quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

The Administrator, Farmers Home Administration, USDA, has determined that this action will not have a significant economic impact on a substantial number of small entities because it contains normal business recordkeeping requirements and minimal essential reporting requirements.

Background

At the present time there is no distinct guidance to field personnel on whether to order a joint or individual credit report on married applicants when there is only one income in the household. This lack of guidance has resulted in numerous inquiries to the National Office from field personnel as to which type of report to order. These amendments establish the type of report to be ordered by field personnel on married applicants regardless of the number of incomes in the household.

On August 4, 1988, FmHA published in the **Federal Register** (53 FR 29341) a proposed rule for amending its regulations regarding ordering credit reports on married applicants. The comment period ended October 3, 1988. No comments were received. However, in reviewing what had been published as a proposed rule, it was decided that further revisions could be made to better explain the intent of the proposed changes. These revisions have been incorporated in the final rule. They do not alter the substance of what appeared in the proposed rule but merely further clarify the intent of that rule.

List of Subject in 7 CFR Part 1910

Administrative practice and procedure, Credit, Government contracts, Reporting requirements.

Accordingly, Chapter XVIII, Title 7 of the Code of Federal Regulations is amended as follows:

PART 1910—GENERAL

1. The authority citation for Part 1910 is revised to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart B—Credit Reports (Individual)

2. Section 1910.52 is amended by revising paragraph (a) to read as follows:

§ 1910.52 General.

(a) FmHA obtains credit reports from credit reporting companies (Contractors) listed in Exhibit A of this subpart (available in any FmHA office) as authorized by the National Office, FmHA. Furthermore, special reports, supplemental employment reports, commercial credit reports, and special services are not authorized.

* * * * *

3. Section 1910.53 is amended by revising paragraphs (d) and (e) as follows:

§ 1910.53 Policy.

* * * * *

(d) The County Supervisor will determine when and what type of credit report will be ordered in accordance with the provisions of this subpart, except that credit reports will always be ordered when the incomes of both applicant and co-applicant are needed to show repayment ability.

(e) A nonrefundable credit report fee of the amount shown in Exhibit A, *General,* (b) of this subpart (available in any FmHA office) will be a one time charge for each initial credit report ordered.

* * * * *

4. Section 1910.54 is amended by revising paragraph (b) as follows:

§ 1910.54 Definitions.

* * * * *

(b) "Applicant," for other than Farmer Program loans, also includes co-applicant(s), co-signer(s), each individual in an association, and general partner(s) in a partnership. For Farmer Program loans, "applicant" also includes co-signer(s), member(s) of a cooperative, stockholder(s) in a corporation, partner(s) in a partnership, and joint operators of a joint operation.

* * * * *

5. Section 1910.59 is revised to read as follows:

§ 1959.59 Type of credit report to be ordered.

Pursuant to the Equal Credit Opportunity Act (ECOA), credit reporting companies maintain credit information in three different forms on a married couple; individual accounts on each spouse, a joint account covering both spouses, and undesignated accounts (not identified by a creditor as either individual or joint). The County Supervisor will order:

(a) A joint report when the applicant and co-applicant are married, regardless of whether there is only one source of income.

(b) An individual report when the applicant is married and applies as an individual.

(c) An individual report on each the applicant and co-applicant when they are not married.

(d) If credit information is needed on other persons to complete the credit investigation, a separate "individual" report request, which will be paid by the applicant, is prepared for each person as opposed to the more costly "special services" reports.

6. Section 1910.61 is amended by revising paragraph (a)(2)(ii) to read as follows:

§ 1910.61 Collecting fees, invoicing, and payments.

(a) * * *

(2) * * *

(ii) By entering the date and amount of the credit report fee collected in column 9 of Form FmHA 1905–4, "Application and Processing Card-Individual."

* * * * *

Date: March 31, 1989.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 89–10029 Filed 4–26–89; 8:45 am]

BILLING CODE 3410-07-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 140 and 145

Commission Western and Southwestern Regional Offices; Change of Address

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule amendments.

