 21, 1989), 54 FR 27256.

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 submissions, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filings also will be available for inspection and copying at the respective principal offices of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers in the caption above and should be submitted by September 26, 1989.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,<sup>10</sup> that the proposed rule changes (SR-NYSE-89-01) and SR-MSE-89-05) be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

Dated: August 25, 1989.

Shirley E. Hollis,  
Assistant Secretary.

#### Exhibit A—Rule 726 Risk Description

##### Special Statement for Uncovered Option Writers

There are special risks associated with uncovered option writing which expose the investor to potentially significant loss. Therefore, this type of strategy may not be suitable for all customers approved for options transactions.

1. The potential loss of uncovered call writing is unlimited. The writer of an uncovered call is in an extremely risky position, and may incur large losses if the value of the underlying instrument increases above the exercise price.

2. As with writing uncovered calls, the risk of writing uncovered put options is substantial. The writer of an uncovered put option bears a risk of loss if the value of the underlying instrument declines below the exercise price. Such loss could be substantial if there is a significant decline in the value of the underlying instrument.

3. Uncovered option writing is thus suitable only for the knowledgeable investor who understands the risks, has the financial capacity and willingness to incur potentially substantial large losses, and has sufficient

<sup>10</sup> 15 U.S.C. 78s(b)(s) (1982).

<sup>11</sup> 17 CFR 200.20-3(a)(12) (1988).

<sup>5</sup> See Exhibit A.

<sup>6</sup> See, e.g., NYSE Rule 726(a).



liquid assets to meet applicable margin requirements. In this regard, if the value of the underlying instrument moves against an uncovered writer's options position, the investor's broker may request significant additional margin payments. If an investor does not make such margin payments, the broker may liquidate stock or options positions in the investors account with little or no prior notice in accordance with the investor's margin agreement.

4. For combination writing, where the investor writes both a put and a call on the same underlying instrument, the potential risk is unlimited.

5. If a secondary market in options were to become unavailable, investors could not engage in closing transactions, and an option writer would remain obligated until expiration or assignment.

6. The writer of an American-style option is subject to being assigned an exercise at any time after he has written the option until the option expires. By contrast, the writer of a European-style option is subject to exercise assignment only during the exercise period.

**Note:** It is expected that you will read the booklet entitled "Characteristics and Risks of Standardized Options" available from your broker. In particular your attention is directed to the chapter entitled Risks of Buying and Writing Options. This statement is not intended to enumerate all of the risks entailed in writing uncovered options.

[FR Doc. 89-20744 Filed 9-1-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27187; File No. SR-MSE-89-11]

### Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of a Proposed Rule Change Relating to the Arbitration Process and the Use of Predispute Arbitration Clauses

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 December 23, 1988, the Midwest Stock Exchange, Inc. ("Exchange" or "MSE") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule changes as described in Items I and II below, which Items have been prepared by the self-regulatory organization ("SRO"). Amendment No. 1, submitted on August 14, 1989, proposed additional changes to the Exchange's rules. The MSE has requested accelerated approval of this proposal because the filing is substantially identical to rule filings of the New York Stock Exchange ("NYSE"), National Association of Securities Dealers ("NASD"), and American Stock Exchange ("AMEX") that were approved by the Commission

on May 10, 1989,<sup>1</sup> and by the Chicago Board Options Exchange ("CBOE") approved on August 2, 1989.<sup>2</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule changes would amend the Exchange's rules for administering arbitration proceedings and address many issues regarding the fairness and efficiency of the arbitration process administered by the Exchange, as well as institute new requirements applicable to the use by Exchange members of predispute arbitration clauses in agreements with customers.

The MSE developed these proposed rule changes through the auspices of the Securities Industry Conference on Arbitration ("SICA"). The SROs have worked together over the past twelve years to develop uniform arbitration rules through SICA, which is comprised of a representative from each SRO that administers an arbitration program,<sup>3</sup> a representative of the securities industry, and four representatives of the public.

On September 10, 1987, after a review of securities industry-sponsored arbitration, the Commission sent to SICA a letter that set out its views regarding the need for changes to the Uniform Code of Arbitration ("Uniform Code").<sup>4</sup> The Commission also sent letters to the SROs on July 8, 1988 requesting that the SROs review the issues raised by the current use of mandatory predispute arbitration agreements by their member firms.<sup>5</sup> Since September 1987, SICA and its subcommittees have met regularly to develop proposals in response to the Commission's letters.

The majority of the proposals to amend the MSE's rules were based on changes in the Uniform Code made by SICA largely in response to the September 1987 and July 1988

Commission letters.<sup>6</sup> The other proposals included in this order were developed to meet concerns that have arisen through the administration of the arbitration programs.

Substantially identical rule filings submitted by the NYSE, AMEX and NASD were approved by the Commission on May 10, 1989. The comparable rule filing of the CBOE was approved on August 2, 1989. In its May 10, 1989 Order, the Commission addressed fully the significant public dialogue and comment that preceded its action. This notice and order granting accelerated approval of the proposed rule change is consistent with the substance of the May 10, 1989 Order, and the discussion set out in that order is fully applicable to the MSE rules approved herein.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule changes is available at the Office of the Secretary, MSE, and at the Commission's Public Reference Section.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### (1) Purpose.

(a) *Service of Pleadings.* The MSE proposes to modify the procedures for service of pleadings. Currently, the arbitration department of the MSE serves all pleadings on the parties. As cases have increased, using the arbitration department as an intermediary for the service of pleadings has added unnecessarily to delays in processing cases and to the cost of

<sup>1</sup> Securities Exchange Act Release No. 26905 (May 10, 1989), 54 FR 21144 (May 16, 1989) (approving Files No. SR-NYSE-88-08, SR-NYSE-88-29, SR-NASD-88-29, SR-NASD-88-51, SR-NASD-89-19, and SR-AMEX-88-29) ("May 10, 1989 Order").

<sup>2</sup> Securities Exchange Act Release No. 27093 (August 2, 1989), 54 FR 32731 (August 9, 1989).

<sup>3</sup> The SROs that administer an arbitration program are the MSE, NYSE, NASD, AMEX, CBOE, Municipal Securities Rulemaking Board, Pacific Stock Exchange, Boston Stock Exchange, Cincinnati Stock Exchange and Philadelphia Stock Exchange.

<sup>4</sup> See letter from Richard G. Ketchum, Director, Division of Market Regulation, SEC, to James E. Buck, Senior Vice President, NYSE, dated September 10, 1987. This letter was also addressed separately to each of the other members of SICA.

<sup>5</sup> See letter from David S. Ruder, Chairman, SEC, to John J. Phelan, Jr., Chairman, NYSE dated July 8, 1988. This letter was also addressed to the senior executive officers of all other SROs that administer arbitration facilities.

<sup>6</sup> The Exchange's rules developed in response to the Commission's letters are MSE sections 8, 9, 11, 14, 21, 26, 30, 32(b) and 34.



operating the arbitration system. The MSE proposes to serve only the initial pleading in a case, the "claim," and to require that parties serve all subsequent pleadings directly upon one another. This approach is intended to save administrative time and costs while continuing to ensure that respondents receive adequate notice of the institution of arbitration proceedings.

Under amended MSE section 13, parties also will be required to supply the department of arbitration with sufficient additional copies of the pleadings for the arbitration department staff and each of the arbitrators. Additionally, the proposal specifies that service by first-class postage prepaid or by overnight mail service is considered to be made on the date of mailing and service by other means is considered to be made on the date of delivery.

This proposed rule change would apply both to arbitration proceedings conducted pursuant to the simplified procedures for small claims under MSE section 13 and regular cases initiated pursuant to MSE section 13.

Additionally, amended MSE section 13 provides that where both an MSE member firm and a person associated with the member firm are named parties to an arbitration proceeding, service on the associated person may be made either on the associated person, or on the member firm, which would then have the obligation to perfect service on the associated person. Proposed section 13 also provides that if the firm does not undertake to represent the associated person, the member firm must serve the associated person, advise all parties and the director of arbitration that the firm is not representing the associated person, and must provide the associated person's current address.

(b) *Classification of Arbitrators.* The arbitration panels at the SROs for cases involving public customers have historically been composed of a majority of "public arbitrators" and a minority of "industry arbitrators". However, there have not been clear requirements or specifications for who may serve as a public arbitrator. Under the Exchange's proposal, amended MSE section 8 would specify who may not serve as a public arbitrator and who may serve as an industry arbitrator.

The MSE's proposal addresses the potential for real or apparent bias on the part of public arbitrators who may have some professional or personal association with the securities industry. MSE section 8 defines as an industry arbitrator one who is associated with a member of an SRO, broker, dealer, government securities broker, government securities dealer, municipal

securities dealer, or registered investment adviser. MSE Section 8 also deals with the appropriate role in the arbitration system of professionals such as attorneys or accountants who provide services to securities industry clients. The rule would classify as industry arbitrators, rather than public arbitrators, attorneys, accountants and other professionals who devoted twenty percent or more of their professional work effort to securities industry clients within the last two years. In addition, the rule excludes from service as a public or industry arbitrator persons who are spouses or other members of the household of a person associated with a registered broker-dealer, municipal securities dealer, government securities dealer or investment adviser.

MSE Section 8 permits an individual who had been associated with the securities industry to become a public arbitrator after three years, if the individual has gone on to other work and is not retired from the securities industry. Also, under the rule, industry retirees will no longer be permitted to serve as public arbitrators, although they may continue to serve as industry arbitrators. The MSE is also proposing disclosure provisions designed to assist parties in assuring that the panel assigned to each case is appropriately balanced. Under proposed MSE section 9, the employment histories of the arbitrators for the past ten years as well as the information provided by arbitrators pursuant to separate disclosure obligations contained in proposed MSE section 11 will be disclosed.<sup>7</sup>

The amendments regarding the classification of arbitrators are designed to promote impartial and knowledgeable decisions in the arbitration of disputes between investors and broker-dealers. The reclassification of securities industry retirees to the industry arbitrator pool and the establishment of a three year period before a former securities industry employee may serve as a public arbitrator should relieve most doubts that investors may have had regarding the impartiality of the public arbitrator pool. Similarly, the judgment to exclude from the public arbitrator pool lawyers, accountants and other professionals who regularly service the securities industry makes clearer the distinctions between the two arbitrator pools.

(c) *Arbitrator Disclosure and Background Information to be Supplied*

<sup>7</sup> The disclosure rules are proposed rule changes discussed in subsection (c) of this notice. The rules would require arbitrators to make extensive disclosures to the parties.

to the Parties. The MSE is also proposing changes to its rules dealing with disclosures to be made by arbitrators, and with supplying arbitrator disclosures to the parties. Under the current rules, parties have been provided only with the names and current business affiliations of the arbitrators proposed for their cases. The Exchange's proposed rule change would provide the necessary guidance to arbitrators about the types of relationships that may create conflicts of interest. Moreover, parties have had to request specifically any other information from the arbitration departments within very short time frames. The Exchange's proposed rule change would provide to the parties all of the information disclosed by arbitrators pursuant to the amended disclosure rules at the time when the parties are first given the arbitrators' names. This change would provide full disclosure of arbitrators' backgrounds to parties at the earliest possible stage in the process, and should therefore avoid unnecessary postponements of hearings and promote knowledgeable use of challenges.

Accordingly, proposed MSE section 11(a) establishes specific disclosure obligations of arbitrators. The rule requires that arbitrators disclose any existing or past financial, business, professional, family or social relationships that are likely to affect impartiality or might reasonably create an appearance of partiality or bias. These disclosures extend to any relationships the arbitrators may have with any party, or its counsel, or with any individual whom they have been advised will be a witness. The rule also requires arbitrators to disclose any such relationship involving members of their families or their current employers, partners or business associates.

MSE section 11(b) admonishes prospective arbitrators to make a reasonable effort to inform themselves of any interests or relationships described in subsection (a). MSE section 11(c) advises arbitrators that the duty to disclose under subsection (a) of the rule is an ongoing duty, and that any person who serves as an arbitrator must disclose at any stage of the arbitration proceeding any such interests, relationships, or circumstances that arise, or that are recalled or discovered. Also, under section 11(d), the MSE has clarified that prior to the first session, the director of arbitration may remove an arbitrator based on information disclosed pursuant to the rule. Parties are to be informed of any information



disclosed pursuant to the rule, if the arbitrator has not been removed.<sup>8</sup>

As discussed above, MSE Section 9 provides that parties will be informed of the names and business affiliations of the arbitrators for the past ten years, as well as any information disclosed pursuant to MSE section 11 at least eight days prior to the date fixed for the initial hearing session. Under MSE section 9, parties may also make further inquiry through the department of arbitration concerning the arbitrators' background.

(d) *Appointment of Replacement Arbitrators on a Panel.* The MSE is also proposing two changes with respect to its ability to appoint a replacement arbitrator on a panel when a vacancy occurs. The first of these changes concerns the ability of the director of arbitration to replace an arbitrator who becomes unavailable to serve less than eight days prior to the first hearing session. Under the proposed amendment, if after appointment and prior to the first hearing session an arbitrator resigns, dies, withdraws, is disqualified or otherwise unable to perform as an arbitrator, MSE section 9 authorizes the director of arbitration to appoint a replacement arbitrator. The rule permits the appointment of replacement arbitrators closer than eight days to the hearing. The rule also explicitly provides that parties are entitled to receive the same disclosure regarding the background of the replacement arbitrator as they received for the initial arbitrator(s), and have the same right to request more information, and to challenge the arbitrator as provided in the rules, although within a shorter time frame.

The second change concerning the ability to appoint replacement arbitrators addresses situations where an arbitrator resigns, dies, withdraws, is disqualified or otherwise unable to perform as an arbitrator after the commencement of the first hearing session. Under the MSE's existing rules, if a vacancy occurs after the hearings have begun, both parties must consent either to the appointment of a replacement arbitrator to hear the rest of the case, or to continuing with the

remaining arbitrator(s). Otherwise, if that consent cannot be obtained, the case must be reheard from the beginning with a full panel.

The proposed amendment to MSE section 12 permits the remaining arbitrators to continue with the hearing and determination of the controversy. However, under the proposal, if a party objects, a replacement arbitrator would be appointed by the director of arbitration under the same procedures as for the replacement of an arbitrator prior to the first hearing. The rule is designed to permit parties in particular cases to make the decision that makes the most sense for their case. For example, in cases where only peripheral issues have been dealt with and relatively little progress has been made, it may make sense for parties to request a replacement arbitrator. Conversely, where the hearings have progressed significantly, or are in fact substantially completed, it would make less sense for parties to request a replacement arbitrator, who then would have to learn all that had occurred in his absence.

In the event that parties do request a replacement arbitrator, it is clear that the arbitrators have the authority to require the rehearing of part or all of the case, or to withdraw from the case, effectively requiring the appointment of another panel, as is appropriate in their judgment. With this rule change, however, a party may no longer delay the resolution of the dispute by insisting on a rehearing whenever an arbitrator unexpectedly is unable to continue in his hearing of a case.

(e) *Availability of Small Claims Procedures and the Number of Arbitrators Required to Hear a Claim.* The MSE proposes to amend section 2(a) to increase to \$10,000 from \$5,000 the monetary claim limit for cases to be heard under the simplified procedures developed in the Uniform Code. Under these expedited procedures, a single arbitrator decides a case based upon the papers submitted by the parties. No oral hearing is held unless requested by the investor, or ordered by the arbitrator. This change is designed to decrease the cost of arbitration.<sup>9</sup>

MSE section 8(a) would change the number of arbitrators generally used for large cases from five to three. The rule currently provides for the appointment of five arbitrators in cases brought by public customers in which the claim exceeds \$500,000. In order to alleviate administrative delays and costs frequently encountered in such cases,

the proposed rule would eliminate the requirement of five-member panels, allowing the director of arbitration to exercise discretion in appointing panels of no fewer than three and no more than five arbitrators in cases not heard under the MSE's simplified arbitration procedures.

The MSE also proposed a technical amendment, in MSE section 2(f), regarding the single arbitrators used in cases administered under the simplified procedures. The amendment codifies the existing practice of appointing a public arbitrator as the single arbitrator in the case.

