

date limitation of subsection (d) of that section.

Lawrence B. Gibbs,
Commissioner of Internal Revenue.

March 20, 1989.

Dennis Earl Ross,
Acting Assistant Secretary of the Treasury.

[FR Doc. 89-11334 Filed 5-11-89; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

Surface Coal Mining and Reclamation Operations Under the Federal Lands Program; State-Federal Cooperative Agreements, New Mexico

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE); Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) is adopting an amendment to the cooperative agreement between the Department of the Interior and the State of New Mexico for the regulation of surface coal mining and reclamation operations on Federal lands in New Mexico under the permanent regulatory program. Cooperative agreements are provided for under section 523(c) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This final rule provides the terms of the amendment to the cooperative agreement. The amendment revises the cooperative agreement concerning the regulation of coal mining and reclamation operations on Federal lands within the State to be consistent with the revised Federal regulations regarding Historic Preservation.

EFFECTIVE DATE: June 12, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Robert H. Hagen, Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 625 Silver Ave., SW., Suite 310, Albuquerque, New Mexico 87102; Telephone: (505) 766-1486.

SUPPLEMENTARY INFORMATION:

I. Background

II. Public Comment and Summary of Amendment to Cooperative Agreement

III. Procedural Matters

I. Background

Section 523(c) of SMCRA, 30 U.S.C. 1201 et seq., and the implementing

regulations at 30 CFR Parts 740 and 745, allow a State and the Secretary of the Interior to enter into a permanent program cooperative agreement if the State has an approved State program for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands.

Permanent program cooperative agreements are authorized by the first sentence of section 523(c), which provides that:

[A]ny State with an approved State program may elect to enter into a cooperative agreement with the Secretary to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State, provided the Secretary determines in writing that such State has the necessary personnel and funding to fully implement such a cooperative agreement in accordance with the provision(s) of (SMCRA), 30 U.S.C. 1273(c).

On February 9, 1981, the State of New Mexico requested a cooperative agreement between the Department of the Interior and the State of New Mexico to give the State primacy in the administration of its approved regulatory program on Federal lands in New Mexico. The Secretary approved the cooperative agreement on December 20, 1982 (47 FR 56800). The text of the existing cooperative agreement can be found at 30 CFR 931.30.

On February 10, 1987, OSMRE promulgated revised regulations concerning the consideration which must be accorded historic properties during the permitting of surface coal mining operations (52 FR 4244). Revised 30 CFR 773.12 requires that where Federal lands are involved, each regulatory program shall provide for the coordination of review and issuance of permits for surface coal mining and reclamation operations with applicable requirements of the Archaeological Resources Protection Act of 1979.

On June 9, 1987, OSMRE notified New Mexico of the change to 30 CFR 773.12 and the need for a corresponding amendment pursuant to 30 CFR 732.17(d). The State responded on October 16, 1987, and indicated its intent to modify the existing cooperative agreement to satisfy OSMRE's requirement to amend the State program.

On September 12, 1988, the State of New Mexico submitted to OSMRE a proposed amendment to its approved cooperative agreement under the permanent regulatory program. The proposed amendment consists of the addition of the Archaeological Resources Protection Act of 1979 to the list of other applicable laws for permit

coordination in Appendix A of the agreement.

II. Public Comment and Summary of Amendment to Cooperative Agreement

The proposed amendment published in the *Federal Register* on December 8, 1988 (53 FR 49561) announced that the public comment period would close January 9, 1989, and that a public hearing would be held, if it were requested. Since no one asked to testify, a public hearing was not held. No substantive comments were received from the respondents.

The proposed amendment adds the Archaeological Resources Protection Act of 1979 to the list of other applicable laws for permit coordination in Appendix A of the agreement. There are no other changes to the document.

III. Procedural Matters

1. Executive Order No. 12291 and the Regulatory Flexibility Act

On October 21, 1982, the Department of the Interior received from the Office of Management and Budget (OMB) an exemption for State-Federal cooperative agreements from the requirements of sections 3 and 7 of Executive Order 12291.

The Department has reviewed this proposed agreement in light of the Regulatory Flexibility Act (Pub. L. 96-354). Having conducted this review, the Department has determined that this document will not have a significant economic effect on a substantial number of small entities because no significant departure from either the State or Federal requirements already in effect will occur and no new or additional information will be required by the proposed agreement.

2. Paperwork Reduction Act

This proposed amendment to the New Mexico Cooperative Agreement does not contain information collection requirements which require clearance from OMB under 44 U.S.C. 3507.