SUMMARY: The Commodity Futures Trading Commission is amending its regulations to include new addresses for its recently relocated Western and Southwestern regional offices. Both of these offices, while remaining in the same respective cities, have moved to new locations in Los Angeles, California, and Kansas City, Missouri.

EFFECTIVE DATE: April 27, 1989.

FOR FURTHER INFORMATION CONTACT: Gerry Smith, Office of the Executive Director, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, (202) 254–6090.

SUPPLEMENTARY INFORMATION: Commission regulation § 140.2 is being amended to reflect the fact that the Western and Southwestern Regional Offices of the Commission have been moved. The Western Regional Office of the Commission has moved from 10850 Wilshire Boulevard, Suite 510, Los Angeles, California 90024 to 10880 Wilshire Boulevard, Suite 1005, Los Angeles, California 90024. The telephone number for general information is (213) 209-6783. The Southwestern Regional Office of the Commission has been moved from 4901 Main Street, Suite 400, Kansas City, Missouri 64112 to 4900 Main Street, Suite 721, Kansas City, Missouri 64112. The telephone number for general information is (816) 374-6602.

Certain other provisions of the Commission's regulations contain references to or addresses of the Commission's Western and Southwestern Regional offices. The appropriate changes have been made to reflect the new addresses in each of these provisions.

List of Subjects

17 CFR Part 140

Organization and functions (Government agencies).

17 CFR Part 145

Freedom of information.

Based upon the foregoing, pursuant to its authority contained in section 2(a)(11) of the Commodity Exchange Act, 7 U.S.C. 4a(j) (1976), the Commission hereby amends Parts 140 and 145 of the Code of Federal Regulations as follows:

PART 140—[AMENDED]

1. An authority citation for Part 140 is added, and the authority citations following individual sections are removed.

Authority: 17 U.S.C. 12a.

2. Section 140.2 is amended by revising paragraphs (c) and (d) to read as follows:

§ 140.2 Region Offices—Regional Directors.

* * * * *

(c) The Western Regional office is located at 10880 Wilshire Boulevard, Suite 1005, Los Angeles, California 90024 and is responsible for enforcement of the act and administration of programs of the Commission in the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

(d) The Southwestern Regional office is located at 4900 Main Street, Suite 721, Kansas City, Missouri 64112, with a sub-office at Room 510, Grain Exchange Building, Fourth Street and Fourth Avenue, South, Minneapolis, Minnesota 55415, and is responsible for enforcement of the Act and administration of the programs of the Commission in the States of Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas.

PART 145—[AMENDED]

3. The authority citation for Part 145 continues to read as follows:

Authority: Pub. L. 89-554, 80 Stat. 383, Pub. L. 90-23, 81 Stat. 54, Pub. L. 93-502, 88 Stat. 1561-1564 (5 U.S.C. 552); sec. 101(a), Pub. L. 93-463, 88 Stat. 1389 (5 U.S.C. 4a(j)); Pub. L. 99-570.

4. Section 145.6(a) is revised to read as follows:

§ 145.6 Commission offices to contact for assistance; registration records available.

(a) Whenever this part directs that a request be directed to the FOI, Privacy and Sunshine Acts compliance staff at the principal office of the Commission in Washington, DC, the request shall be made in writing and shall be addressed or otherwise directed to the Assistant Secretary for FOI, Privacy and Sunshine Acts Compliance, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. The telephone number of the compliance staff is (202) 254-3382. Requests for public records directed to a regional office of the Commission pursuant to §§ 145.0(c) and 145.2 should be sent to: Division of Economic Analysis, Commodity Futures Trading Commission, One World Trade Center, Suite 4747, New York, New York 10048, Telephone: (212) 466-2061. Division of Trading and Markets, Commodity Futures Trading Commission, Sears Tower, Suite 4600, 233 South Wacker Drive, Chicago, Illinois 60606, Telephone: (312) 353-5990. Division of Trading and Markets, Commodity Futures Trading Commission, 510 Grain Exchange Building, Minneapolis, Minnesota 55415, Telephone: (612) 725-2025. Division of Trading and Markets, Commodity Futures Trading Commission, 4900 Main Street, Suite 721, Kansas City, Missouri 64112, Telephone: (816) 374-6602. Division of Enforcement, Commodity Futures Trading Commission, 10880 Wilshire Blvd., Suite 1005, Los Angeles, California 90024, Telephone: (213) 209-6783.