(f) *Discovery.* The MSE is proposing significant changes to its arbitration discovery rules, which should assist in the early resolution of discovery disputes and encourage the efficient resolution of cases on their merits. Under current Exchange rules, parties have been expected to exchange documents informally and voluntarily. Parties may also request documents pursuant to subpoena under the existing rules, but these do not have to be produced until the day of the hearing.

The MSE's proposed discovery rule expands party access to prehearing discovery and provides specific time frames for parties to request information from parties and for responding to such an information request. The rule also establishes a mechanism for prehearing conferences and for arbitrator involvement in prehearing matters where needed. Under the MSE's proposed rule change, arbitrators may also order depositions when appropriate.

Proposed MSE section 14(a) continues the policy established under existing rules for parties to cooperate to the fullest extent possible in the voluntary exchange of documents and information. In the event that voluntary exchanges are not sufficient, the rule establishes a clear framework for document production and information requests.

Proposed MSE section 14(b) provides that a party may serve a written request for information or documents twenty days after service of the claim or upon the filing of the answer, whichever is earlier. All parties are to receive copies of the request, and parties are required to endeavor to work out disputes regarding the request between themselves before an objection to the request is filed. Unless the requesting party allows more time, information requests must either be satisfied or objected to within thirty calendar days from the date of service. The party who made an information request has ten

<sup>8</sup> Once the arbitration panel is sworn, it controls all of the procedural aspects of the hearing. Accordingly, under the Uniform Code and the MSE's Uniform Arbitration Code, the director of arbitration may not remove an arbitrator after the hearings have begun. An arbitrator should be alert to the guidelines set out in the American Bar Association/American Arbitration Association Code of Ethics for Arbitrators in Commercial Disputes ("ABA/AAA Code") and the applicable law with respect to arbitrator bias, and remove himself from the panel when conflicts arise after hearings have begun. See Canon II, E.(2) of the ABA/AAA Code.

<sup>9</sup> MSE section 2(c) would establish a filing fee of \$200 in cases where the amount in controversy is more than \$5,000 but does not exceed \$10,000.



days from receipt of the objection to respond to the objection.

Under the proposal, a party whose information request has not been satisfied may request in writing that the director of arbitration refer the matter to a prehearing conference. Parties may also find that there are other matters in addition to unresolved information requests that require the assistance of a prehearing conference. MSE section 14(d) provides that the director of arbitration may appoint someone to preside over the prehearing conference. The prehearing conferences could be held either in person or by telephone conference call, and are designed to help the parties to reach agreement on such matters as the exchange of information, exchange or production of documents, identification of witnesses, identification and exchange of hearing documents, stipulations of fact, identification and briefing of contested issues, and any other matter which will expedite the arbitration proceedings.

When a prehearing conference is unable to resolve any of these issues, MSE section 14(e) provides for the director of arbitration to appoint a single arbitrator to decide the issues outstanding. The rules allows the arbitrator to issue subpoenas, direct appearances of witnesses, direct the production of documents and depositions, and set deadlines and issue any other ruling which will expedite the hearing and permit any party to develop fully its case. MSE section 14(e) provides that the single arbitrator appointed to decide prehearing matters would be a public arbitrator in those cases where public customers have requested a majority of public arbitrators for their panel.

Other amendments to the prehearing provisions require parties to serve on one another at least ten days prior to the first hearing copies of documents in their possession that they intend to present at the hearing and identify witnesses they intend to present at the hearing. Under proposed MSE section 14(c), arbitrators may exclude from the arbitration, documents not exchanged or witnesses not identified at that time. The provision does not extend to documents or witnesses that parties may use for cross-examination or rebuttal. In addition, the MSE is proposing to amend its rules regarding subpoenas. In MSE section 21, the Exchange proposes to require parties to serve copies of all subpoenas on all parties.

(g) *Preservation of a Record.* The MSE is amending its arbitration rules to assure that records of arbitration proceedings are made and preserved.

These records are necessary for courts to use in conjunction with any review of the proceedings they may make. MSE section 26 would codify a requirement that a verbatim record by stenographic reporter or tape recording be maintained. The rule further provides that, if a party to a proceeding elects to have the record transcribed, the cost of such transcription shall be born by that party unless the arbitrator(s) direct otherwise. If a record is transcribed at the request of a party, the rule requires that a copy shall be provided to the arbitrators.

(h) *Content and Public Availability of Arbitration Awards.* The MSE's proposed rule for arbitration awards expands both the content and public availability of arbitration awards. Prior to the Commission's May 10, 1989 approval of the amended arbitration rules of the Amex, NASD and NYSE, and prior to the submission of the proposal made in this filing, the only information generally available to the public regarding SRO arbitration cases was the percentage of investors that received some portion of the amount they claimed against their broker-dealer. No data had been previously available with respect to particular arbitrators' awards. The MSE's proposal affords substantially more public access to the results of this process of dispute resolution.

Proposed MSE section 30(e) provides that awards shall contain the names of the parties, a summary of the issues in controversy, the damages and/or other relief requested, the damages and/or other relief awarded, a statement of any other issues resolved, the dates the claim was filed and the award rendered, the number and dates of hearing sessions, the location of the hearing(s), the names of the arbitrators and the signatures of the arbitrators concurring in the award. The awards, including any written opinion voluntarily prepared by the arbitrators, are to be made public, except that the names of customer parties to the arbitration will be excluded pursuant to proposed MSE section 30(f) if the customer parties request in writing that their names not be included on the public version of the award.

(i) *Arbitration Fees.* Under proposed MSE section 32, the fees that may be assessed by the arbitrators for particular cases have been significantly increased in order to defray the MSE's costs of administering its arbitration program.<sup>10</sup>

<sup>10</sup> The MSE has advised the Commission that its costs for administering its arbitration program for the years 1987 and 1988 were \$10,000 and \$15,000, respectively.

For example, MSE section 32(a) proposes that all parties who file claims, such as counterclaims, cross-claims and third party claims, now should be required to pay deposits. Under the existing rules, deposits are required only of original claimants. This significantly increases the potential fees that may be recovered by the Exchange and assessed against a party since arbitrators may assess costs against a single party. Proposed MSE section 32(d) would raise to \$200 from \$100 the minimum deposit for cases where no money damages are claimed. Proposed MSE section 32(h) sets a fee for prehearing sessions with an arbitrator of seventy-five percent of hearing session fees.

Proposed MSE section 32(c) also clarifies that arbitrators may assess the costs of conducting a hearing against the parties as they deem appropriate. These costs include not only the fees for each session, but all other costs of conducting the hearing contemplated under the rules, such as the costs of transcribing a record, or producing witnesses or documents, and any other cost contemplated by the agreement between the parties or permitted by applicable law.

Finally, the MSE is proposing to codify its definition of a "hearing session". Under proposed MSE section 32(b), a "hearing session" would be a meeting between the parties and arbitrators that lasts less than four hours.

(j) *Predispute Arbitration Clauses.* The MSE also proposes two rule changes designed through the auspices of SICA to improve disclosure to customers in account opening agreements and to restrict the content of the arbitration clauses. Under the proposed rule change, MSE Section 34 would require broker-dealers that employ predispute arbitration clauses to place immediately before the clause introductory language that would inform customers that they are waiving their right to seek remedies in court, that arbitration is final, that discovery is generally more limited than in court proceedings, that the award is not required to contain factual findings and legal reasoning, and that the arbitration panel typically will include a minority of arbitrators associated with the securities industry.

Proposed MSE section 34 would require that the disclosure language be highlighted four ways. First, large or otherwise distinguishable type must be used. Second, the disclosure language must be set out in outline form so as to be noticeable to readers. Third, a



statement, also highlighted, that provides that the agreement contains a predispute arbitration clause, and where that clause is located in the contract, must be inserted into the agreement immediately preceding the signature line. Fourth, a copy of the agreement containing a predispute arbitration clause must be given to the customer, who is to acknowledge receipt of the agreement, either in the agreement itself or in a separate document.

Additionally, proposed MSE section 34 prohibits SRO members from having agreements with customers that limit or contradict the rules of any SRO, or limit the ability of a party to file any claim in arbitration or limit the ability of the arbitrators to make any award.

#### (2) Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) and the Act, 15 U.S.C. 78f(b), which requires that national securities exchanges have rules designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, provide for an equitable allocation of fees, and, in general, protect investors and the public interest.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

This proposed rule change will not impose a burden on competition.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others*

Comments were neither solicited nor received.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Commission finds that there is good cause to approve the MSE's proposed rule change prior to the thirtieth day after the date of publication of notice of filing in the *Federal Register*.<sup>11</sup> The proposal is substantially identical to the NYSE, NASD and Amex rule filings that were the subject of the Commission's May 10, 1989 approval order.<sup>12</sup> The NYSE's,

<sup>11</sup> The proposed rule changes to MSE sections 8, 9, 11, 12, 14, 21, 22, 26 and 30 are effective October 1, 1989. The proposed rule changes to MSE sections 2, 12 and 32 are effective only for cases filed with the MSE after October 1, 1989. The proposed rule change to MSE section 34 will become effective September 7, 1989.

<sup>12</sup> See note 1, *supra*. The proposal is also substantially identical to the CBOE rule filing. See note 2, *supra*.

NASD's and AMEX's versions of the same rules were published for public comment in the *Federal Register*, providing both the public and broker-dealer community with ample opportunity to comment on the proposed rule change that is the subject of this release. All public comments directed at the other SROs' arbitration filings were considered in the context of the review undertaken for the Commission's May 10, 1989 approval order. In light of the Commission's thorough consideration of all comments directed at the SRO arbitration filings that were the subject of the Commission's May 10, 1989 approval order, the substantially identical nature of the MSE's arbitration proposal, and the benefits that will accrue to investors from the availability of these improved arbitration procedures, the Commission believes that a good cause finding is justified.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of sections 6(b)(4) and (5) of the Act,<sup>13</sup> which require that national securities exchanges and registered securities associations have rules designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, provide for an equitable allocation of fees, and, in general, protect investors and the public interest.

The Commission believes that the proposed rules appropriately balance the need to strengthen investor confidence in the arbitration systems at the SROs, both by improving the procedures for administering the arbitrations and by creating clear obligations regarding the use by SRO members of predispute arbitration clauses, with the need to maintain arbitration as a form of dispute resolution that provides for equitable and efficient administration of justice. In particular, the rule changes affecting the classification of arbitrators, arbitrator disclosure, discovery, the preservation of a record, the form and public availability of awards, and guidelines for the use of predispute arbitration clauses dynamically advance the public interest in SRO arbitration.<sup>14</sup> Likewise,

<sup>13</sup> 15 U.S.C. 78f(b) (4) and (5).

<sup>14</sup> The Commission's approval of MSE Rule 34, and the comparable rules of the NYSE, NASD and AMEX, is consistent with the conclusion of the Court of Appeals for the Sixth Circuit in *Roney v. Goren*, No 88-1874 (May 26, 1989), that the Commission has the authority to assure customer choice among SRO arbitration forums.

the SROs' initiatives with respect to the handling of pleadings, appointment of replacement arbitrators, the use of small claims procedures, and the number of arbitrators should improve the efficiency and speed of arbitration, maintaining those bargained for qualities of traditional arbitration. Because these rules will aid in the just resolution of disputes between investors and broker-dealers, we conclude that these rules are designed to prevent fraudulent and manipulative practices, promote just and equitable principles of trade and in general, protect investors and the public interest consistent with section 6(b)(5) of the Act. The fee increases represented by these changes appear to be reasonable and provide for an equitable allocation of fees among SRO members and investors using the arbitration facilities consistent with section 6(b)(4) of the Act.

#### **IV. Solicitation of Comments and Conclusion**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington DC 20549. Copies of the submission, all subsequent amendments, all written statements addressing the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with 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 the filings and comment letters will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should prefer to the file number in the caption above and should be submitted by September 26, 1989.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,<sup>15</sup> that the above mentioned proposed rule changes be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>16</sup>

<sup>15</sup> 15 U.S.C. 78s(b)(2) (1982).

<sup>16</sup> 17 CFR 200.30-3(a)(12) (1989).



Dated: August 25, 1989.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 89-20745 Filed 9-1-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24945]

### Filings Under the Public Utility Holding Company Act of 1935 ("Act")

August 25, 1989.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by September 18, 1989 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

#### Louisiana Power and Light Company (70-7653)

Louisiana Power and Light Company ("LP&L"), 317 Baronne Street, New Orleans, Louisiana 70112, a wholly owned subsidiary of Energy Corporation, formerly known as Middle South Utilities, Inc., a registered holding company, has filed a further amendment to its previously amended application-declaration pursuant to sections 6(a), 7, 9(a), 10 and 12(d) of the Act and Rules 44 and 50(a)(5) thereunder.

On June 29, 1989, the Commission issued a notice (HCAR No. 24911) ("June Notice") of a proposal by LP&L to sell and leaseback approximately 20% of its 100% undivided ownership ("Undivided Interest") in Unit 3 of the Waterford

Steam Electric Generating Station ("Waterford 3") for a fair market value expected not to exceed \$515 million. The June Notice indicated that LP&L proposes to enter into one or more Participation Agreements providing for the sale of its Undivided Interest to a trustee ("Owner Trustee/Lessor") acting on behalf of an equity investor or investors ("Owner Participant"). Additionally the June Notice indicated that LP&L proposed to cause a letter of credit to be issued which the Owner Participants would be entitled to draw on under certain circumstances.

LP&L now proposes to sell and leaseback to up to three undivided interests totaling approximately 14% of its ownership interest in Waterford 3, having an aggregate appraised value expected not to exceed approximately \$360 million.

LP&L now proposes that no letter of credit will be required for the first five years of the Lease. During the period of time that a letter of credit is not provided, however, the Owner Participant would be entitled to withdraw from the lease upon the occurrence of certain adverse financial events ("Financial Events") with respect to LP&L and to receive payment from LP&L of amounts (casualty value or special casualty value, as the case may be) equivalent to amounts that would have been provided through a letter of credit.

LP&L now states that in order to fulfill its obligation to pay the Owner Trustee/Lessor (or the Owner Participant) an amount sufficient to permit the Owner Participant to withdraw from the Lease upon the occurrence of a loss event ("Loss Event"), a Financial Event or a Lease event of default (in each case as specified in the Lease and related documents), it proposes to execute and deliver to the Owner Participant one or more promissory notes ("Notes"). The Notes will have stated maturity coincident with the end of the basic term of the Lease, and will have an aggregate principal amount equal to the equity portion of the maximum Casualty Value or the maximum Special Casualty Value (whichever is higher). LP&L estimates that the initial principal amount of the Notes will be approximately \$200 million. The Notes will bear interest at a rate not to exceed 2% over the higher of (1) the prime rate of interest of a bank to be designated or (2) the highest rate payable with respect to the long-term secured lease obligation bonds issued with respect to the portion of the cost to be borrowed.

The Notes may be payable during the basic term of the lease but they will not become payable, and interest will not

accure, until the occurrence of Loss Events, Financial Events or Lease events of default. All payments by LP&L of the principal of and/or interest on any overdue principal of the Notes will be credited against LP&L's obligation under the Lease of other transaction documents to pay the equity portion of Casualty Value or Special Casualty Value, as the case may be.

Upon (1) expiration of the basis term of the Lease, and assuming no amount of such Casualty Value or Special Casualty Value or any accrued interest thereon is due any payable, or (2) payment in full of the principal amount of and any accrued interest on the Notes, or (3) the timely furnishing by LP&L to the Owner Participant of a letter of credit as generally described in the June Notice, the Notes will be returned by the Owner Participant to LP&L for retirement and cancellation. If LP&L elects to renew and extend the Lease beyond the basis term of the Lease, LP&L must issue to the Owner Participant new promissory notes ("Renewal Notes") having the same terms as the retired Notes and a stated maturity coincident with the expiration of the related renewal term.

The Notes and Renewal Notes will be nontransferable except to a permitted successor Owner Participant. Prior to such time (if any) as the Notes or any Renewal Notes are collateralized with Collateral Bonds (as defined below), the Notes or any Renewal Notes will be secured by a security interest in LP&L's right, title and interest (including its leasehold interest) in and to the Undivided Interest.