3. National Environmental Policy Act

Proceedings relating to adoption or amendment of a permanent program State-Federal cooperative agreement are part of the Secretary's implementation of the Federal lands program pursuant to section 523 of the Act. Such proceedings are exempt under section 702(d) of the Act from the requirements to prepare a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

4. Author

The author of this regulation is Robert H. Hagen, Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 625 Silver Ave., SW., Suite 310, Albuquerque, New Mexico 87102; Telephone: (505) 766-1486.

List of Subjects in 30 CFR Part 931

Coal mining, Intergovernmental relations, Surface Mining, Underground mining.

Date: April 18, 1989.

Michael A. Poling,

Deputy Assistant Secretary—Land and Minerals Management.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 931—NEW MEXICO

The authority citation for Part 931 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. In § 931.30, State-Federal Cooperative Agreement, Appendix A is amended by redesignating items 14 and 15 as items 15 and 16, respectively, and adding new item 14 to read as follows:

§ 931.30 State-Federal Cooperative Agreement

* * * * *

Appendix A

* * * * *

14. The Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa *et seq.*

Approved:

Manuel Lujan, Jr.,
Secretary of the Interior.

Date: May 5, 1989.

Garrey Carruthers,
Governor of New Mexico.

Date: March 23, 1989.

[FR Doc. 89-11449 Filed 5-11-89; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TREASURY

Fiscal Service

31 CFR Part 210

Federal Payments Made Through Financial Institutions by the Automated Clearing House Method

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: There are four reasons for this revision of 31 CFR Part 210. First, to

clarify the breadth of payments governed by these regulations. In addition to the benefit payments enumerated in the current text of 31 CFR 210.2(d), these regulations apply to nonbenefit payments, including but not limited to, vendor payments, Internal Revenue Service tax refunds, savings bonds, grants, and loans. This part, as its title suggests, generally applies to all payments which the Federal Government originates through financial institutions by the Automated Clearing House (ACH) Method. Second, a section on prenotification is added to establish the framework for these messages. Third, provisions are added, expressly applying the ACH Method of payment to discretionary allotments from Federal employees' wage and salary payments. Fourth, other minor changes are needed including a paragraph to cover instances of termination of enrollments due to the closing of a financial institution.

EFFECTIVE DATE: June 12, 1989.

FOR FURTHER INFORMATION CONTACT: Sheryl Morrow, Manager, Policy Research Branch, Financial Management Service, U.S. Department of the Treasury, Room 328, Liberty Center, 401 14th Street, SW, Washington, DC 20227, (202) 287-0308.

SUPPLEMENTARY INFORMATION: On July 27, 1988 (53 FR 28233), Treasury published a Notice of Proposed Rulemaking (minor corrections were published on August 12, 1988 (53 FR 30512), because of typesetting errors) proposing a number of revisions to Part 210 of Title 31 of the Code of Federal Regulations, which sets forth the rights and liabilities of the Federal Government, financial institutions, and recipients where recipients of Federal Government payments authorize the payments to be made by the ACH Method. The regulations in this part were promulgated in 1975 and revised in 1976, 1984, and 1987.

A number of new or revised definitions have been added at § 210.2, including definitions of allotment, recipient, allotter, discretionary allotment, employee, and nonbenefit payment. The definition of "Payment" has been expanded to include nonbenefit payments. The definition of "Payment instruction" has been modified to change the phrase "similar writing" to read "similar record" to describe more accurately the media on which payment instructions may be contained. Finally, the definition of "Recipient" has been expanded to mean a person, corporation, or other public or private entity which is authorized by a program agency to receive benefit or nonbenefit payments from the Federal

Government. "Recipient" includes a natural person or entity authorized by a program agency to receive benefit payments for a beneficiary.

A new paragraph designated § 210.4(c)(5) has been added to cover instances of termination of enrollments due to the closing of a financial institution without successor.

Changes have been made to § 210.6(e) to reflect that the Federal Reserve Bank will now be required to make the amount specified in a nonbenefit payment available for withdrawal from a financial institution's books on the payment date, rather than the opening of business on the payment date. This is consistent with current usage in the commercial world and other Treasury programs such as *Treasury Direct*. Treasury has always required that benefit and salary payments be available to the recipient at the opening of business on the payment date, and will continue with this policy for these payments only.

A parallel change has been made to § 210.7(d) which requires a financial institution to make the amount specified in a nonbenefit payment instruction available on the payment date.

Section 210.8 has been added to establish the framework for sending prenotification messages to financial institutions prior to the first payment. Before an initial payment is to occur, the Government may send the financial institution a prenotification message to alert it that an ACH payment has been authorized. For consistency with other areas of this regulation, the phrase in § 210.8(d) "post the payment" has been changed to read "make the payment available." Prenotification requires verification by the financial institution of the accuracy of the account information. When prenotifications are used, information relating to the ACH payment, except the amount, will be provided so that the information can be verified by the financial institution.