* * * * *

The foregoing rules shall be effective immediately. The Commission finds that the amendments relate solely to agency organization, practice and procedure and that the public procedures and publication prior to the effective date of the amendments, in accordance with the Administrative Procedure Act, as codified, 5 U.S.C. 553, are not required.

Issued in Washington, DC, on April 21, 1989, by the Commission.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 89-10010 Filed 4-26-89; 8:45 am]

BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Rel. No. 33-6833; 34-26747; 35-24868; 39-2213; IC-16931; IA-1163]

Rules Delegating Functions

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Securities and Exchange Commission is revising Subpart A, Part 200 of Title 17 with respect to the descriptions of and delegations of authority to the Commission's Director of the Office of Opinions and Review, General Counsel, and Executive Assistant to the Chairman. This action will effect the consolidation of the Office of Opinions and Review and the Office of the General Counsel, and will delegate to the General Counsel and, in certain cases, the Executive Assistant to the Chairman, the authority previously delegated to the Director of the Office of Opinions and Review. The purpose of consolidating the functions of the Office of Opinions and Review into the Office of the General Counsel is to increase the efficiency of the adjudicatory process and make available to that process the resources of the Office of the General Counsel.

EFFECTIVE DATE: April 27, 1989.

FOR FURTHER INFORMATION CONTACT: David C. Mahaffey, Assistant General Counsel, or Thomas M. Selman, Special Counsel, Office of the General Counsel, (202) 272-2428.

SUPPLEMENTARY INFORMATION: On February 9, 1989, Chairman Ruder announced the consolidation of the Commission's Office of Opinions and Review into the Office of the General Counsel, with the establishment of an Adjudication Group in OGC. The Chairman further announced that the preparation of opinions and orders in contested Rule 2(e) cases will be assigned to the Executive Assistant to the Chairman, and that drafting responsibilities in other cases may, as appropriate, be transferred from the General Counsel to the Chairman's staff.

The Commission finds that this action relates solely to rules of agency organization, procedure or practice, and therefore that prior publication under 5 U.S.C. 553 is not necessary and that the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply. Further, the Commission finds good cause under 5 U.S.C. 553(d)(3) for the action to become effective immediately upon publication in the Federal Register, since implementing the rule changes will increase the efficiency of the Commission's adjudicatory process and make available to that process the resources of the Office of the General Counsel. Accordingly, the foregoing action becomes effective immediately upon publication in the **Federal Register**.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of information, Privacy, Securities.

Text of Amendments

Title 17, Chapter II of the Code of Federal Regulations is hereby amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. The authority citation for Part 200 appearing at the end of the table of contents is removed.

2. The authority citation for Part 200, Subpart A is revised to read as follows:

Authority: Secs. 19, 23, 48 Stat. 85, 901, as amended; sec. 20, 49 Stat. 833; sec. 319, 53 Stat. 1173; secs. 38, 211, 54 Stat. 841, 855; sec. 308, 101 Stat. 1254 (15 U.S.C. 77s, 78d–1, 78d–2, 78w, 79t, 77sss, 80a–37, 80b–11), unless otherwise noted.

§ 200.15 [Removed]

3. By removing § 200.15.

4. By revising § 200.16 to read as follows:

§ 200.16 Executive Assistant to the Chairman.