By the beginning of the sixth year of the Lease, LP&L will be obligated to provide the Owner Participant with financial support as security for such payment in the form of either (1) a letter of credit (as described in the June Notice), or (2) collateral first mortgage bonds ("Collateral Bonds") issued by the LP&L under its Mortgage and Deed of Trust dated as of April 1, 1944, as supplemented ("Mortgage"). If LP&L chooses to issue Collateral Bonds then the Notes will remain outstanding whereas if LP&L chooses to issue a letter of credit, then the Notes will be returned and cancelled.

The Collateral Bonds issued by LP&L would have an aggregate stated principal amount and a stated maturity date equal to the principal amount and maturity date of the Notes. The Collateral Bonds would be issued as a separate series of bonds under LP&L's Mortgage so that there would be a separate series of Bonds for each Owner Participant.



The Bonds will serve to collateralize LP&L's payment obligations on the Notes. In the event that any principal amount of the Notes became due and payable (by virtue of a Loss event, a Financial Event or a Lease event of default), LP&L would be required to redeem Collateral Bonds having an aggregate principal amount equal to the principal amount of the Notes then due.

No payment obligation on the Collateral Bonds would arise (whether for principal or interest), unless and until an obligation to make payment of principal on the Notes arose. Upon (1) expiration of the basic term of the Lease, and assuming no amount of principal of the Notes were due and payable, or (2) payment by LP&L in full of the principal of and accrued interest (if any) on the Collateral Bonds, the Collateral Bonds would be required to be returned by the Owner Participant to LP&L for retirement and cancellation. If LP&L elects to extend and renew the Lease beyond the basic term under circumstances where Collateral Bonds were previously issued and delivered to the Owner Participant, LP&L would issue to the Owner Participant new collateral first mortgage bonds of a new series ("Renewal Collateral Bonds") in an aggregate principal amount equal to the principal amount of the Renewal Notes described above. Such renewal Collateral Bonds would have the same terms as the retired Collateral Bonds and a stated maturity coincident with the maturity of the related Renewal Notes. The Collateral Bonds and any Renewal Collateral Bonds would be nontransferable except to a permitted successor Owner Participant to whom the Notes or any Renewal Notes were transferred.

In the amendment, LP&L has requested an exception from the competitive bidding requirements of Rule 50 of the Act pursuant to Rule 50(a)(5) in order to negotiate and privately place the Notes and Collateral Bonds. It may do so.

#### System Fuels, Inc., et al. (70-7668)

System Fuels, Inc. ("SFI"), 639 Loyola Avenue, New Orleans, Louisiana 70113, a fuel procurement subsidiary company of Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174, Arkansas Power & Light Company, 425 West Capitol, 40th Floor, Little Rock, Arkansas 72201, and System Energy Resources, Inc., Echelon One, 1340 Echelon Parkway, Jackson, Mississippi 39213, (collectively "Operating Companies"), each an electric public-utility subsidiary company of Entergy Corporation ("Entergy"), a registered holding

company, and the Operating Companies have filed a declaration under sections 6(a), 7, 12(b), and 13(b) of the Act and Rules 45, 90 and 91 thereunder.

In order to finance its nuclear materials and services inventory, SFI proposes to borrow an aggregate principal amount of up to \$45 million at any one time outstanding under a Revolving Credit Agreement ("Credit Agreement") with The Yasuda National Trust and Banking Co., Ltd., New York Branch ("Yasuda"), and possibly with one or more other banks and Yasuda as agent (collectively "Banks"), such borrowings to be evidenced by the issuance of a master note. Loans under the Credit Agreement would be due and payable by, and the Credit Agreement would expire on, September 30, 1992, unless otherwise extended, with the consent of the Banks, for additional one-year periods. SFI requests authorization for additional extensions of the Credit Agreement without seeking further Commission authorization.

Loans under the Credit Agreement will bear interest at SFI's option at either (i) Yasuda's Base Rate, (ii) the Eurodollar Rate, plus 0.4375%, or (iii) the CD Rate, plus 0.5625%. Assuming full utilization by SFI of the \$45 million commitment under the Credit Agreement with Yasuda, SFI estimates that its effective cost of money per annum in respect of Base Rate Loans, Eurodollar Rate Loans, and CD Rate Loans, as of July 10, 1989, would be approximately 11%, 10.0625% and 10%, respectively.

SFI will grant Yasuda a security interest in SFI's nuclear materials and services inventory financed under the Credit Agreement together with the proceeds thereof from sales to the Operating Companies pursuant to the Purchase Agreement, SFI's accounts receivable for such inventory, and certain other rights and instruments incident thereto.

The Operating Companies, SFI and Yasuda also propose to enter into a Consent and Agreement acknowledging and consenting to SFI's granting of a security interest in SFI's accounts receivable arising from sales by SFI to the Operating Companies of nuclear materials and services under the Purchase Agreement. Under the Consent and Agreement, the Operating Companies will agree to pay amounts due to SFI under the Purchase Agreement for nuclear fuel inventory financed by the Banks directly to an account maintained by SFI with Yasuda, which account SFI will pledge to Yasuda as agent for the Banks, and, in the event that the loans should become due and

payable under the Credit Agreement and not be paid by SFI. SFI will sell and the Operating Companies will purchase the inventory of nuclear materials financed under the Credit Agreement.

#### General Public Utilities Corporation (70-7670)

General Public Utilities Corporation ("GPU"), 100 Interpace Parkway, Parsippany, New Jersey 07054, a registered holding company, has filed an application-declaration pursuant to sections 6(a), 7, 9(a), 10, and 12(c) of the Act and Rule 42 and 50(a)(5) thereunder.

GPU proposes to issue and sell, from time-to-time through December 31, 1995, up to 2,500,000 shares of its common stock ("Common Stock"), \$2.50 par value pursuant to a dividend reinvestment and stock purchase plan ("Plan") to be adopted by GPU. GPU requests an exception from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(5) for its issuance of the Common Stock.

Under the Plan, holders of GPU common stock ("Shareholders") would be able to have all cash dividends automatically reinvested in additional GPU common stock and to purchase additional common stock by making optional cash payments of not less than \$50 nor more than \$6,000 each quarter. Common Stock held pursuant to the Plan will be voted by the Plan administrator ("Plan Administrator"), to be appointed by GPU, only in accordance with Shareholders' instructions.

Common Stock will be purchased under the Plan either on the open market or directly from GPU, as GPU may direct, by the Plan Administrator. Open market purchases will be priced at the average price of such shares purchased with respect to a dividend payment date, excluding any related brokerage fees or commissions which will be paid by GPU. Shares issued directly by GPU under the Plan will be priced at the average of the high and low sales prices of GPU common stock as reported in the Wall Street Journal for New York Stock Exchange Composite Transactions for the 10 trading days immediately preceding the relevant dividend payment date.

GPU will use the proceeds from the sale of the Common Stock issued under the Plan to make capital contributions to its subsidiaries, as authorized by orders of the Commission dated November 2, 1988 and March 22, 1989 (HCAR Nos. 24738 and 24848, respectively) and advances to its subsidiaries, which will be the subject of a future application with the Commission, and for other corporate purposes.



For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,  
Assistant Secretary.

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BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement; Clark County, Nevada

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Clark County, Nevada.

**FOR FURTHER INFORMATION CONTACT:**

Anton J. Horner, Division Administrator,  
Federal Highway Administration,  
Nevada Division, 1535 Hot Springs  
Road, Suite 100, Carson City, Nevada  
89706-0602, Telephone: 702/885-5320,  
or

Walter W. Wagner, Supervisor,  
Environmental Services Division,  
Nevada Department of  
Transportation, 1263 South Stewart  
Street, Carson City, Nevada 89712,  
Telephone: 702/885-5680.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Nevada Department of Transportation (NDOT) and Clark County, will prepare an Environmental Impact Statement (EIS) on a proposal to construct a new limited access freeway from Boulder Highway (US 93) on the east to Durango Road on the west in a corridor that generally lies between McCarran International Airport on the north and the City of Henderson on the south.

Alternatives to be considered in the EIS will include the no action alternative and various alignment and design alternatives. The development of the specific alternatives is an ongoing process that will incorporate possibilities and features brought forth during the scoping and public involvement activities in addition to those identified by project engineers as preliminary design activities progress.

**Scoping Process:** Two scoping meetings addressing the project will be held in Training Room B at McCarran International Airport, Las Vegas, Nevada. The first will be at 9:30 a.m. on September 20, 1989; the second is planned for early December 1989. In addition, three public informational

meetings will be held from 3 to 8 p.m. as follows:

October 10, 1989 Commissioners' Meeting Room.

October 11, 1989 Green Valley Community Library.

October 12, 1989 Henderson Convention Center.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Also planned are early coordination and exchanges of information with the public and agencies through public information meetings, scoping meetings, direct request to other agencies to become cooperating agencies, and early notification and solicitation with entities affected by the proposed action through the Clearinghouse process. In addition, at least one formal location public hearing will be held. Public notice will be given of the time and place of any hearings. The Draft EIS will be available for public and agency review and comment.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or suggestions concerning this proposed action and the EIS should be directed to the NDOT or FHWA at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Anton J. Horner,  
Federal Highway Administration, Carson  
City, Nevada.

[FR Doc. 89-20748 Filed 9-1-89; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF THE TREASURY

### Treasury Advisory Committee of Commercial Operations of the U.S. Customs Service

**AGENCY:** Departmental Offices,  
Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces the date of the next meeting and the agenda for consideration by the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service.

**DATE:** The next meeting of the Treasury Advisory Committee on Commercial

Operations of the U.S. Customs Service will be held on September 22, 1989 at 9:30 a.m. in Room 4121 of the Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Dennis M. O'Connell, Director, Office of Trade and Tariff Affairs, Office of the Assistant Secretary (Enforcement), Room 4004, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Tel.: (202) 566-8435.

**SUPPLEMENTARY INFORMATION:** Agenda items for the fourth meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service on June 22, 1989 will include:

#### I. Old Business

1. User fee legislation update
2. Follow-up on Customs administration and enforcement of export licensing requirements
3. Impact of customs commercial operations on ports and carriers

#### II. New Business

1. Triangle processing
2. Customs invoice standards
3. Discussion of preparation of annual report
4. Other new business

The meeting is open to the public. Owing to the security procedures in place at the Treasury Building, it is necessary for any person other than an Advisory Committee member who wishes to attend the meeting to give advance notice. In order to be admitted to the building to attend the meeting, contact Dennis M. O'Connell at (202) 566-8435, no later than September 18, 1989.

Dated: August 30, 1989.

Salvatore R. Martoche,  
Assistant Secretary (Enforcement).

[FR Doc. 89-20720 Filed 9-1-89; 8:45 am]

BILLING CODE 9810-25-M

## DEPARTMENT OF VETERANS AFFAIRS

### Privacy Act of 1974; Amendment of Systems Notice

**AGENCY:** Department of Veterans  
Affairs.

**ACTION:** Notice.

Notice is hereby given that the Department of Veterans Affairs (VA) is considering amending routine use statements. The proposed changes are for the system of records entitled



Compensation, Pension, Education and Rehabilitation Records—VA (58VA 21/22) as set forth in **Federal Register** publication, "Privacy Act Issuances," 1987 Compilation, Volume V, pages 808-812. A change is also proposed to the section, Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System, regarding the location of Target terminals.

Department of Defense (DOD) and Department of Transportation (Coast Guard) finance centers have requested access to the information contained in the VA's Compensation, Pension, Education and Rehabilitation system to assist them in disbursing benefits. It is VA's belief that release of information from 58VA 21/22 will prove beneficial to VA beneficiaries.

VA is proposing to allow disclosure of all records in the Compensation, Pension, Education and Rehabilitation system of records through on-line computer terminal access using the VA telecommunications network. Terminals will be located in the service finance centers and will permit access to records maintained in automated data processing format at VA Data Processing Centers. Authorized employees at the service finance centers will have read-only access to information relevant to the reconciliation and/or waiver of service department or retired pay, and will not be able to change VA records. Service finance center employees will not have access to any other information or to information on other individuals. Information in the system is routinely provided to service finance centers upon their request to reconcile discrepant accounts.

To provide the information for the service finance centers, VA is proposing to amend two routine use statements. The proposed change to routine use number 17 will permit the disclosure of any information from 58VA 21/22 to service finance centers. This information will facilitate reconciliation of discrepant accounts and reduce correspondence between the military and VA regional offices. VA is also proposing to change routine use number 17 to restrict its use to specific activities pertaining to the reconciling of the amount and/or waiver of service department and retired pay. Separate routine uses are proposed for the release by VA of certain information to the Department of Health and Human Services (HHS) so that it can reconcile the amounts of Supplemental Security Income (SSI) paid to individuals by HHS and for VA's disclosure of certain

information to DOD for DEERS and CHAMPUS purposes. These disclosures are currently contained in routine use number 17, but for administrative purposes of this proposal will provide clear and concise routine uses thereby avoiding any misunderstanding of the purpose of each disclosure. The proposed change to routine use number 26 will permit the disclosure of information for other payees, in addition to veterans. The proposed change regarding location of Target terminals will include the service finance centers.

VA has determined that release of information for this purpose is a necessary and proper use of information in this system of records and that a specific routine use for transfer of this information is appropriate.

A "Report of Altered System" and an advance copy of the revised system notice have been sent to the majority and minority chairmen of the Committee on Government Operations of the House of Representatives and, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget, as required by 5 U.S.C. 552a(o) (Privacy Act) and guidelines issued by the Office of Management and Budget December 24, 1985, and Public Law 100-503.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amended routine use statements to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before October 5, 1989, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until October 16, 1989.

If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the **Federal Register** by the Department of Veterans Affairs, the amendments to 58VA 21/22 included herein are effective October 5, 1989.

Approved: August 21, 1989.

**Edward J. Derwinski,**  
*Secretary of Veterans Affairs.*

The system identified as 58VA 21/22, "Compensation, Pension, Education and Rehabilitation Records—VA" as set forth in **Federal Register** publication "Privacy Act Issuances," 1987 Compilation, Volume V, pages 808-812, is amended by revising the following entries:

58 VA 21/22

**SYSTEM NAME:**

Compensation, Pension, Education and Rehabilitation Records—VA.

\* \* \* \* \*

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

\* \* \* \* \*

17. The name, address, VA file number, effective date of compensation or pension, current and historical benefit pay amounts for compensation or pension, service information, date of birth, date of death, competency payment status, incarceration status, and social security number of veterans and their surviving spouses may be disclosed to the following agencies upon their official request. Department of Defense; Defense Manpower Data Center; Marine Corps; Department of Transportation (Coast Guard); PHS (Public Health Service), NOAA (National Oceanic and Atmospheric Administration) Commissioned Officer Corps in order for these departments and agencies and VA to reconcile the amount and/or waiver of service department and retired pay. These records may also be disclosed as a part of an ongoing computer matching program to accomplish these purposes. This purpose is consistent with 10 U.S.C. 684, 38 U.S.C. 3101, 38 U.S.C., 3104 and 38 U.S.C. 3301.

26. Identifying and payment information may be disclosed, upon the request of a Federal agency, to a State or local government agency to determine a beneficiary's eligibility under programs provided for under Federal legislation and for which the requesting Federal agency has responsibility. These records may also be disclosed as a part of an ongoing computer matching program to accomplish these purposes. This purpose is consistent with 38 U.S.C. 3301.

\* \* \* \* \*

51. The name, address, VA file number, date of birth, date of death, social security number, and service information may be disclosed to the Defense Manpower Data Center. The Department of Defense will use this information to identify retired veterans and dependent members of their families who have entitlement to Department of Defense benefits but who are not identified in the Defense Enrollment Eligibility Reporting System (DEERS) program and to assist in determining eligibility for Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)



benefits. This purpose is consistent with 38 U.S.C. 3301. These records may also be disclosed as part of an ongoing computer matching program to accomplish this purpose.

52. The name, address, VA file number, social security number, sex of veteran, date(s) of birth of the veteran and dependents, current benefit pay amounts for compensation or pension, pay status, check amount, aid and attendance status, veteran and spouse annual income amounts and type and combined degree of disability will be disclosed to the Department of Health and Human Services. The Social Security Administration will use the data in the administration of the supplemental security income (SSI) payment system as prescribed by Pub. L. 92-603. These records may also be disclosed as a part of an ongoing computer matching program to accomplish these purposes. This purpose is consistent with 38 U.S.C. 3301.