Commenters suggested that prenotifications be required for all Government ACH payments. Operational constraints, within the Financial Management Service and Federal program agencies, preclude making prenotifications mandatory. This regulation now will permit the use of prenotifications and will require the appropriate responses to them from financial institutions, while retaining the ability to expand the use of prenotification as the Service and agency operational systems are modified to permit using prenotifications.

Policy determinations regarding the use of prenotification may be made from time to time by the Service. Prenotification procedures will be issued by the Service.

A new Subpart C has been added to establish the framework by which Federal Government employees may make discretionary allotment payments directly from their wage and salary payments by ACH to a third party account.

Changes to policies and operating procedures may be issued by the Financial Management Service as needed in The Green Book on Direct Deposit or other communications.

Discussion of Comments

Sec. 210.2—Definitions

The proposed regulations defined "business day" as any day on which the Federal Reserve Bank of the district is open to the public.

The majority of the commenters stated that "business day" and "banking day" should be defined as "any day on which the financial institution is open for business." To respond to the comments, the "banking day" and "business day" definitions have been changed to conform to the Federal Reserve Board's definitions under Regulation CC (53 FR 19434).

The proposed rule defined "financial institution" to mean "bank, savings bank, savings and loan association, credit union, or similar institution. Where a financial institution utilizes the services of a correspondent bank, the term financial institution shall include a designated correspondent." The majority of the commenters objected to including the term "correspondent bank" due to inherent risks and responsibilities of the receiving depository institution. The reference to a correspondent bank has been deleted from the definition.

The "nonbenefit payment" definition has been expanded to include other types of Government payments that may be made by the ACH Method.

Commenters raised concern about the language of § 210.7: financial institutions shall make the amount of a recurring benefit or Federal salary payment ". . . available for withdrawal or other use by the recipient by the opening of business on the payment date." Several commenters stated that under the Federal Reserve Board's Regulation CC the payment does not have to be available until the next day after receipt. Regulation CC states that it does not override Treasury regulations or ACH association rules that require prompter availability.

A new § 210.8 is included to establish a framework for sending prenotification messages to financial institutions prior to receipt of payment to be used at the option of the Financial Management Service (a bureau of the United States Department of the Treasury). Commenters suggested that prenotification be required for all Government ACH payments. Operational constraints, both within the Financial Management Service and Federal program agencies, preclude making prenotification a requirement. This regulation will now permit the use of prenotifications and require the appropriate response to them from financial institutions.

Some comments expressed concern over the liability of financial institutions regarding verification of enrollments. No changes were made to § 210.11(b) as the regulations provide that financial institutions are not liable when the initial enrollment was not made by the financial institution.

Subpart C—Discretionary allotments.

One commenter was of the opinion that discretionary allotments were mandatory. Discretionary allotments are not mandatory and may be made for any purpose that is approved by the agency head consistent with existing regulations (210.17(a)).

The proposed language on collection and reclamation of discretionary allotment payments (210.18(c)) has been deleted. Federal salary discretionary allotments, like all nonbenefit payments, are not subject to reclamation.

Treasury has determined that this is not a major rule as defined by Executive Order 12291. Accordingly, a regulatory impact analysis is not required. It is hereby certified pursuant to the Regulatory Flexibility Act that this revision will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Act analysis is not required.

List of Subjects in 31 CFR Part 210

Automated Clearing House, banks, banking, electronic funds transfer, Federal Reserve System.

Accordingly, 31 CFR Part 210 is amended as follows:

1. The Table of Contents is revised to read as follows:

Subpart A—General

Sec.

- 210.1 Scope of regulations.
- 210.2 Definitions.
- 210.3 Policy for payments by the Automated Clearing House Method.
- 210.4 Recipients.

Sec.

- 210.5 The Federal Government.
- 210.6 Federal Reserve Banks.
- 210.7 Financial institutions.
- 210.8 Prenotification.
- 210.9 Timeliness of action.
- 210.10 Liability of, and acquittance to, the United States.
- 210.11 Fraud.

Subpart B—Repayment of Benefit Payments

- 210.12 Death or legal incapacity of recipients or death of beneficiaries.
- 210.13 Collection procedures.
- 210.14 Notice to Account Owners of collection action.
- 210.15 Erroneous death information.

Subpart C—Discretionary Salary Allotments

- 210.16 General.
- 210.17 Criteria and standards.
- 210.18 Method of payment.

2. The authority citation for Part 210 is revised to read as follows:

Authority: 5 U.S.C. 5525; 12 U.S.C. 391; 31 U.S.C. 321; and other provisions of law.