The Executive Assistant to the Chairman assists the Chairman in consideration of legal, financial, and economic problems encountered in the administration of the Commission's statutes. He or she arranges for and conducts conferences with officials of the Commission, members of the staff, and/or representatives of the public on matters arising with regard to general programs or specific matters. Acting for the Chairman, he or she furnishes the initiative, executive direction, and authority for staff studies and reports bearing on the Commission's administration of the laws and its relations with the public, industry, and the Congress. The Executive Assistant is also responsible for assisting members of the Commission in the preparation of the opinions of the Commission, and to the Commission for the preparation of opinions and decisions on motions and certifications of questions and rulings by administrative law judges in the course of administrative proceedings under Rule 2(e) of the Commission's Rules of Practice (§ 201.2(e) of this Chapter), and in other cases in which the Chairman or the General Counsel has determined that separation of functions requirements or other circumstances would make inappropriate the exercise of such functions by the General Counsel. In cases where, pursuant to a waiver by the parties of separation of function requirements, another Division or Office of the Commission's staff undertakes to prepare an opinion or decision, such Division or Office rather than the Executive Assistant will prepare such opinion or decision, although the Executive Assistant may assist in such preparation. The Executive Assistant is further responsible for the exercise of such review functions with respect to adjudicatory matters as are delegated to him or her by the Commission pursuant to 101 Stat. 1254 (15 U.S.C. 78d–1, 78d–2) or as may be otherwise delegated or assigned to him or her.

5. By amending § 200.21 by redesignating paragraph (b) as (c), revising paragraph (a), and adding new paragraph (b) as follows:

§ 200.21 The General Counsel.

(a) The General Counsel is the chief legal officer of the Commission. He or she is responsible for the representation of the Commission in judicial proceedings in which it is involved as a party or as amicus curiae, for directing and supervising all civil litigation involving the Commission in the United States District Courts, for directing and supervising the Commission's responsibilities under the Bankruptcy Code and all related litigation, and for representing the Commission in all cases in appellate courts. The General Counsel is responsible for the review of cases which the Division of Enforcement recommends be referred to the Department of Justice with a recommendation for criminal prosecution. Together with the Director of the Division of Enforcement, the General Counsel is responsible for granting of access, by delegated authority, to materials contained in Commission files concerning non-public investigatory proceedings in which formal orders of investigation have been entered at the request of domestic and foreign governmental authorities, self-regulatory organizations, receivers, special counsels, and other similar persons appointed in Commission litigation, the Securities Investor Protection Corporation, and trustees and counsel for trustees "appointed" pursuant to section 5(b) of the Securities Investor Protection Act. In addition, he or she is responsible for advising the Commission at its request or at the request of any division director or officer head, or on his or her own motion, with respect to interpretations involving questions of law; for the conduct of administrative proceedings relating to the disqualification of professional persons from practice before the Commission; for the preparation of the Commission comments to the Congress on pending legislation; and for the drafting, in conjunction with appropriate divisions and offices, of legislative proposals to be sponsored by the Commission. The General Counsel is also responsible for the review and clearance of the form and content of articles, treatises, and prepared speeches and addresses by members of the staff relating to the Commission or to the statutes and rules administered by the Commission and is responsible for investigating any claims of staff improprieties. He or she is responsible (with the Director of Personnel) for administering and interpreting the Commission's Conduct Regulation. He or she serves as Counselor to the Commission and its staff with regard to ethical and conflicts of interest questions and acts as the Commission's liaison on such matters with the Office of Personnel Management and the Department of Justice. The General Counsel also is responsible for coordinating and reviewing the interpretive positions of the various divisions and offices. In addition, he or she is responsible for appropriate disposition of all Freedom of Information Act and Privacy Act appeals pursuant to the authority delegated in § 200.30–14 of this Chapter, and is the Commission's advisor with respect to legal problems arising under the Freedom of Information Act, the Privacy Act, the Federal Reports Act, the Federal Advisory Committee Act, the Civil Service laws and regulations, the statutes and rules applicable to the Commission's procurement, contracting, fiscal and related administrative activities, and other statutes and regulations of a similar nature applicable to a number of Government agencies.