\* \* \* \* \*

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records (or information contained in records) are maintained on paper documents in claims file folders (e.g., "C" file folders, educational file folders and vocational rehabilitation folders) and on automated storage media (e.g., microfilm, microfiche, magnetic tape and magnetic disks). Such information may be accessed through a data telecommunications terminal system designated the Target System. Target terminal locations include VA Central Office, regional offices, some VA medical health care facilities, U.S. Army Finance and Accounting Center, Navy Finance Center, Marine Corps Finance Center, Air Force Accounting and Finance Center, U.S. Coast Guard Pay and Personnel Center. Information relating to receivable accounts owed to VA, denominated the Centralized Accounts Receivable System (CARS), is maintained on magnetic tape, microfiche

and microfilm. CARS is accessed through a data telecommunications terminal system at St. Paul, Minnesota.

\* \* \* \* \*

**RETRIEVABILITY:**

Authorized service finance center employees will have read only access to the portions of the data base containing information relevant to the reconciliation of the amount and/or waiver of service department or retired pay for individuals currently receiving or entitled to receive these payments.

**SAFEGUARDS:**

Access to service finance centers is limited to authorized employees. The centers are protected by armed guards. Access to terminals within each center is limited to those employees who need access to the data to perform their assigned duties.

\* \* \* \* \*

[FR Doc. 89-20691 Filed 9-1-89; 8:45 am]

BILLING CODE 8320-01-M



# Sunshine Act Meetings

Federal Register

Vol. 54, No. 170

Tuesday, September 5, 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 DEPOSIT INSURANCE CORPORATION

### Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:05 p.m. on Tuesday, August 29, 1989, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider: (1) An administrative enforcement matter; (2) matters relating to the possible closing of certain insured banks; (3) matters relating to the Corporation's corporate activities; and (4) a personnel matter.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director M. Danny Wall (Director of the Office of Thrift Supervision), concurred in by Director C.C. Hope, Jr. (Appointive), and Director Robert L. Clarke (Comptroller of the Currency), 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)(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)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: August 30, 1989.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Deputy Executive Secretary.*

[FR Doc. 89-20885 Filed 8-31-89; 8:45 am]

BILLING CODE 6714-01-M

## NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Meeting of the Board of Directors

**TIME AND DATE:** 2:30 p.m., Thursday, September 7, 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, February 21, 1989
- III. Executive Director's Activity Report

## IV. Ad Council Campaign Report

### V. Budget Committee Report

- a. Proposed FY'89 Reallocation
- b. Proposed FY'90 Line Item Budget
- c. Proposed FY'91 OMB Submission

### VI. Treasurer's Report

- a. Financial Statements
- b. Pension Plan Technical Amendments

**Martha A. Diaz,**

*Assistant Secretary.*

[FR Doc. 89-20886 Filed 8-31-89; 3:04 am]

BILLING CODE 7570-03-M

## UNITED STATES INSTITUTE OF PEACE

**DATE:** Thursday, September 6, 1989.

**TIME:** 5:45 p.m. to 7:30 p.m.

**PLACE:** The United States Institute of Peace, 1550 M Street, NW., ground floor (conference room).

**STATUS:** Open session.

**AGENDA:** Meeting of the Committee on Institutional Planning of the Board of Director's convened. Long-range planning issues.

**CONTACT:** Ms. Olympia Diniak, Telephone (202) 457-1700.

Dated: August 31, 1989.

**Bernice J. Carney,**

*Administrative Officer, The United States Institute of Peace.*

[FR Doc. 89-20934 Filed 8-31-89; 3:43 am]

BILLING CODE 3155-01-M



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Tuesday  
September 5, 1989

14 CFR Part 103

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**Part II**

**Department of  
Transportation**

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**Federal Aviation Administration**

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**14 CFR Part 103  
Explosives Detection Systems for  
Checked Baggage; Final Rule**



**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 108**

[Docket No. 25956; Amdt. No. 103-7]

RIN 2120-AD12

**Explosives Detection Systems for Checked Baggage****AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Final rule.

**SUMMARY:** The Federal Aviation Administration is amending the airplane operator security regulations to require U.S. air carriers to use explosives detection systems to screen checked baggage for international flights in accordance with their respective approved security programs. This action is intended to protect passengers and crewmembers from acts of sabotage directed against civil aviation and is responsive to recent legislation.

**EFFECTIVE DATE:** October 5, 1989.

**ADDRESSES:** The complete docket for this rule, including the Regulatory Impact Analysis, may be examined at the Federal Aviation Administration, Rules Docket (AGC-10), Room 915-G, 800 Independence Ave. SW., Washington, DC 20591, between 8:30 a.m. and 5 p.m. weekdays, except Federal holidays.

For copies of performance criteria and implementation procedures for explosives detection systems, prospective manufacturers may write to the Federal Aviation Administration, Director of Civil Aviation Security (Attn: ACS-200), 800 Independence Ave. SW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** Quinten T. Johnson, Civil Aviation Security Division (ACS-100), Office of Civil Aviation Security, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8058.

**SUPPLEMENTARY INFORMATION:****Introduction**

On July 6, 1989, the Federal Aviation Administration (FAA) issued a Notice of Proposed Rulemaking (NPRM) to amend part 108 of the Federal Aviation Regulations (FAR) to require certain U.S. air carriers to use explosives detection systems (EDS's) to screen checked baggage on international flights in accordance with their respective security programs (54 FR 28985, July 10, 1989). This regulation was proposed on the FAA's own initiative and in

response to legislation because attacks against international civil aviation have increased in sophistication over the past decade. In recent years, explosive devices have been used to damage or destroy civilian aircraft resulting in the loss of many lives. For example, 259 people on board Pan American World Airways (Pan Am) Flight 103 plus 11 people on the ground in Lockerbie, Scotland, were killed by an explosion aboard that flight in December 1988. As a result of such incidents, security has become a greater concern of the aviation community, and more sophisticated measures are required to prevent recurrences of such incidents. Therefore, the regulation requiring U.S. air carriers to use EDS's to screen checked baggage for international flights in accordance with their respective security programs is adopted as final.

**Background**

FAR Part 108, promulgated in 1981 (46 FR 3782, January 15, 1981), is part of the FAA's Civil Aviation Security Program initiated in 1973. Section 108.9 requires certain U.S. carriers to conduct security screening of passengers and their baggage "to prevent or deter the carriage aboard airplanes of any explosive, incendiary, or deadly or dangerous weapon on or about each individual's person or accessible property, and the carriage of any explosive or incendiary in checked baggage."

For many years, this screening program was effective in countering the threat to domestic and international civil aviation, which came primarily from hijackers. In recent years an additional threat has come from persons seeking to bomb or sabotage aircraft. To counter this threat, improved methods of detecting explosives are needed.

The U.S. Government has actively supported research and development in explosives detection. For example, between fiscal years 1982 and 1989, the FAA spent over \$47 million on vapor detection and thermal neutron analysis equipment alone. In February 1989, the International Civil Aviation Organization (ICAO) convened a special session of its Council to discuss acts of sabotage directed against civil aviation and the need to expedite research and development on the detection of explosives. In March 1989, the ICAO held a meeting of world experts in explosives detection to address the issue. Similar discussions have taken place in European organizations as well.

The FAA has tested several explosives detection systems and has purchased six Thermal Neutron Analysis (TNA) units for initial

installation at selected airports. These units detect explosives using Californium-252 as a thermal neutron emitter to activate nitrogen atoms. Testing was performed over a period of several months during 1987 and 1988 at Los Angeles International and San Francisco International Airports. During these testing periods, over 40,000 actual passenger bags were subjected to TNA screening. This operational experience demonstrated that TNA is one technology that can be successfully deployed for the detection of explosives.

After the destruction of Pan Am Flight 103, the FAA conducted a comprehensive review of security procedures to determine where improvements or new procedures were needed. On April 3, 1989, Secretary of Transportation Samuel K. Skinner announced a number of aviation security initiatives. Among the most significant of these was the deployment of explosives detection systems being addressed in this rule, and the establishment of a Security Directive and Information Circular system, for which a regulation was promulgated on July 10, 1989 (54 FR 28982; July 10, 1989).

There has also been substantial Congressional interest in improving aviation security. One Congressional response was legislation (Pub. L. 101-45), signed by the President on June 30, 1989, that directs the FAA to require EDS's at airports where the Administrator of the Federal Aviation Administration determines the use of EDS's is necessary. This legislation provided that—

Not later than thirty days after the date of the enactment of this Act, the Federal Aviation Administrator shall initiate action, including such rulemaking or other actions as necessary, to require the use of explosive detection equipment that meets minimum performance standards requiring application of technology equivalent to or better than thermal neutron analysis technology at such airports (whether located within or outside the United States) as the Administrator determines that the installation and use of such equipment is necessary to ensure the safety of air commerce. The Administrator shall complete these actions within sixty days of enactment of this Act[.]

**Discussion of the Proposed Regulation**

In its July 6, 1989, proposed rule, the FAA requested comments on three alternative plans for deploying EDS's. The alternatives identified in the NPRM were as follows:

*I. Domestic and International Alternative—Install EDS's at 427 airports in the United States and 95 foreign airports over a 10-year phase-in period (100% checked baggage screening*



of domestic and U.S. international flights, eventually requiring 1,250 EDS's by 1999).

*II. International Alternative*—Install only enough EDS's to screen U.S. carrier international flights at domestic and foreign airports over a three year phase-in period (100% checked baggage screening of all U.S. international flights, eventually requiring 400 EDS's by 1999).

*III. Threat-Driven Alternative*—Install 200 EDS's at an unspecified number of domestic and foreign airports over a three year phase-in period, based on the need to counter threats (100% checked baggage screening of all international flights at selected airports, eventually requiring 270 EDS's by 1999).

The FAA stated that, while comments were welcome on the feasibility of all three alternatives, it was proposing Alternative II. It proposed that for international flights each air carrier conducting screening under an approved security program use an EDS that has been approved by the Administrator to screen checked baggage. This proposal would enable the FAA to require air carriers to use EDS's for all international flights.

Thus, in the proposed rule, the FAA sought the authority to require EDS's for all international operations through subsequent amendments to each air carrier's security program, although initial deployment of EDS's would be limited to approximately 40 airports. The FAA stated that before extending EDS requirements to international locations beyond the initial deployment, it would consider a variety of factors such as successful consultation with foreign governments, level of vulnerability at the particular location, and the projected level of usage. The FAA also stated that it would look closely at benefits and costs.

#### Discussion of Comments

The FAA received comments from 28 individuals and organizations. Although the proposed rule addressed only the screening of international baggage, the FAA also invited comments on the feasibility of either requiring EDS's for domestic operations or requiring EDS's on a threat-driven basis. Several other issues were also raised by commenters, the major points of which are discussed below.

#### Domestic Application

Most commenters oppose any requirement for EDS's for domestic operations because, they believe, there is no significant domestic threat. In the absence of identifiable threat, they believe, the cost of these proposed systems is not warranted. The FAA

believes the current level of threat to domestic operations does not require EDS screening and that current security practices for countering threats to domestic operations are adequate. Therefore, the FAA intends to limit the scope of the rulemaking to international flights as originally proposed. The FAA will continue to review all threats against civil aviation, both domestic and foreign, and will take action to require use of EDS's for domestic operations if warranted. In the meantime, if there were a threat against a specific domestic flight at a specific airport that has an EDS in operation, the FAA would take that EDS into account when developing appropriate countermeasures.

#### Threat-Driven Approach

Some commenters believe that the practice of using EDS's only where known threats exist would satisfy the Congressional mandate in Public Law 101-45 and that carrier flights not operating from high threat locations would then be spared the expense of using an EDS to screen checked baggage. One commenter said that if terrorists didn't know where EDS's are, this approach would deter criminal acts. Other commenters said that the FAA should use mobile EDS's to counter site- or time-specific threats. The FAA believes that the value of widescale use of EDS's is in their general deterrence and not simply in response to specific threats. Moreover, the FAA does not believe it is presently feasible to employ mobile EDS's because of the large size of the EDS equipment currently available and because of the long lead times needed to acquire, install, and operate EDS's. However, as indicated elsewhere in this preamble, the FAA will carefully evaluate where to require the use of EDS's.

#### Cost

Some commenters believe that the FAA underestimated the costs of acquiring and operating EDS's. While some comments could not be evaluated because of lack of supporting data on underlying assumptions, the FAA acknowledges that a number of points raised by the comments are valid and has made adjustments in the cost estimates. The final rule cost estimates are considerably higher than those identified in the NPRM. The revised cost estimates, addressing such factors as cost of structures to house EDS's, number of systems needed, operator training, and maintenance are discussed later in this preamble under "Regulatory Impact Analysis Summary." The Regulatory Impact Analysis, not

published in the Federal Register, is part of the docket for this rule and contains a thorough analysis of costs. It may be examined at the location stated under ADDRESSES.

Some commenters express the opinion that the Government should fund implementation of this regulation since, they said, the U.S. Government, not the air carriers, is actually the terrorists' target. The FAA does not agree with commenters who say that the Government should fund EDS's. The FAA notes that the Federal government does not currently fund implementation of other mandatory security programs. The FAA recognizes that this rule will have a cost impact on air carriers, but it is projected to be modest on a per-passenger basis, and the FAA expects air carriers to recover the cost as they would other operational costs.

One commenter expresses concern that small carriers would be competitively disadvantaged in foreign operations if they had to pay for EDS equipment. Furthermore, the commenter points out that the larger carriers would be so overwhelmed by screening their own baggage that they would not be able to serve small carriers. The FAA recognizes that cooperation among air carriers in the use of available EDS equipment is critical to minimize costs and maximize EDS use. The FAA's cost estimates are predicated on cooperation that allows for maximum utilization of EDS equipment. Shared use of EDS equipment is also necessary to permit carriers with relatively low passenger volume from a given location to be competitive. It is expected that, as with other security equipment in the past, air carriers will enter into agreements among themselves to achieve shared use of EDS equipment. If unforeseen problems arise in specific situations, the FAA will work with the carrier involved to address appropriate checked baggage screening procedures.

One commenter suggests that foreign carriers should also be covered by this regulation since many Americans travel on foreign carriers. These travelers, the commenter said, should receive the same protection as those on U.S. carriers. The FAA believes that the aviation security threat is directed primarily at U.S. air carriers and not U.S. citizens per se. Should this situation change, the FAA will reconsider the applicability of the rule. Furthermore, it is important to work through the International Civil Aviation Organization to achieve unified, coordinated, worldwide improvements in aviation security. To this end the FAA is actively working with the member



states of ICAO to prevent and deter threats against all of civil aviation.

The same commenter adds that Americans might find it preferable to use foreign carriers in order to avoid check-in delays, and that this would worsen the trade deficit. The FAA believes it has adequately projected the number of machines that will be required to process passengers based on current check-in procedures and thus does not agree that there will be significant additional delays. In addition, the increased level of security recognized by the traveling public could work to the advantage of those carriers using EDS equipment to screen checked baggage.

#### *Premature Adoption of EDS Requirement*

Some commenters believe the FAA would discourage technological development by adopting an EDS rule at this time, since the FAA acknowledges that only one system, TNA, is currently available that can meet the performance criteria. Several commenters express concern that the TNA system is not ready for operational use and is being deployed too rapidly.

Not only has Congress directed the FAA to require explosives detection equipment, the FAA believes there is an urgent need to establish such requirements. The FAA decided to purchase TNA systems because, after operational testing, the TNA system proved to have the highest degree of explosives detection capability currently available. It is the FAA's belief that by implementing the first generation of EDS technology, it is creating an incentive for manufacturers to make technological advances and produce smaller, less costly equipment. Although one commenter advises the FAA to be certain that vendors will be able to produce EDS equipment quickly enough to meet any deployment schedules that may be established through amendments to air carriers' security programs, the FAA believes, based on consultation with the manufacturer of TNA, that there will be an adequate supply of machines. Also, deployment schedules will be subject to the manufacturers' ability to produce the equipment. The FAA recognizes that other systems are in development and welcomes the opportunity to test and approve them when they meet the performance criteria established by the Administrator. The phased-in implementation of EDS technology will facilitate further research and development of alternatives.