(b) The General Counsel is also responsible for assisting members of the

Commission in the preparation of the opinions of the Commission, and to the Commission for the preparation of opinions and decisions on motions and certifications of questions and rulings by administrative law judges in the course of administrative law proceedings, except (1) in cases where, pursuant to a waiver by the parties of separation of function requirements, another Division or Office of the Commission's staff undertakes to prepare an opinion or decision, in which cases the General Counsel may assist in such preparation, and (2) with respect to administrative proceedings under Rule 2(e) of the Commission's Rules of Practice (§ 201.2(e) of this Chapter) or other cases in which the Chairman or the General Counsel has determined that separation of function requirements or other circumstances would make inappropriate the exercise of such functions by the General Counsel. In the cases described in clause (2), the Executive Assistant to the Chairman exercises such functions. The General Counsel deals with general problems arising under the Administrative Procedure Act, including the revision or adoption of rules of practice. The General Counsel is also responsible for the exercise of such review functions with respect to adjudicatory matters as are delegated to him or her by the Commission pursuant to 101 Stat. 1254 (15 U.S.C. 78d–1, 78d–2) or as may be otherwise delegated or assigned to him or her.

* * * * *

§ 200.30–8 [Removed]

6. By removing § 200.30–8.

7. By revising the introductory paragraph and adding paragraphs (g), (h), and (i) to § 200.30–14 to read as follows:

§ 200.30–14 Delegation of Authority to the General Counsel.

Pursuant to the provisions of Pub. L. 101–181, 101 Stat. 1254, 101 Stat. 1255, 15 U.S.C. 78d–1, 15 U.S.C. 78d–2, and 5 U.S.C. 552a(d)(2)(B)(ii), the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the General Counsel of the Commission, to be performed by him or her or under his or her direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

* * * * *

(g)(1) With respect to proceedings conducted pursuant to the Securities Act of 1933 (15 U.S.C. 77a, *et seq.*), the Securities Exchange Act of 1934 (15 U.S.C. 78a, *et seq.*), the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a, *et seq.*), the Trust Indenture Act of 1939 (15 U.S.C. 77aaa, *et seq.*), the Investment Company Act of 1940 (15 U.S.C. 80a–1, *et seq.*), the Investment Advisers Act of 1940 (15 U.S.C. 80b–1, *et seq.*), and the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa, *et seq.*);

(i) To consider an application for review of an interlocutory ruling which an administrative law judge has refused to certify, and to deny such application upon determining that the administrative law judge did not err in refusing to certify the matter.

(ii) To consider an interlocutory ruling which an administrative judge has certified, and to affirm such ruling upon determining that such action is appropriate.

(iii) To issue any order pursuant to an initial decision as to any person who has not filed a petition for review within the time provided, or has withdrawn his appeal, where the Commission has not on its own motion ordered that the initial decision be reviewed.

(iv) Except where the Commission otherwise directs, to issue findings and orders pursuant to offers of settlement which the Commission has determined should be accepted.

(v) To grant petitions for review of initial decisions by a hearing officer.

(vi) To grant motions of staff counsel to discontinue administrative proceedings as to a particular respondent who has died or cannot be found, or because of a mistake in the identity of a respondent named in the order for proceedings.

(vii) To grant requests for the submission of late or additional briefs, or the acceptance of affidavits or other material for inclusion in the record or in support of motions or petitions addressed to the Commission.

(viii) To issue an order dismissing an application for review upon the request of the applicant that the application be withdrawn.

(ix) To issue an order dismissing an exemptive application upon the request of the applicant that the application be withdrawn.

(2) With respect to proceedings conducted pursuant to the Securities Act of 1933 (15 U.S.C. 77a, *et seq.*), the Securities Exchange Act of 1934 (15 U.S.C. 78a, *et seq.*), the Investment Company Act of 1940 (15 U.S.C. 80a–1, *et seq.*), the Investment Advisers Act of 1940 (15 U.S.C. 80b–1, *et seq.*), and the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa *et seq.*), to issue findings and orders taking the remedial action described in the order for proceedings where the respondents expressly consent to such action, fail to appear or default in the filing of answers required to be filed; or to grant a request, based upon a showing of good cause, to vacate an order of default, so as to permit presentation of a defense.

(3) With respect to proceedings conducted pursuant to the Securities Exchange Act of 1934 (15 U.S.C. 78a, *et seq.*), to issue an order dismissing an application for review of a denial by a self-regulatory organization of an application by a person subject to statutory disqualification to become associated with a member firm upon receipt of notice from the self-regulatory organization that the firm is no longer a member of the self-regulatory organization.

(4) With respect to proceedings under Sections 19 (d), (e) and (f) of the Securities Exchange Act of 1934 (15 U.S.C. 78s (d), (e) and (f)), to determine that an application for review under those sections has been abandoned under the provision of § 240.19d–3(c) of this Chapter or otherwise, and to issue an order dismissing the application in such event.

(5) With respect to proceedings conducted or reviewed pursuant to the provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78(a), *et seq.*), the Investment Company Act of 1940 (15 U.S.C. 80a–1, *et seq.*), and the Investment Advisers Act of 1940 (15 U.S.C. 80b–1, *et seq.*) to determine applications to stay Commission orders pending appeal of those orders to the federal courts.

(6) With respect to review proceedings pursuant to Sections 19 (d), (e) and (f) of the Securities Exchange Act of 1934 (15 U.S.C. 78s (d), (e) and (f)), to determine applications for a stay of action taken by a self-regulatory organization pending Commission review of that action.

(7) In connection with Commission review of actions taken by self-regulatory organizations, pursuant to Sections 19 (d), (e) and (f) of the Securities Exchange Act of 1934 (15 U.S.C. 78s (d), (e) and (f)), to grant or deny requests for oral argument in accordance with the provisions of § 240.19d–3(f) of this Chapter.

(h) Notwithstanding anything in paragraph (g) of this section, the functions described in paragraph (g) of this section are not delegated to the General Counsel with respect to administrative proceedings under Rule 2(e) of the Commission's Rules of Practice (§ 201.2(e) of this Chapter), or with respect to other proceedings in which the Chairman or the General

Counsel determines that separation of functions requirements or other circumstances would make inappropriate the General Counsel's exercise of such delegated functions. With respect to such Rule 2(e) and other proceedings, such functions are delegated to the Executive Assistant to the Chairman pursuant to § 200.30–16 of this Chapter.

(i) Notwithstanding anything in paragraph (g) of this section, in any case described in paragraph (g) of this section in which the General Counsel believes it appropriate, he or she may submit the matter to the Commission.

8. By adding § 200.30–16 to read as follows:

§ 200.30–16 Delegation of Authority to Executive Assistant to the Chairman.

Pursuant to the provisions of Pub. L. 101–181, 101 Stat. 1254, 101 Stat. 1255, 15 U.S.C. 78d–1, and 15 U.S.C. 78d–2, the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Executive Assistant to the Chairman (or to such other person or persons designated pursuant to paragraph (d) of this section), to be performed by such Executive Assistant or under the Executive Assistant's direction by such person or persons as may be designated from time to time by the Chairman of the Commission (or by such other person or persons designated pursuant to paragraph (d) of this section):

(a) The functions otherwise delegated to the General Counsel under § 200.30–14(g) of this Chapter, with respect to any proceeding in which the Chairman or the General Counsel has determined, pursuant to § 200.30–14(h) of this Chapter, that separation of functions requirements or other circumstances would make inappropriate the General Counsel's exercise of such delegated functions.

(b) With respect to proceedings conducted pursuant to the provisions of Rule 2(e) of the Commission's Rules of Practice (§ 201.2(e) of this Chapter):

(1) To consider an application for review of an interlocutory ruling which an administrative law judge has refused to certify, and to deny such application upon determining that the administrative law judge did not err in refusing to certify the matter.

(2) To consider an interlocutory ruling which an administrative judge has certified, and to affirm such ruling upon determining that such action is appropriate.

(3) To issue any order pursuant to an initial decision as to any person who has not filed a petition for review within the time provided, where the Commission has not on its own motion ordered that the initial decision be reviewed.

(4) Except where the Commission otherwise directs, to issue findings and orders pursuant to offers of settlement which the Commission has determined should be accepted.