The FAA has established the following minimum performance criteria for all EDS's:

1. The systems must be automated.
2. They must detect defined quantities and configurations of FAA-defined explosives.
3. They must be safe for operators and baggage.

Some commenters remark that the FAA should have spelled out the performance criteria and described the method by which the Administrator will approve EDS technology. The rule, however, is not the means by which a manufacturer's equipment is approved; it is an enablement of the FAA to require EDS's. More detailed information about the capabilities, use, compliance dates, locations, and deployment schedules of the system will be incorporated into each air carrier's approved security program. Specific performance criteria will be made available to manufacturers upon request. However, in accordance with § 191.5 of the FAR, the FAA will not publish this information in any document generally available to the public. The Director of Civil Aviation Security has determined that disclosure of this information would be detrimental to the safety of the traveling public. For the same reasons, the specific locations and numbers of EDS units will not be made available to the public. Persons with an operational need to know may write to the Federal Aviation Administration, Director of Civil Aviation Security (Attn: ACS-200), 800 Independence Ave., SW., Washington, DC 20591, for further information.

Another issue raised by commenters is the ability to set TNA equipment to detect small enough levels of explosives to adequately ensure passenger safety. The current performance criteria are reflective of the amounts of various explosives which have been determined to pose a threat.

One commenter points out that the size of the opening of the FAA-purchased TNA precludes oversized bags. It should be noted, however, that the vast majority of passenger bags do fit into the opening of the TNA equipment, and air carriers may contract for different machines with larger openings if they wish. The FAA will address screening procedures for oversize bags in connection with the air carriers' security programs.

#### *Alarm Resolution*

Concern has been expressed over how alarms will be handled and the amount of time it will take to clear suspect baggage. Procedures that will take into account the type of threat, limitations on

terminal facilities, availability of law enforcement personnel, and explosives ordnance disposal support will be required under each air carrier's security program. While alarm resolution is not intended to be a wholly automated function of EDS's, as one commenter thinks, procedures appropriate to each type of technology and location will be developed. Alarm resolution may induce some operational difficulties, such as delays for individual passengers being unable to board their flights because of uncleared baggage. These operational difficulties will be addressed jointly by the FAA and the affected air carriers in the individual air carriers' security programs.

#### *Delays*

A number of comments address the concern that use of EDS equipment would lead to delays and disruptions. Some of this concern is over alarm resolution (discussed above), and some is related to the logistics of processing large amounts of baggage with a limited number of EDS's. In all locations, the FAA made careful estimates of how many EDS's will be needed to prevent delays at each airport based on the number of flights peaking and locations of the terminals. The FAA believes that EDS screening at foreign airports may actually reduce delays at locations where physical searches are now conducted, especially in Western Europe.

#### *Carry-On Baggage*

A few commenters state that carry-on baggage should be subject to EDS screening as well as checked baggage because dupes and suicidal individuals may carry their explosives aboard in hand baggage. While the FAA is actively looking at the carry-on baggage screening process, requiring EDS for carry-on baggage is beyond the scope of this rulemaking. Improvements in carry-on baggage screening requirements have already been instituted in a number of geographic locations, and other improvements are being considered as part of other FAA security initiatives. The FAA will continue to evaluate the feasibility of requiring that EDS screening be applied to carry-on baggage.

#### *Potential Radiation Effects*

Some commenters voice concern regarding possible radiation from the use of any EDS that uses a radioactive source. The commenters advise that baggage handlers and the public may suffer ill effects from exposure to the radiation emitted during the decay of



the induced radioactivity, and that the baggage may retain radioactivity after screening. Because of the possible effects of exposure, one commenter has suggested that the National Environmental Policy Act of 1969 requires an environmental impact statement for this rulemaking.

While this final rule regulates air carriers under part 108, it should be noted that the FAA has previously addressed the subject of security equipment in connection with the acquisition of such equipment by airports under part 107 of the Federal Aviation Regulations (14 CFR part 107). Such acquisition has been categorically excluded from environmental assessment under FAA Order 5050.4A, "Airport Environmental Handbook."

With respect to the use of security equipment, the key difference between part 107 and part 108 is that, under part 107 it is the airport that acquires the security equipment for installation and use, whereas under part 108 the air carrier does so. There are no differences between these regulations that suggest that the categorical exclusion under part 107 should not apply with respect to part 108. Nevertheless, because of particular concerns raised regarding EDS's that use radioactive sources, and since the Nuclear Regulatory Commission (NRC) determined that an environmental assessment (EA) was appropriate with respect to its role in licensing EDS's that use radioactive sources, an EA has been prepared to aid of the FAA's response to these docketed comments and has been included in the docket.

As stated in the FAA's EA, the NRC conducted its environmental review in amending the FAA's Materials License (which permits the use of equipment employing thermal neutron activation technology at John F. Kennedy International Airport) to authorize the FAA to install and operate this equipment at other airports. In an "Environmental Assessment and Finding of No Significant Impact" (published in the *Federal Register* at 54 FR 33636; August 15, 1989), the NRC examined the environmental impacts of installing and operating TNA devices at airports, including possible external exposure of workers and passengers, possible internal exposure of passengers or other members of the public who may consume irradiated food items packed in baggage, anticipated radiation doses, potential exposure due to malfunctions of the EDS, and several accident scenarios. The NRC concluded that the environmental effects of normal TNA use in baggage or cargo handling ramps will be insignificant. The NRC found

that while some short-term residual radioactivity is induced in baggage at the time of screening, by the time the baggage emerges from the machine, the radioactivity is negligible. The NRC further found that "the maximum unrestricted area concentrations are calculated to be well below the maximum permissible concentrations specified in 10 CFR 20.106 and 10 CFR part 20, appendix B."

The FAA's EA for this rulemaking adopts the NRC's "Environmental Assessment and Finding of No Significant Impact." It provides that, in order to assure that implementation of the new regulation through the air carrier security programs will not permit a degrading of the minimal radiation exposure described in the NRC's EA, the FAA will provide, in each security program covered by new § 108.20, that no EDS (using a specific radiation source such as californium-252 that is subject to NRC jurisdiction) will be finally approved by the FAA unless the carrier demonstrates to the FAA that—

(1) For systems intended for use in the U.S., the EDS is covered by a license issued by the NRC (as required by 10 CFR 30.3), or by the appropriate Agreement State (as also required by the NRC's regulations);

(2) For systems intended for use outside the U.S., the carrier demonstrates either that the system is the same as one that has been previously licensed under NRC requirements, or that the system is registered by the NRC under 10 CFR 32.210. This is in addition to any requirements imposed by the country of installation.

The EA also indicates that, for each EDS that is approved by the FAA under § 108.20, each security program will also require that the carrier continue to comply with all conditions imposed on the installation and operation of that system under the NRC licensing and registration process.

The purpose of these requirements is to provide additional assurance that there will be no significant exposure to radiation. For these reasons, the FAA's EA concludes that the implementation of this final rule with respect to the installation and use of EDS's involving radioactive sources will not cause a significant impact on the quality of the human environment.

In consideration of the foregoing, the FAA environmental assessment included in the docket for this final rule contains a finding of no significant impact.

Two commenters doubt whether certain foreign governments opposed to

the presence of nuclear materials would allow TNA machines to be installed. Where needed, the FAA will work to effect coordination with foreign governments. The FAA recognizes that it cannot require air carriers to comply with EDS regulations if they are precluded from doing so by a foreign government. Should such an instance arise, the FAA would require alternate procedures.

#### Miscellaneous

**Wet leases**—One commenter expresses concern over aircraft operated under wet leases. Wet leasing is the practice of air carriers leasing aircraft and flightcrews (except flight attendants) to foreign carriers. Usually foreign carriers paint the aircraft and operate them as though they were their own. The commenter feels that because the baggage on flights on such aircraft would be subject to EDS screening, the resulting delays would mean foreign carriers would want to avoid leasing U.S. aircraft and therefore be able to bid more successfully for wet leases among themselves.

Because wet leases may present special circumstances, especially where the aircraft is not readily identifiable as a U.S. aircraft, the FAA will work with carriers regarding the application of EDS requirements and consider the use of alternative procedures.

**Insurance**—One commenter believes the FAA should assume responsibility for obtaining adequate insurance for suppliers of EDS equipment. The FAA does not agree with this comment as suppliers of aircraft and other aviation products have the capability of building the price of insurance into their product costs.

#### Discussion of the Final Rule

The final rule is being adopted as originally proposed. Thus, the FAA will have the authority to amend each air carrier's approved security program to require use of EDS's to screen all checked baggage on all international flights by U.S. carriers for which screening is required.

In its initial exercise of its authority under this final rule, the FAA intends to require deployment of about 150 EDS's at approximately 40 international airports that are served by U.S. air carriers, taking current security procedures and threat information into account. The FAA has already issued a proposed amendment to the security programs of U.S. air carriers relating to the initial deployment. If the proposed amendment is adopted, the FAA projects that as many as 50 EDS's may



be in use by the end of 1990, and approximately 150 EDS's may be in use by the end of 1991. The FAA will work closely with the industry in the implementation of the rule and evaluate operational experience to determine whether changes to these projections are necessary. As indicated in the NPRM, the FAA intends to phase-in implementation of this rule and may later expand the deployment to international flights at additional locations.

As stated in the proposed rule, the FAA will carefully consider whether and when to require the installation of EDS's at locations beyond the initial deployment. Any further deployment would occur only after additional action by the FAA to amend air carriers' security programs. This amendment process is established in § 108.25 of the Federal Aviation regulations (14 CFR 108.25). The process provides the affected air carriers notice and an opportunity to comment before final action is taken. The amendment process will provide a mechanism to evaluate the need for EDS use at specific locations, projected level of usage, level of vulnerability, availability of alternative security procedures, and other relevant factors that may affect a decision to expand the use of EDS's to new locations.

#### Section 108.7(b)(8)

Section 108.7(b)(8) will require certificate holders (air carriers) to describe in their approved security programs the procedures, facilities, and equipment used to comply with the new EDS requirements.

#### Section 108.20

This new section will require that each certificate holder conducting screening under an approved security program use an approved EDS to detect explosives in checked baggage on international flights in accordance with its security program. The rule does not require each individual certificate holder to own an EDS, nor does it preclude use of a single EDS by several air carriers. Indeed, the FAA believes that cooperation among air carriers is critical to the effective implementation of this rule.

#### Regulatory Impact Analysis Summary

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if the potential benefits to society for the regulatory change outweigh the potential costs to society. The Order also requires the preparation of a

Regulatory Impact Analysis of all "major" proposals except those responding to emergency situations or other narrowly defined criteria. A "major" proposal is one that is likely to result in an annual effect on the economy of \$100 million or more, a major increase in consumer costs, or a significant adverse effect on competition.

This final rule is determined to be a "major" rule as defined in the Executive Order, so a full Regulatory Impact Analysis evaluating alternative approaches has been prepared. This analysis is included in the docket, and quantifies, to the extent practicable, estimated costs to the private sector, consumers, Federal, State, and local governments, as well as anticipated benefits and impacts.

A summary of the Regulatory Impact Analysis is contained in this section. For a more detailed analysis, the reader is referred to the full Regulatory Impact Analysis contained in the docket (see ADDRESSES).

This section summarizes the cost and benefit assessment of an amendment to Part 108 of the Federal Aviation Regulations which would require U.S. air carriers conducting screening under an approved security program to use an explosives detection system (EDS) approved by the Administrator to screen checked baggage on international flights. The addition of new § 108.20 will require affected air carriers to use explosives detection systems in accordance with the provisions established by the Administrator and contained in their approved security programs. In addition, the economic analysis also considers two other alternatives; these include the option of broadening the scope of coverage to include screening all domestic and international baggage with EDS, and one in which screening would be conducted only for international operations at airports selected on a threat-driven basis.

The primary objective of this rule is the prevention of criminal acts or acts of terrorism against U.S. air carriers by individuals using explosive devices. Toward this end, the FAA has conducted extensive research aimed at detecting explosives. This research has concentrated on explosives detection system devices, including the Thermal Neutron Analysis (TNA) system and vapor detection systems, as well as advanced x-ray systems. The TNA device is the most advanced explosives detection system now available. Its capabilities can be enhanced by equipping them with x-ray systems. Therefore, the FAA has elected to

analyze three alternative proposals for explosive detection using these enhanced TNA systems over the ten-year period of 1990 to 1999. These are—

I. *Domestic and International Alternative.* Install explosives detection systems at 427 airports in the U.S. and at airports in 88 foreign countries over a ten-year phase-in period (100% checked baggage screening of U.S. domestic and international flights, eventually requiring 1,825 explosives detection systems by 1999).

II. *International Alternative (The Final Rule).* Install only enough explosives detection systems to examine U.S. carrier international flights at domestic and foreign airports over a five year phase-in period (100% checked baggage screening of all U.S. international flights, eventually requiring 860 explosives detection systems by 1999).

III. *Threat-Driven Alternative.* Install 200 explosives detection systems at an unspecified number of domestic and foreign airports over a three year phase-in period, based on a threat-driven approach (100% checked baggage screening of all international flights at selected airports, eventually requiring 300 explosives detection systems by 1999).

It is important to note that in the NPRM, Alternative II's phase-in period was three years, while here, it is five years. The number of TNA systems required to screen all international flights at current enplanement levels rose from 179 in the NPRM to 491 in the final rule. The production capacity does not exist to install this many systems within three years, but will exist within five years.

The methods and assumptions used in the analyses for the alternatives have been developed by the FAA. A major consideration guiding this analysis is the assumption that 100% screening of checked baggage on flights where passenger screening is currently required would be conducted under all three scenarios at those airports where EDS are to be used. The analyses assume enough systems to take into account peak hour travel, the projected growth in enplanements, and air carrier logistical difficulties. Preliminary cost factors were obtained from manufacturers and research organizations. Information for the formulation of benefits was obtained from the safety records of the International Civil Aviation Organization (ICAO) and the FAA. The costs and benefits of each of these alternatives have been analyzed over the ten-year span of 1990 to 1999.



The costs associated with the acquisition, installation, operation, and repair and maintenance of the TNA systems were difficult to quantify because these systems are still in an early stage of development. As such, there is limited experience on which to draw. At the present, there is only one manufacturer now capable of producing TNA systems. The FAA encourages other manufacturers to develop and produce explosives detection systems to meet the anticipated worldwide demand. In addition, the FAA believes that the entry of other manufacturers into the market would stimulate competition and would reduce costs. Thus, the unit costs used in the analysis assume that mass production techniques and the efficiency with which enhanced TNA and other EDS and x-ray systems are produced would reduce prototype and initial production cost estimates. The FAA assumes that production capacity in 1990, the first year that the rule would be in effect, could be as high as 50 units. Production capacity could increase to as many as 100 units in 1991 and could expand to an annual rate of more than 150 units thereafter.

The FAA has estimated costs for explosives detection system equipment, x-ray enhancement apparatus, equipment maintenance and repair, airport space rental, and labor; these have been used to estimate the cost of compliance with the three alternatives. The cost of a prototype TNA system is estimated to be \$1 million in 1990. Based on discussions with the manufacturer on a quantity purchase, the FAA projects that the acquisition cost of a basic EDS unit, including delivery, installation, and operator training, would be \$750,000 in 1990 and 1991. The FAA further believes that the effect of competition and the expected increases in the efficiency with which these units would be produced over time, which would yield economies of scale, would cause the cost of \$750,000 to decline to \$500,000 per TNA unit. On the basis of the limited operating history of the equipment and information furnished by the manufacturer, the annualized cost of maintenance and repair for an

explosives detection system is estimated to be \$26,200 per year. The FAA expects that the acquisition cost of x-ray enhancement units, including delivery and installation and training, is assumed to be \$150,000 per unit in 1990 and 1991 and fall to \$75,000 per unit in 1992 and the ensuing years. The estimated annual cost of maintenance and repair for the x-ray system is estimated to be \$15,000 per unit in 1990 and 1991, which would then decline to \$7,500 per unit per year in 1992 and the following years.

The FAA assumes for this analysis that airport space for the system would be rented at an estimated \$25 per square foot per year which would cover all costs for site preparations (such as floor reinforcing or new construction), electrical power availability, space rental, etc. Using the estimated rental rate of \$25 per square foot per year, this yields an average yearly rental fee of approximately \$19,000 per system. This stream of revenues is expected to enable the airport authorities to recover all capital expenses over time.

Operating a TNA system with an enhanced x-ray system would require a system-wide average of two technical operators per eight hour shift. The annual salary, including appropriate overhead rate, for this type of operator is estimated to be \$30,000. Accordingly, the direct labor cost to the affected air carriers is \$120,000 per year per unit. In addition, the FAA has determined that each operator would initially require eight weeks of training, and this cost of training would amount to approximately \$5,000 per operator per year or \$20,000 for the four operators who are needed per unit. The FAA assumes that the job turnover rate is 25%; thus, there would be a recurring training cost of \$5,000 per operator per year for each established system.

To estimate the potential benefits of this rule, and of the alternatives, the FAA reviewed the safety record for the ten year period between 1979 and 1988. This review reveals that 19 separate criminal acts and incidents of terrorism using explosives were perpetrated against U.S. air carriers during this period. The FAA has classified these

incidents into Class I and Class II categories. The Class I category includes those incidents, such as the explosion aboard Pan American (Pan Am) Flight 103, that involve the loss of an entire aircraft and a large number of fatalities. Class II accounts for all other incidents in which airplanes were only partially damaged or the incident was partially averted, such as explosions that occurred outside the aircraft (usually somewhere in the airport itself). These two types of incidents vary significantly both in terms of costs and their frequency. The FAA estimates that those Class II incidents that would occur over the ten years from 1990 to 1999 would result in a discounted cost of \$31.0 million.

The losses associated with Class I or major incidents would, of course, be substantially greater. For example, the loss in human life and property, and reduced revenues from the loss of U.S. carriers' market share associated with Pan Am Flight 103 are estimated to have a present value range of \$411.0 million to \$520.0 million depending on the extent of market reduction. It is difficult to predict the extent to which international terrorism will increase. Nevertheless, the FAA believes that in the absence of additional preventive measures, terrorist attacks against U.S. air carriers would continue. The FAA can not predict the number and severity of future incidents. The frequency of such incidents would depend on several factors, including, but not limited to, the world-wide political climate, the skill and technical sophistication of terrorist organizations, and the success of efforts to avert these incidents. Given the historical record of one such incident in each of the past two decades and the expectation that the general threat will increase, and moreover, that the specific threat of sabotage will also increase, the FAA estimates total benefits on the basis of two Class I incidents. Therefore, in this case, the present value of the benefit associated with the prevention of these incidents would be as high as \$1.071 billion. Table I of this summary shows the estimated costs and benefits of these alternatives:

TABLE I.—SUMMARY OF COSTS AND BENEFITS

[Net present value in millions of dollars]

| Options  | Estimated costs | Percentage of total incidents avoided for breakeven <sup>1</sup> | Calculations           |
|--|-----------------|--|------------------------|
| Alternative I (Domestic and International Alternative).....    | \$1,420         | 133  | \$1,420/\$1,071 = 133% |
| Alternative II (International Alternative—The Final Rule)..... | 896             | 84   | 896/\$1,071 = 84%      |



TABLE I.—SUMMARY OF COSTS AND BENEFITS—Continued

[Net present value in millions of dollars]

| Options  | Estimated costs | Percentage of total incidents avoided for breakeven <sup>1</sup> | Calculations    |
|--|-----------------|--|-----------------|
| Alternative III (Threat-Driven Alternative)..... | 393             | 37   | 393/\$1,071=37% |

The sum of the total incidents is equal to two Class I incidents and all Class II incidents avoided. The discounted present value of these incidents avoided is \$1,071 million. The percentages do not represent a judgment of the relative effectiveness of each alternative.

Table I examines how many Class I and Class II incidents would have to be prevented by each alternative for the alternatives to be cost beneficial. The percentages in the table do not represent a judgment of the relative effectiveness of each alternative; they show the percentage of total incidents whereby each of the three alternatives will have different breakeven points so as to become cost beneficial. The costs associated with each alternative are compared with those benefits projected from avoiding two Class I incidents and a discounted present value of the \$31 million worth of projected costs from all Class II incidents. For the purposes of this analysis, this is the projected universe of incidents that these alternatives are designed to address.

For Alternative II to be cost beneficial, it would have to prevent roughly four-fifths (84%) of this projected set of Class I and Class II incidents. If EDS screening includes domestic operations (Alternative I), this option would have to prevent more than the entire set of projected Class I and Class II incidents to be cost beneficial; in other words, it is not cost beneficial. The costs associated with limiting installation of EDS to those international operations at locations selected on a threat-driven basis (Alternative III) are roughly one third of the assumed set of incidents.

Because the number and potential severity of future attacks and the scope and location of threats are difficult to predict, the FAA has elected not to attempt to quantify the percentage of possible attacks that would be prevented by each alternative. For similar reasons, the FAA will not assign values to the probabilities of a Class I or Class II event for each alternative scenario.

In addition to these quantifiable benefits, the FAA expects further significant unquantifiable benefits. The rule would result in public recognition of additional security measures implemented by U.S. air carriers. The public's subsequent higher confidence

levels should result in more passengers and higher revenues.

The deterrence of terrorist attacks against U.S. civil aviation also has significant public and foreign policy benefits. In addition to the tragic effects on those involved and their families and friends, an attack on an American aircraft disrupts the lives and plans of great numbers of people who have suffered no direct loss in the incident. (Indeed, this is presumably one of the goals of those who perpetrate terrorist attacks.) The FAA cannot calculate the cost of uncompleted business, disrupted education, and deferred vacations. Nevertheless, that cost is unquestionably significant, and it will be avoided if the public retains a high level of confidence in the safety of the civil air transportation system. Maintaining and improving the public's confidence, while at the same time reducing the threat to human life and property, is the central goal of this rulemaking.

*Comments*—A total of 12 commenters raise economic issues. Some of those comments that dealt directly with economic issues as described in the NPRM will be briefly summarized in this section.

Several of the comments point out that the NPRM analysis did not include the costs of constructing housing and/or supporting structures for those EDS's that would need them. The FAA specifically had requested comments on such costs, and, based on these comments, has added housing costs by means of the calculation of space rental data. It is the FAA's view that the costs involved would depend on the individual circumstances and that the actual location of each EDS would be determined by individual airport layout and other factors.

One commenter believes that the analysis seriously underestimates the number of systems needed at New York-Kennedy Airport and other similarly configured and heavily utilized airports. This commenter believes that 2400 systems would be needed under Alternative II, which is six times the number of systems estimated in the

NPRM. The assumption used in the commenter's analysis revolves around the belief that 30, instead of 5, systems would be needed for New York-Kennedy Airport. (Five TNA systems were assumed for New York-Kennedy Airport in the NPRM's Alternative II). Therefore, because six times as many systems would be needed for this airport, the commenter estimates that six times the number of systems would be needed at all airports, both now and through 1999. The commenter did not disclose the methodology by which it was calculated that 30 machines would be needed for this gateway airport, so it is impossible for the FAA to analyze these assertions. Very few other airports included in the FAA's analysis are similarly configured or as heavily utilized as New York-Kennedy Airport. Therefore, while the FAA recognizes that the NPRM analysis underestimated the EDS requirements at a few major airports, it does not follow that the agency's analysis underestimated such requirements at all airports. As is discussed in the following paragraph, the FAA has recalculated the number of required systems.

The analysis presented in the Regulatory Impact Analysis may address some of the assumptions that were inherent in this commenter's analysis. To obtain the daily average number of outbound passengers, the annual numbers of outbound passengers for each airport was divided by 312 days; 312 days was used instead of 365 days of reflect the fact that many flights do not operate 7 days a week. The international peak hour percentage was increased from 15% to a range of 25% to 50%, depending on annual passenger flow, to take into account the demands on such heavily utilized airports. The per hour baggage requirements on the systems was lowered to 540 an hour to take into account the fact that baggage probably will not always be able to be fed into the system at a steady stream. In addition, extra machines were added to the busiest domestic and foreign airports to account for airport layout and baggage interline and transfer



problems. For example, this analysis' estimate for the number of TNA systems required at New York-Kennedy is nineteen, which the FAA believes is realistic.

This commenter also believes that the annual maintenance and repair costs for the basic TNA unit was too low. The figure used (\$25,000 per year unit) was the data provided, based on the limited operating history of the equipment and on information furnished by the manufacturer. However, even if the costs were 60% higher (\$40,000 per year per unit), the overall effect on costs would not be greater; total discounted costs would rise by less than 5%.

Another commenter interprets the FAA's statement in the NPRM that "in the absence of additional preventive measures", terrorist attacks against U.S. carriers will continue, and that this implied that the FAA considers that the proposed EDS is "the ultimate security solution." The FAA has never stated that EDS is the ultimate security solution; rather, the FAA believes it to be one of many security improvements which will be needed.

Several commenters stated that alternative EDS technologies exist that are less expensive than TNA. Currently, the TNA is the only explosives detection system that has been approved for use by the FAA. The FAA welcomes other EDS technology that will be less expensive than the TNA. TNA costs are used in the FAA's analysis because it is the only existing, proven system.

Several commenters raise environmental concerns with respect to the potential radiation effects of TNA systems. One comment called for the FAA to prepare an environmental impact statement with respect to this potential impact. In response to these comments the FAA has prepared an environmental assessment. This assessment has resulted in the conclusion that the adoption and implementation of this final rule will not have an adverse impact on the quality of the human environment. The assessment and Finding of No Significant Impact are included in the docket.

Several commenters state that since terrorism is being perpetrated against the U.S. government and not the air carriers, the government should pay for these systems. The U.S. government has traditionally not funded security measures needed to protect passengers on privately owned air carriers and does not intend to do so in this instance.

There has been concern expressed that requiring all U.S. air carriers to purchase EDS equipment would be an unrealistic drain on many of them, especially small carriers and those with

unscheduled service. The rule does not require carriers individually to purchase EDS systems for their own private use. Such carriers have the commonly used option of renting the use of such facilities from other carriers.

#### Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by Government regulations. The RFA requires Federal agencies to review rules which may have a "significant economic impact on a substantial number of small entities." Issuance of the amendment to part 108 of the FAR will affect some small air carriers. The FAA's Order prescribing small entity size standards identifies a small air carrier as one with nine or fewer operating aircraft. According to FAA data for the period ending December 31, 1988, there were 54 air carriers subject to the rules of part 121 that operated nine or fewer airplanes. These 54 carriers are the entities affected by the rule.

The criteria for a "substantial number of small entities" is one-third of the small firms subject to the final rule, but no fewer than 11 firms. A review of the 54 small carriers engaged in scheduled and unscheduled service shows that only 10 firms would be subject to this rule. Therefore, it is certified that the amendment to Part 108 would not have a significant economic impact on a substantial number of small entities. In any event, if unforeseen problems arise in specific situations, the FAA will work with the air carrier involved to address appropriate checked baggage screening procedures.

#### Trade Impact Statement

The FAA finds that this rule will only impact part 121 operators and thus it is not likely to affect international trade. This final rule is expected to have no impact on trade opportunities for either U.S. firms doing business overseas or foreign firms doing business in the United States. While there will be an increased cost to U.S. air carriers as a consequence of this rule, these increased costs will be offset by the increase in public confidence, the avoidance of incidents, and by the ability to reduce the use of certain costly security procedures now required of U.S. air carriers.

#### Paperwork Reduction Act

The FAA finds that this final rule will not result in an additional burden under the Paperwork Reduction Act.

#### Federalism Implications

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

#### Conclusion

For the reasons discussed above, the FAA has determined that this regulation is major under Executive Order 12291. In addition, the FAA certifies that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This final rule is considered significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034; February 26, 1979) because of its cost and the substantial public interest in aviation security. A Regulatory Impact Analysis of this rule, including a Regulatory Flexibility Determination and a Trade Impact Analysis, has been placed in the docket. A copy may be obtained by writing to the Director of Civil Aviation Security (see ADDRESSES).

#### List of Subjects in 14 CFR Part 108

Air carriers, Aircraft, Airmen, Airports, Arms and munitions, Explosives, Law enforcement officers, Reporting and recordkeeping requirements, Security measures, X-rays.

#### The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 108 of the Federal Aviation Regulations (14 CFR part 108) as follows:

#### PART 108—AIRPLANE OPERATOR SECURITY

1. The authority citation is revised to read as follows:

Authority: 49 U.S.C. 1354, 1356, 1357, 1421, 1424, and 1511; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983).

2. Section 108.7 is amended by adding a new paragraph (b)(8) to read as follows:

§ 108.7 Security program; Form, content, and availability.

\* \* \* \* \*



(b) \* \* \*

(8) The procedures and a description of the facilities and equipment used to comply with the requirements of § 108.20 regarding explosives detection systems.

3. Section 108.20 is added to read as follows:

**§ 108.20 Use of Explosives Detection Systems.**

When the Administrator shall require by amendment under § 108.25, each certificate holder required to conduct screening under a security program shall use an explosive detection system that has been approved by the Administrator to screen checked baggage on

international flights in accordance with the certificate holder's security program.

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

**James B. Busey,**  
*Administrator.*

[FR Doc. 89-20824 Filed 8-30-89; 4:32 pm]

**BILLING CODE 4910-13-M**



# **Federal Register**

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Tuesday  
September 5, 1989

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## **Part III**

# **Environmental Protection Agency**

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40 CFR Part 52  
**Assessment of Visibility Impairment;  
Proposed Rule**



## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[AD-FRL-3526-8]

#### Assessment of Visibility Impairment: Proposed Rule

**AGENCY:** U.S. Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This proposal addresses the necessity of revising the federally promulgated implementation plans (FIP's) for the States of Maine, Arizona, and Utah to include best available retrofit technology (BART) or other control strategies to remedy visibility impairments within the Moosehorn Wilderness, Grand Canyon National Park, and Canyonlands National Park attributable to specific sources. Today's action is in accordance with a settlement agreement with the Environmental Defense Fund (EDF) and others which requires EPA to propose appropriate measures to remedy certified visibility impairments in mandatory Class I Federal areas where the impairment in the area is reasonably attributed to specific sources. Parties in this settlement agreement negotiated revisions which allowed EPA to defer decisions concerning impairments in these three Class I areas until August 31, 1989 (52 FR 45132 (Nov. 24, 1987) and 53 FR 3595 (Sept. 15, 1988)).

**DATES:** Comments on this notice of proposed rulemaking must be submitted to the Central Docket Section no later than November 6, 1989.

**ADDRESSES:** Comments should be submitted (in duplicate, if possible) to Air Docket (LE-131), Attention: A-89-02, U.S. EPA, Rm. M1500 Waterside Mall, 401 M Street, SW., Washington, DC 20460.

**Docket:** Pursuant to section 307(d)(1)(B) of the Clean Air Act (Act), 42 U.S.C. 7607(d)(1)(B), this action is subject to the procedural requirements of section 307(d). Therefore, EPA has established a docket for this notice, Docket Number A-89-02. Materials related to the development of this notice have been placed in this docket. For background information, materials related to the development of the visibility protection program (40 CFR 51.300 et seq.) are available in Docket A-79-40. Also, materials related to the development of the visibility new source review and visibility monitoring strategies are available in Docket A-84-32. Finally, materials related to the visibility long-term strategy,

implementation of control strategy, and integral vista program are available in Docket A-85-28. All dockets are available for public inspection and copying between 8:00 a.m. and 4:00 p.m. Monday through Friday at EPA's Central Docket Section, Office of General Counsel, Room 1500, 401 M Street, SW., Washington, DC. A reasonable fee may be charged for copying.

**Public Hearing:** Any request for a public hearing should be submitted in writing to: Ms. Denise Scott, Air Quality Management Division (MD-15), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, NC 27711.