(5) To grant petitions for full review of initial decisions by a hearing officer.

(6) To grant motions of staff counsel to discontinue administrative proceedings as to a particular respondent who has died or cannot be found, or because of a mistake in the identity of a respondent named in the order for proceedings.

(7) To grant requests for the submission of late or additional briefs, or the acceptance of affidavits or other material for inclusion in the record or in support of motions or petitions addressed to the Commission.

(8) To issue findings and orders taking the remedial action described in the order for proceedings where the respondents expressly consent to such action, fail to appear or default in the filing of answers required to be filed; or to grant a request, based upon a showing of good cause, to vacate an order of default, so as to permit presentation of a defense.

(9) To determine applications to stay Commission orders imposing, affirming, or modifying sanctions pending appeal of those orders to the Federal courts.

(c) Notwithstanding anything in the foregoing, in any case described in paragraphs (a) and (b) of this section in which the Executive Assistant believes it appropriate, he or she may submit the matter to the Commission.

(d) Notwithstanding anything in the foregoing, the functions otherwise delegated to the Executive Assistant are hereby delegated to such person or persons, not under the Executive Assistant's supervision, designated by the Chairman, with respect to any proceeding in which the Chairman or the Executive Assistant determines that the Executive Assistant's exercise of such delegated functions would be inappropriate.

By the Commission.

April 20, 1989.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 89–10031 Filed 4–26–89; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 86F–0158]

Indirect Food Additives; Paper and Paperboard Components

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 2-bromo-2-nitropropane-1,3-diol as a slimicide in the manufacture of paper and paperboard for food-contact use. This action responds to a petition filed by Betz Laboratories, Inc.

DATES: Effective April 27, 1989; written objections and requests for a hearing by May 30, 1989.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of May 7, 1986 (51 FR 16896), FDA announced that a petition (FAP 6B3915) had been filed by Betz Laboratories, Inc., Somerton Rd., Trevose, PA 19047, proposing that § 176.300 *Slimicides* of the food additive regulations (21 CFR 176.300) be amended to provide for the safe use of 2-bromo-2-nitropropane-1,3-diol as a slimicide in the manufacture of paper and paperboard for food-contact use.

FDA has evaluated data in the petition and other relevant material. The agency concludes that these data and material establish safety of the level of use of the additive in the manufacture of paper and paperboard, and that the regulations should be amended in § 176.300(c) as set forth below.

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

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

Any person who will be adversely affected by this regulation may at any time on or before May 30, 1989 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, Part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR Part 176 continues to read as follows:

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

2. Section 176.300 is amended by revising the table in paragraph (c) by alphabetically adding a new entry to the headings "List of substances" and "Limitations" to read as follows:

§ 176.300 Slimicides.

* * * * *

(c) * * *

List of substances	Limitations
* * *	* *
2-Bromo-2-nitropropane-1,3-diol (CAS Reg. No. 52-51-7).	At a maximum level of 0.6 pound per ton of dry weight fiber.
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Dated: April 19, 1989.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-10084 Filed 4-26-89; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY-058; FRL-3557-9]

Approval and Promulgation of Implementation Plans; Kentucky: Revisions to the Jefferson County Portion of the SIP