**FOR FURTHER INFORMATION CONTACT:** Denise Scott at telephone number (919) 541-0870 or FTS 629-0870.

#### SUPPLEMENTARY INFORMATION:

##### Background

##### A. Regulatory Requirements

Section 169A of the Act, 42 U.S.C. 7491, sets as a national goal "the prevention of any future, and the remedying of any existing impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution." Mandatory Class I Federal areas are certain national parks, wildernesses, and international parks as described in section 162(a) of the Act, 42 U.S.C. 7472(a). Section 169A requires that EPA promulgate regulations to assure reasonable progress toward meeting the national goal for mandatory Class I Federal areas where EPA has determined that visibility is an important value. On November 30, 1979, EPA identified 156 areas, including Moosehorn Wilderness in Maine, Canyonlands National Park in Utah, and Grand Canyon National Park in Arizona, where visibility is an important air quality related value (44 FR 69122). Section 169A specifically requires EPA to promulgate regulations requiring States to amend their State implementation plans (SIP's) to provide reasonable progress toward meeting the national goal for the 156 areas.

On December 2, 1980, EPA promulgated the required visibility regulations (45 FR 80084, codified at 40 CFR 51.300 et seq.). In broad outline, the visibility regulations require the 36 States listed in section 51.300(b), including Arizona, Maine, and Utah, to: (1) Coordinate SIP development with the appropriate Federal land managers (FLM's), (2) develop a program to assess and remedy visibility impairment from new and existing sources, (3) develop a long-term (10 to 15 years) strategy to assure reasonable progress toward the

national goal, (4) develop a visibility monitoring strategy to collect information on visibility conditions, and (5) consider in all aspects of visibility protection any "integral vistas" (important views of landmarks or panoramas that extend outside of the boundaries of the Class I area) identified by the FLM's as critical to the visitor's enjoyment of the Class I areas. The affected States were required to submit revised SIP's satisfying these provisions by September 2, 1981. See 45 FR 80091, codified at 40 CFR 51.302(a)(1).

The second requirement listed above is of particular relevance to today's action. 40 CFR 51.302(c)(2) requires that each affected State include in its SIP such emission limitations, schedules of compliance, and other measures as may be necessary to make reasonable progress toward the national visibility goal. In addition, under 40 CFR 51.302(c)(1), an FLM may certify to a State that there exists impairment of visibility in any mandatory Class I Federal area. Pursuant to 40 CFR 51.302(c)(4)(i), where impairment is certified at least 6 months prior to plan submission, an affected State must (1) identify each existing stationary facility which may "reasonably be anticipated to cause or contribute" to any such impairment which is "reasonably attributable" to that facility, and (2) analyze for BART any facility so identified. "Reasonably attributable" impairment is impairment "attributable by visual observation or any other technique the State deems appropriate" [40 CFR 51.301(s)]. Where a State defaults on its obligations under the visibility regulations, EPA may act in place of the State pursuant to a FIP under section 110(c) of the Act, 42 U.S.C. 7410(c).<sup>1</sup> In such cases, all of the rights and duties that would otherwise fall to the State accrue instead to EPA. Thus, EPA may utilize attribution techniques it deems appropriate, must identify "reasonably attributable" sources of impairment, conduct BART analyses, adopt BART requirements, and may promulgate such other control strategies that EPA, in its discretion, deems necessary to make reasonable progress toward the national visibility goal.

<sup>1</sup> Section 110(c) requires EPA to promulgate FIP's whenever (a) a State fails to submit an implementation plan (or portion thereof) which meets the requirements of section 110; (b) the Administrator determines that a plan (or portion) is not in accordance with the requirements of section 110; or (c) the State fails to revise its plan within 60 days after notification by the Administrator (or some longer period, if so prescribed by the Administrator) in accordance with section 110(a)(2)(H).



In December 1982, environmental groups, including EDF, filed a citizen's suit in the United States District Court for the Northern District of California alleging that EPA had failed to perform a nondiscretionary duty under section 110(c) of the Act, 42 U.S.C. 7410(c), to promulgate visibility FIP's for the 35 States<sup>2</sup> that, at that time, had failed to submit SIP's to EPA as called for by the 1980 visibility regulations (*EDF v. Reilly*, No. C826850 RPA).

The EPA and the plaintiffs negotiated a settlement agreement for the remaining States which the court approved by order on April 20, 1984. For more information on details of the provisions of the settlement, including a schedule of actions by EPA, see EPA's announcement of the agreement at 49 FR 20647 (May 16, 1984).

### B. Settlement Agreement

The settlement agreement required EPA to promulgate FIP's on a specified schedule for those States that had not submitted visibility SIP revisions to EPA. Specifically, the first part of the agreement required EPA to promulgate FIP's which cover the monitoring and new source review (NSR) provisions of 40 CFR 51.305 and 51.307. The EPA promulgated its monitoring strategy for 23 States and its NSR provisions for 21 States (50 FR 28544, 51 FR 5504, and 51 FR 22937). In separate notices, EPA approved the SIP's of the other States with respect to monitoring and NSR.

The second part of the settlement agreement required EPA to determine the adequacy of the SIP's to meet the remaining provisions of the visibility regulations. These provisions are the general plan provisions, including BART and other implementation control strategies (§ 51.302), integral vista protection (§ 51.302-307), and long-term strategies (§ 51.306). The settlement agreement required EPA to promulgate FIP's to remedy any deficiencies on a specified schedule.

On November 14, 1985, the U.S. Department of the Interior (DOI) certified to EPA, under 40 CFR 51.302(c)(1), the existence of visibility impairment in Moosehorn Wilderness and identified a pulp and paper mill as the probable source of this impairment. On March 24, 1986, the DOI sent another letter to EPA pursuant to 40 CFR 51.302(c)(1) supplementing its November 1985 certification. This letter certified the existence of visibility impairment in Grand Canyon National Park and Canyonlands National Park and identified the Navajo Generating Station

(NGS), a 2250 megawatt coal-fired power plant located near Page, Arizona, as the probable source of the impairment in these two Class I areas. Copies of the letters certifying the impairments have been placed in the docket for this rulemaking.

On January 23, 1986, EPA determined that the SIP's of 32 States (including Arizona, Maine, and Utah) were deficient with respect to the remaining visibility provisions (51 FR 3046). Thereafter, EPA and the plaintiffs negotiated revisions to the settlement agreement which extended the deadlines for proposing FIP's to remedy these deficiencies. The court approved these revisions by its order of September 9, 1986.<sup>3</sup>

In accordance with the revised settlement agreement, on March 12, 1987 (52 FR 7802), EPA proposed to disapprove the SIP's of 32 States (including Arizona, Maine, and Utah) for failing to meet the remaining provisions of the visibility regulations, including general plan requirements (which in turn includes BART and other control strategies (section 51.302) and long-term strategies (§ 51.306). Also in accordance with the agreement, on November 24, 1987 (52 FR 45132), EPA took final action disapproving the affected SIP's and promulgating, as FIP measures under section 110(c), general plan requirements and long-term strategies for these States. Under the revised agreement, EPA's decision regarding the need for BART or other control measures in the FIP's for these States to address certified visibility impairments in seven Class I areas which potentially could be reasonably attributed to a specific source in the States of Arizona, Maine, Minnesota, and Utah was deferred until August 31, 1988 pending acquisition and evaluation of additional monitoring information regarding the potential sources of impairment. The EPA required additional information to determine whether the impairment in any of these Class I areas is "reasonably attributable" to an existing stationary facility, and to enable a BART analysis for any source so identified as causing or contributing to visibility impairment (40 CFR 51.302(c)(4)(i)).

On May 19, 1989, EPA, in accordance with the revised settlement agreement, promulgated decisions concerning certified visibility impairments in four Class I areas. Based on monitoring conducted in these areas, EPA found that the visibility impairments were not reasonably attributable to any specific

source. Therefore, EPA determined that it was not necessary at that time to revise the FIP's for the States of Arizona, Maine, and Minnesota to include BART or other control strategies to remedy impairments in Roosevelt Campobello International Park (Canada), Voyageurs National Park (Minnesota), Saguaro Wilderness (Arizona), and Petrified Forest National Park (Arizona).

Because EPA was unable to resolve certain questions regarding the need to remedy the impairments found in three additional Class I areas (the Grand Canyon National Park in Arizona, the Canyonlands National Park in Utah, and the Moosehorn Wilderness in Maine), EPA sought and received a 1-year extension of its August 31, 1988 deadline to address the impairment in these areas.

The National Park Service (NPS) has submitted to EPA a final draft report which analyzes the data from a wintertime impairment attribution study. The Winter Haze Intensive Tracer Experiment (WHITEX) was conducted in 1987 in the Colorado Plateau. The National Park Service report on WHITEX<sup>4</sup> identifies the NGS in Page, Arizona, as a source of a substantial portion of the impairment in the Grand Canyon National Park. The EPA has reviewed this report and concurs preliminarily with the findings of the NPS that NGS is a contributor to visibility impairment in Grand Canyon National Park. The NGS is located approximately 20 km from the Grand Canyon National Park boundary and 110 km from the WHITEX monitoring site at Hopi Point in the Park.

The proposal to find impairment in the Grand Canyon National Park attributable to NGS was not based on any single analysis, but rather on the collection of analyses performed by the NPS on the WHITEX data. Of particular import to this proposal, however, was the tracer mass balance regression analysis which documented the presence of the NGS plume (and sulfur emissions from NGS) in the Grand Canyon. As part of the BART analysis, EPA will quantify sulfur compounds attributable to NGS.

The EPA expects that the NPS will submit additional analyses concerning the accuracy of the attribution techniques and a final report in early September. The EPA does not anticipate

<sup>2</sup> The State of Alaska had submitted a SIP which was approved on July 5, 1983 at 48 FR 30623.

<sup>3</sup> A copy of the settlement agreement and revisions is available in docket A-85-26 at the address given at the beginning of this notice.

<sup>4</sup> "The National Park Service report on the Winter Haze Intensive Tracer Experiment Draft Final Report." William Malm, Kristie Gebhart, Douglas Latimer, Thomas Cahill, Robert Eldred, Roger Pilke, Roger Stocker, and John Watson, April 7, 1989.



any significant changes in the conclusions of this report. When these documents are made available to EPA, they will be placed in the docket for this rulemaking.

Because of the delay in receiving the NPS report, EPA and EDF filed a joint motion to revise the settlement agreement to allow adequate time to conduct a BART analysis for NGS in the event that EPA proposed to find impairment reasonably attributable to NGS. By order dated July 6, 1989, the court approved revision of the settlement agreement to require EPA to:

- Issue a notice of proposed rulemaking by August 31, 1989 (as previously scheduled) concerning the need to revise any FIP to address visibility impairments in Moosehorn Wilderness and Canyonlands National Park.
- Issue a notice of proposed rulemaking by August 31, 1989 addressing whether any facility can be identified which may reasonably be anticipated to cause or contribute to impairment in Grand Canyon National Park.
- Analyze for BART any facility identified as a contributor of impairment in the Grand Canyon National Park and issue a notice of proposed rulemaking by February 1, 1990.

The EPA must provide at least a 60-day comment period for each of the above proposed rulemakings. The EPA will promulgate the final rule for each proposal 6 months after the close of the comment period on the proposed rule with the exception of EPA's proposal to attribute impairment in the Grand Canyon National Park to NGS. In this case, EPA will finalize its attribution decision when it makes a final decision regarding BART requirements, which will be 6 months after close of any comment period on the proposal to require BART. The EPA also intends to make regulatory decisions regarding the need for control measures other than BART in accordance with this schedule.

#### C. Today's Action

In today's proposal, EPA addresses certified visibility impairments in three Class I areas. With respect to Moosehorn Wilderness, EPA believes that, based on the modifications to the pulp and paper mill in Woodland, Maine, owned by Georgia-Pacific Corporation (GP) and the prevention of significant deterioration (PSD) permit requirements for the mill, it is unnecessary at this time to revise the FIP for the State of Maine to include BART requirements or other control strategies. Any future information regarding impairment in this Class I area

will be addressed in the periodic review required by the State's long-term strategy (40 CFR 51.306 and 52.29).

With respect to the Canyonlands National Park, EPA has no data at this time to attribute the impairment in the park to any specific source. Thus, EPA believes that it is unnecessary at this time to revise the FIP for the State of Utah to include BART requirements or other control strategies. If additional data become available which permit EPA or the State to attribute the impairment in this Class I area, it will be addressed in the periodic review required by the State's long-term strategy.

Based on the NPS report on the WHITEX data, EPA believes that a substantial portion of visibility impairment in Grand Canyon National Park is attributable to a specific source—NGS. The EPA, in accordance with the recently revised settlement agreement, will issue a notice of proposed rulemaking to address whether to revise the FIP for the State of Arizona to include BART requirements for this facility or other control strategies by February 1, 1990.

#### Discussion of Impairment

##### A. Moosehorn Wilderness, Maine

The Fish and Wildlife Service (FWS) previously noted the existence of elevated layered hazes of differing colors in the Moosehorn Wilderness (see discussion at 52 FR 7802). However, the existing data were inadequate to positively identify the sources of the impairment or to complete a BART analysis. Consequently, the FWS and the Interagency Monitoring of Protected Visual Environments Technical Steering Committee directed its contractor to install an 8-millimeter, time-lapse camera system at Moosehorn Wilderness. The camera started operation on October 5, 1987.

The FWS had identified the GP pulp and paper mill as the probable source of impairment existing within the Moosehorn Wilderness. The mill is approximately 7 kilometers (km) from the northern section of Moosehorn Wilderness. The camera system installed at Moosehorn recorded a visible plume emitted nearly every day from the mill. Under certain conditions, the plume appeared to cross the Wilderness boundary causing visibility impairments in the Wilderness. Thus, EPA believes that the impairment certified by the DOI in 1985 is attributable to the GP pulp and paper mill in Woodland, Maine.

As part of a modernization and modification of the mill, GP had applied

for a PSD permit. Since the emission limitations required by the PSD permit could significantly affect the pollutants which cause the visibility impairment, EPA deferred its decision pending completion of the PSD permit process. This permit process has now been completed. The PSD permit process included a review of existing sources of plume blight at the mill. It is anticipated that the impairment will be reduced by additional air pollution controls required by the PSD permit for existing facilities and the retirement of two existing facilities which contributed to the observed impairment. Based upon the PSD permit requirements, EPA believes that existing impairment will be adequately remedied such that revisions to the Maine FIP are not necessary to address the impairment certified in 1985 by DOI. A copy of the State of Maine's Air Emission License (PSD permit) for GP has been placed in the docket for this rulemaking.

##### B. Canyonlands National Park, Utah, and Grand Canyon National Park, Arizona

The DOI has documented the occurrence of visibility impairments at Canyonlands and Grand Canyon National Parks during winter inversion conditions (see discussion at 52 FR 7802). Both of these parks are mandatory Class I Federal areas located in the Colorado River area of the Colorado Plateau. Canyonlands National Park is located approximately 200 km northeast of Grand Canyon National Park. The visibility impairment identified in these Class I areas during the winter months has been described as a haze "with a bright white layer and a distinct upper edge and it occasionally includes one or more perceptible layers."<sup>5</sup>

WHITEX, a 6-week study conducted in January and February 1987 in the Colorado River area, was designed to evaluate the ability of a variety of receptor modeling approaches to attribute visibility impairment in several Class I areas to a single source. WHITEX was a cooperative effort between several utility groups including Salt River Project (SRP), the operators of NGS, and several government agencies including NPS. As discussed below, WHITEX employed several attribution methodologies including the use of a unique tracer injected into the NGS stack to track the power plant's plume. A meteorological analysis was conducted to document the wind flow patterns and stagnation events occurring during the winter months.

<sup>5</sup> Ibid. p. 4.



The study area consisted of three major and five satellite monitoring sites. Major monitoring sites were located in Grand Canyon National Park (at Hopi Point), Canyonlands National Park, and Page, Arizona (near the Glen Canyon Dam). Satellite sites were located in major transport corridors of the study area. Extensive air quality monitoring was conducted at these eight sites to evaluate NGS' contribution to visibility impairment in the area.