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves amendments to the Jefferson County portion of Kentucky's State Implementation Plan. These amendments include the deletion of the volatile organic compound (VOC) definition from the following regulations: 6.12 (Standard of Performance for Existing Asphalt Paving Operations), 6.19 (Standard of Performance for Existing Metal Furniture Surface Coating Operations), 6.22 (Standard of Performance for Existing Volatile Organic Materials Loading Facilities), 6.29 (Standard of Performance for Existing Graphic Arts Facilities Using Rotogravure and Flexography), 6.30 (Standard of Performance for Existing Factory Surface Coating Operations of Flatwood Paneling), 6.31 (Standard of Performance for Existing Miscellaneous Metal Parts and Products Surface Coating Operations), 6.32 (Standard of Performance for Leaks from Existing Petroleum Refinery Equipment), 6.33 (Standard of Performance for Existing Synthesized Pharmaceutical Product Manufacturing Operations), 6.34 (Standard of Performance for Existing Pneumatic Rubber Tire Manufacturing Plants) and, 6.35 (Standard of Performance for Existing Fabric, Vinyl and Paper Surface Coating Operations). The Jefferson County Air Pollution Control District revised Chapter 1—General Provisions, to include a Volatile Organic Compound (VOC) definition that is consistent with the EPA-approved VOC definition. Therefore, this revised EPA-approved definition will be applicable to all the aforementioned regulations. Thus, all the VOC definitions contained in these regulations could be deleted. Regulation 5.01—General Provisions, Section 2, is being revised to require that if any equivalent test method is necessary for emissions testing and monitoring, the District must obtain prior EPA approval of this method. Regulation 5.01 additionally is revised to include Section 4—Definitions.

DATES: This action will become effective on June 26, 1989, unless notice is received within 30 days that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Witten comments should be addressed to Diane Altsman of EPA Region IV's Air Programs Branch. (See Region IV address below.) Copies of the materials submitted by Kentucky may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Kentucky Natural Resources and Environmental, Protection Cabinet, Division for Air Quality, Frankfort Office Park, 18 Reilly Road, Frankfort, Kentucky 40601.

Jefferson County Air Pollution, Control District, 914 East Broadway, Louisville, Kentucky 40204.

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

FOR FURTHER INFORMATION CONTACT: Diane Altsman, Air Programs Branch, EPA Region IV, at the above address and telephone number (404) 347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: The Air Pollution Control District of Jefferson

County submitted revisions to the Jefferson County portion of Kentucky's State Implementation Plan (SIP). The regulations were approved by the Commonwealth of Kentucky's Natural Resources and Environmental Protection Cabinet and became effective on April 20, 1988. On January 19, 1989, the State of Kentucky's Division for Air Quality submitted to EPA the revisions to the Jefferson County portion of Kentucky's State Implementation Plan (SIP).

The revisions include the deletion of the volatile organic compound (VOC) definition from the following regulations: 6.12, 6.19, 6.22, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34, and 6.35. The Jefferson County Air Pollution Control District revised Chapter 1, General Provisions, to reflect the VOC definition that is consistent with EPA's approved definition.

The Commonwealth of Kentucky, also submitted for EPA approval a revision to Regulation 5—Standards for Hazardous Air Pollutants. Regulation 5.01—General Provisions, section 2, is revised to require that if any equivalent test method is necessary for emissions testing and monitoring, the District must obtain prior EPA approval of this method. Regulation 5.01 was additionally revised to include Section 4—Definitions.

Due to the simplicity of these changes, no Technical Support Document has been prepared.

Final Action

EPA approves changes made in Regulation 5.01, 6.12, 6.19, 6.22, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34 and 6.35 of the Jefferson County portion of Kentucky's State Implementation Plan (SIP). This action is being taken without prior proposal because the changes are noncontroversial and EPA anticipates no significant comments on them. The public should be advised that this action will be effective 60 days from date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 26, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

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

Date: April 10, 1989.

Lee A. DeHihns, III,

Acting Regional Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

Subpart S—Kentucky

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

Authority: 42 U.S.C. 7401-7642

2. Section 52.920 is amended by adding paragraph (c)(61) to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

(61) Revisions in Regulations 5.01, 6.12, 6.19, 6.22, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34, and 6.35 of the Jefferson County portion of Kentucky's SIP were submitted on January 19, 1989, by Kentucky's Natural Resources Division and Environmental Protection Cabinet.

(i) Incorporation by reference.

(A) Amendments to the Jefferson County Regulations 5.01, 6.12, 6.19, 6.22, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34, and 6.35 adopted on April 20, 1988.

(B) Letter of January 19, 1989, from Kentucky's Natural Resources and Environmental Protection Cabinet.

(ii) Other materials-none.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6829]

Suspension of Community Eligibility, Maryland, 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 fifth 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