The NPS calculated a light extinction budget for each of the three major sites based on optical and aerosol measurements taken simultaneously at each site. The light extinction budgets express the relative contribution to light extinction by various aerosol constituents (e.g., sulfates or organics) or the type of extinction observed (e.g., scattering or absorption). Light extinction, a standard method used to monitor visibility impairment, is the combined effect of light scattering and absorption. The NPS found that fine particle scattering due to sulfates accounted for the largest share of anthropogenic visibility impairment during the WHITEX study period at all three sites.

The NPS then attributed the extinction (due to fine sulfates) to specific source(s) using various receptor modeling techniques. Three statistical methods and one deterministic model were used to estimate the relative contributions of sources within the study area to visibility impairment observed during the 6-week study. Receptor modeling methods used included chemical mass balance, tracer mass balance regression, and differential mass balance.

Other less quantitative techniques were also used to attribute the impairment observed to specific sources. An emissions analysis was conducted along with a meteorological analysis and an analysis of the spatial patterns and temporal trends in ambient sulfate concentrations. In all, nine techniques were used by NPS to attribute the visibility impairment observed to specific sources.

#### Canyonlands National Park

Only a few tracer samples from the Canyonlands National Park WHITEX monitoring site have been analyzed to date. Although tracer was detected at Canyonlands National Park, there is insufficient data to determine whether NGS contributed significantly to total ambient sulfate. Analysis of wind flow patterns and the spatial and temporal trends indicate that the NGS plume might have contributed to impairment at Canyonlands National Park on various

days for which tracer data have been analyzed. Based on the data analyses currently available, the NPS concluded that NGS appears to be less of a contributor to visibility impairment at Canyonlands than are more local sources, and the NPS is unable to attribute the impairment in Canyonlands National Park to any specific source at this time. Thus, EPA believes that it is not necessary at this time to revise the FIP for the State of Utah to include BART requirements or other control strategies to address impairment in this Class I area.

#### Grand Canyon National Park

The NPS report on WHITEX concludes that NGS was the largest single contributor to visibility impairment in Grand Canyon National Park during the 6-week study period. The data analyses conducted by the NPS indicate that under certain meteorological conditions, which are common in the area during the winter months, large quantities of sulfur dioxide from NGS are transported into the Grand Canyon. One of these analyses included measurement at Hopi Point in the Grand Canyon National Park of the unique tracer which was injected into the NGS stack. Another of these analyses further showed that the high sulfate episodes observed during WHITEX were typical results of transport and transformation of pollutants during the wintertime.

The NPS analyzed extensively the data collected at Hopi Point during the three major sulfate episodes. All nine analytical techniques used by NPS support the conclusion that NGS is a significant contributor to visibility impairment during the winter months in Grand Canyon National Park. The NPS data indicate that NGS contributes approximately 40 percent on the average to the observed wintertime visibility impairment and approximately 60-70 percent during the worst visibility impairment episodes. During one episode, the NPS analysis identified copper smelters located in southern Arizona and Mexico as major contributors to visibility impairment. It is important to note that subsequent to the 1987 study timeframe, these sources have either been controlled to reduce emissions or shut down.

Based on the NPS report, EPA is proposing to find that NGS may reasonably be anticipated to cause or contribute to visibility impairment in this Class I area. Under the requirements of the settlement agreement, EPA is proceeding with a BART analysis for NGS (see discussion below). In accordance with the latest

revision to the settlement agreement, a decision by EPA on the need for BART (or other control measures) will be proposed by February 1, 1990.

#### Legal and Regulatory Issues

On May 15, 1989, the SRP submitted comments on the technical merits of the draft NPS report and on legal and regulatory issues pertaining to potential regulatory action affecting NGS. In addition, SRP and Alabama Power Company, *et al.*, a consortium of firms representing the electric utility industry, have submitted further legal arguments in support of a motion seeking revision of the current settlement agreement and consent order in *EDF v. Reilly* (Memorandum in Support of Motion of Intervenor Alabama Power Company, *et al.*, and SRP, *et al.*, for Modification of Order Granting Joint Motion to Extend Deadline, August 1, 1989. (Both documents have been placed in Docket No. A-89-02.)) The EPA will respond to the technical comments following submission of a final report on the WHITEX study by NPS. However, it is appropriate to summarize here the legal and regulatory issues identified by SRP, and present EPA's views on them, to enable more informed participation in the public comment process. The EPA specifically solicits comment on these issues.

#### A. Scope of the Current Visibility Regulations

The SRP asserts that the type of visibility impairment in the Grand Canyon is a "homogeneous regional haze," and thus beyond the scope of EPA's current visibility regulations, which are allegedly limited to "plume blight." The EPA disagrees with this contention. The current regulations focus on impairment due to discrete, discernible plumes, but they are not limited to "plume blight." Rather, as SRP acknowledges, the visibility rules regulate any impairment that "can be traced to a single existing stationary facility or small group of \* \* \* facilities" (45 FR 80085, col. 3). Thus, it appears that the core of SRP's argument is the claim that impairment in the Grand Canyon cannot, in fact, be attributed to NGS.

#### B. Attribution of Impairment to a Significant Contributor

The SRP argues that a finding of reasonable attribution cannot be made unless one source (or a small group of sources) is the sole contributor to visibility impairment. In support of this view, SRP states that control of one source would result in significant



improvement in visibility only if the impairment was being caused only by that source, whereas if many sources are contributing, all must be controlled to result in improved visibility. The EPA disagrees, because SRP's position is flawed logically, and assumes key facts that the WHITEX data indicate are untrue, or which must await a BART analysis. Specifically, if NGS is a significant contributor to wintertime impairment in the Grand Canyon, notwithstanding that other sources may also contribute to the impairment, it follows that the addition of emissions controls at NGS alone may result in significant improvement in visibility. In addition, as discussed above, the WHITEX data indicate that NGS is, in fact, a significant contributor to wintertime impairment in the Grand Canyon. Thus, in today's notice, EPA has preliminarily determined that the impairment in question may be reasonably attributable to NGS. Whether control of NGS alone would result in a significant improvement in visibility will be addressed in depth by the BART analysis that EPA will conduct, and is not at issue here.

#### C. Attribution Techniques

The SRP and Alabama Power Company, *et al.*, also claim that the visibility regulations prohibit EPA from basing a finding of reasonable attribution on the WHITEX study, pointing to 40 CFR 51.301(s), which defines "reasonably attributable" as "attributable by visual observation or any other techniques the State deems appropriate." In their view, the rules on their face authorize only States, and not EPA, to use techniques other than visual observation to make a reasonable attribution decision.

The EPA disagrees with this view. The part 51 visibility regulations, including the definition in question, contain numerous references to the duties of "States" in the SIP planning process for the obvious reason that those regulations' principal purpose is to set forth the requirements that SIP's must meet to comply with the regulations. In this instance, however, Arizona has defaulted on its responsibility, as it has failed to submit a visibility SIP or any portion thereof. Consequently, EPA has an obligation under section 110(c)(1)(A) of the Act to promulgate such visibility measures as may be necessary to fulfill the requirements of the visibility regulations at 40 CFR 51.300 *et seq.* In so doing, EPA stands in the shoes of the defaulting State, and all of the rights and duties that would otherwise fall to the State accrue instead to EPA. Thus, in this instance, EPA is in effect acting as a

"State," and may utilize any attribution technique it deems appropriate, not just visual observation. (Moreover, there is no inherent reason why EPA should be limited to visual observation when it acts under section 110(c) if a State is not so limited in developing a SIP.) Similarly, 40 CFR 51.302(c)(4)(i) provides that the "State" must identify and analyze for BART any source as to which a reasonable attribution finding is made. Nevertheless, where EPA is acting in place of the "State" under section 110(c), these duties, as well as other duties of "States" under the part 51 visibility regulations, fall to EPA. In this case, EPA has found that the Arizona SIP is deficient for failing to meet the requirements of 40 CFR 51.302, including reasonable attribution and BART requirements, and has disapproved the SIP for that failure (51 FR 3046, 3048 [January 23, 1986]; 52 FR 45132, 45133). The EPA believes that its position represents a reasonable interpretation of the Act and its own regulations, and is fully in keeping with the language, goals, and purposes of the Act and those regulations. However, EPA solicits comments on whether it would be appropriate to make changes in the definitional provisions of 40 CFR part 51 in order to provide additional clarification on EPA's interpretation that the Administrator, like a "State," may utilize whatever techniques he deems appropriate in making "reasonable attribution" findings in promulgating a plan under section 110(c) of the Act. After the close of the comment period that commences today, EPA may proceed to make clarifying changes without further public notice.

#### D. Sequence of Reasonable Attribution and BART Decisions

The SRP and Alabama Power Company, *et al.*, assert that, with respect to visibility impairment in the Grand Canyon, EPA has no authority to conduct a BART analysis or propose or promulgate emissions limitations representing BART until (1) the Administrator has made a final reasonable attribution decision, and (2) the State has been given an opportunity to conduct its own BART analysis. The EPA disagrees with these assertions because they seriously misread the applicable statutory and regulatory requirements.

Regarding the purported need for a "final" attribution determination before proceeding to a BART analysis, there is no support in the regulations for the notion that EPA must proceed in this fashion. Indeed, 40 CFR 51.302(c)(4) speaks of a single requirement to "identify and analyze for BART."

Because of a need for additional time, the court in *EDF v. Reilly* has granted the parties' joint request that EPA be given additional time to conduct a BART analysis and issue a proposal on the need for BART, but the regulations do not suggest that it is necessary to formalize this voluntary bifurcation of a single decision, and make a "final" determination on the first portion before proceeding to the second. Nor is it necessary to proceed in the fashion these commenters suggest in order to satisfy the rulemaking requirements of the Act or the Administrative Procedure Act, because neither a "proposed" nor a "final" reasonable attribution determination is a promulgated rule or other "final action" within the meaning of those statutes, and is not subject to judicial review. Rather, it is a preliminary finding that may lead to a final rule or other final action (i.e., a final decision that emission limitations representing BART are unnecessary, or the imposition of such limitations) that is subject to review.

Regarding the purported need to afford Arizona an opportunity to perform its own BART analysis, there is likewise no basis for such a requirement. As explained above, the prerequisite for remedial action by EPA to promulgate appropriate FIP measures under section 110(c)(1)(A) of the Act has already been met because Arizona failed completely to submit any visibility SIP provisions. Moreover, EPA has already issued a notice of SIP deficiency and disapproved the State's SIP for this reason. No other preliminary steps are necessary under the Act.

#### BART Analysis

Once impairment has been certified by the FLM and the impairment has been reasonably attributed to a specific source(s), a State (or EPA if the State's visibility protection program addressing BART has not been approved and a FIP has been promulgated instead) is required by the visibility regulations at 40 CFR 51.302(c)(4)(i) to analyze the facility for BART.

Pursuant to 40 CFR 51.302(c)(4)(iii), the procedure that EPA will use to conduct the BART analysis for NGS is found in "Guidelines for Determining Best Available Retrofit Technology Analysis for Coal-Fired Power Plants and Other Existing Stationary Facilities" (EPA-450/3-80-009b). A copy of this document has been placed in the docket established for this rulemaking. In analyzing a facility for BART, the following must be considered: the costs of compliance, the energy and nonair quality environmental impacts, any



existing pollution control technology in use at the facility, the remaining useful life of the plant, and the degree of improvement in visibility anticipated to result from application of controls (see 40 CFR 301(c)). According to section 169A(c)(2) of the Act, an exemption from BART requirements may only be granted if NGS can demonstrate that the facility is located at such a distance from the Class I area so as not to contribute to significant visibility impairment in that area.

#### Format for Remedial Action

With respect to implementation of other visibility requirements, because of the large number of States involved and the ongoing nature of the regulatory requirements, EPA deemed it appropriate to promulgate generic Federal implementing regulations and insert them into the SIP's of the affected States. See, e.g., 40 CFR 52.26 (visibility monitoring strategy, implementing 40 CFR 51.305); 40 CFR 52.27 and 52.28 (visibility new source review, implementing 40 CFR 51.307); 40 CFR 52.29 (implementing long-range strategies, 40 CFR 51.306); and 40 CFR 52.145 (b) and (c) (incorporating these provisions into the Arizona SIP). With respect to source attribution and BART, however, Arizona is the only State for which remedial Federal measures are even potentially needed at this time. Accordingly, EPA proposes to simply follow the appropriate provisions of the part 51 visibility regulations in making source attribution and BART findings regarding NGS and, if those findings result in the imposition of actual emissions limitations representing BART, to amend the visibility FIP for Arizona in 40 CFR 52.145 to incorporate such limitations.

The EPA deems it appropriate to interpret references to the rights, duties, and responsibilities of a "State" under 40 CFR part 51, subpart P, as referring to

the "Administrator" in the case of a plan promulgated under section 110(c) of the Act. However, as noted above, EPA is soliciting comments on whether it would be appropriate to revise the definitional provisions of 40 CFR part 51 to clarify that the Administrator, like a "State," may utilize whatever techniques he deems appropriate in making "reasonable attribution" findings.

#### Solicitation of Comments

The EPA solicits comments on the proposed finding that, because of the major modifications completed at GP's pulp and paper mill in Woodland, Maine, and the additional control measures required by the PSD permit issued to this facility, it is unnecessary at this time to include BART or other control measures in the FIP for the State of Maine.

In addition, EPA solicits comments on the proposed finding that because EPA does not have data at this time to attribute the impairment in Canyonlands National Park to any source, it is unnecessary at this time to revise the FIP for the State of Utah to include BART requirements or other control measures.

Also, EPA solicits comments on the proposed finding that a portion of the visibility impairment in Grand Canyon National Park is attributable to NGS.

Finally, EPA solicits comments on the legal and regulatory issues noted above, and on whether to clarify the visibility regulations by specifying that the Administrator as well as the States may use any attribution technique he deems appropriate in determining reasonably attributable impairment.

The EPA has established a docket for this proposal, Docket Number A-89-02. The docket is an organized and complete file of all significant information submitted to or otherwise considered by EPA during this proceeding. This docket will serve as the

record in the case of judicial review under section 307(b) of the Act, 42 U.S.C. 7607(b).

#### Classification

The Administrator certifies pursuant to the provisions of 5 U.S.C. 605(b) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

The proposed rules do not contain any information collection requirements subject to Office of Management and Budget (OMB) review under the Paperwork Reduction Act of 1980, U.S.C. 3501 et seq.

The proposed rule implements part of subpart P (40 CFR 51.300 through 51.307) which was promulgated on December 2, 1980. An economic impact assessment was made for promulgation of subpart P and can be found in Docket Number A-79-40.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because: (1) The national annualized costs total less than \$100 million; (2) the action does not cause a major increase in prices or production costs; and (3) the action does not cause significant adverse effects on domestic competition, employment, investment, productivity, innovation, or competition in foreign markets. This regulation was submitted to OMB for review as required by Executive Order 12291. Any written communication between OMB and EPA pertaining to the standards has been put in Docket Number A-89-02.

Dated: August 29, 1989.

**F. Henry Habicht,**

*Acting Administrator.*

[FR Doc. 89-20762 Filed 9-1-89; 8:45 am]

BILLING CODE 6560-50-M



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# Reader Aids

Federal Register

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Tuesday, September 5, 1989

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Last List August 22, 1989



## CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (\*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily *Federal Register* as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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| Title                                      | Price   | Revision Date             |
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| 1, 2 (2 Reserved)                          | \$10.00 | Apr. 1, 1989              |
| 3 (1988 Compilation and Parts 100 and 101) | 21.00   | <sup>1</sup> Jan. 1, 1989 |
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| 500-End                                    | 28.00   | Jan. 1, 1989              |
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| 60-139                                     | 21.00   | Jan. 1, 1989              |

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| 101.....                                 | 25.00 | July 1, 1988              |   |        |               |
| 102-200.....                             | 12.00 | July 1, 1988              |   |        |               |
| 201-End.....                             | 8.50  | July 1, 1988              |   |        |               |

<sup>1</sup> Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

<sup>2</sup> 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.

<sup>3</sup> No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1988. The CFR volume issued January 1, 1987, should be retained.

<sup>4</sup> 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.

<sup>5</sup> No amendments to this volume were promulgated during the period July 1, 1986 to June 30, 1988. The CFR volume issued as of July 1, 1986, should be retained.

<sup>6</sup> 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.