3. Section 210.1 is revised to read as follows:

§ 210.1 Scope of regulations.

This part governs Federal Government payments (benefit and nonbenefit) made by the Automated Clearing House (ACH) Method through Federal Reserve Banks, and financial institutions to recipients maintaining accounts at financial institutions. It describes the procedures to be used, defines the obligations and responsibilities of the participants in ACH payments, and states terms of a contract between the Federal Government and those participants. It also prescribes the liabilities of financial institutions to the Federal Government arising from payments to deceased or incompetent recipients, and deceased beneficiaries of Federal benefit payments. Regulations promulgated by the Bureau of the Public Debt governing *Treasury Direct* payments made by the ACH Method for principal and interest on Government securities can be found at Part 357 of this title; regulations promulgated by the Bureau of the Public Debt governing State and Local Government series payments made by the ACH for principal and interest on Government securities can be found at Part 344 of this title.

4. The paragraph designations for § 210.2 are removed. The definitions for "Payment", "Payment instruction", and "Recipient" are revised. The definitions for "Allotment", "Banking day", "Business day", "Discretionary allotment", "Employee", "Nonbenefit payment", and "Prenotification" are added to read as follows:

§ 210.2 Definitions.

"Allotment" means a recurring specified deduction from pay of an employee for a legal purpose authorized by an employee to be paid to a recipient.

"Allotter" means the employee from whose pay an allotment is made.

"Banking day" means that part of any business day on which an office of a financial institution is open to the public for carrying out its banking functions.

"Business day" means any day other than a Saturday, Sunday or legal holiday.

"Discretionary allotment" means an amount that a Federal Government employee is permitted, by the employing Federal agency, to direct voluntarily to be deducted from his or her net salary amount and paid to a recipient. The aggregate amount of discretionary allotments may not exceed the net pay due the employee for each pay period after all deductions required by law are subtracted.

"Employee" means an employee of a Federal Government agency, unless otherwise provided.

"Nonbenefit Payment" means any Federal Government payment other than a benefit payment. Nonbenefit payments can be one-time or recurring payments, including but not limited to: vendor payments, Internal Revenue Service tax refunds, Federal Government salary payments, and allotments therefrom, grants, travel disbursements and reimbursements, loans, and payments of principal and/or interest related to United States savings bonds, notes, and other savings-type securities, and payments of service fees to organizations qualified to issue and/or redeem savings bonds.

"Payment" means a sum of money which is transferred to a recipient in satisfaction of an obligation. A payment includes any Federal Government benefit, or nonbenefit payment.

"Payment instruction" means an order issued by the Federal Government for the payment of money under this part. A payment instruction may be contained on:

- (1) A letter, memorandum, telegram, bill, invoice, computer printout or similar record, or
- (2) Any form of nonverbal communication, registered upon magnetic tape, disc or any other medium designed to capture and contain in durable form conventional signals used to electronically communicate messages.

"Prenotification" means a zero dollar ACH payment instruction. It is used to ensure that, before actual payment instructions are sent through a Federal Reserve Bank, the financial institution will be able to credit payments accurately to the designated account. A prenotification, if used, will precede the relevant first dollar payment instruction by at least ten (10) days and is constructed from a recipient's enrollment to receive an ACH payment.

"Recipient" means a person, corporation, or other public or private entity which is authorized by a program agency to receive benefit or nonbenefit payments from the Federal Government. Recipient includes a natural person or entity authorized by a program agency to receive benefit or nonbenefit payments from the Federal Government.

5. Section 210.4 is amended by adding paragraph (c)(5) to read as follows:

§ 210.4 Recipients.

(c) (5) The closing of a financial institution, whether voluntarily or involuntarily, without successor.

6. Section 210.6(e) is revised to read as follows:

§ 210.6 Federal Reserve Banks.

(e) A Federal Reserve Bank receiving a payment instruction from the Federal Government shall make the amount specified in the payment instruction available to the financial institution, referred to in paragraph (d) of this section, on the payment date. In the case of a Federal Government benefit or salary payment, the amount of the payment shall be made available by the opening of business on the payment date.

7. Section 210.7(d) is revised to read as follows:

§ 210.7 Financial institutions.

(d) A financial institution receiving a nonbenefit (except Federal salary) payment instruction under this part shall credit the amount of the payment to the designated account of the recipient on its books, and it shall make the amount available on the payment date. In the case of a Federal Government salary or benefit payment instruction, the financial institution shall make the amount of the payment available for withdrawal not later than the opening of business on the payment date.

"Available" in this paragraph means accessible through any means of access provided by a financial institution to its customers for the recipients' type of account, for example, automated teller machines owned by the financial institution, or automatic transfers from the recipient's account. If the payments or any related information received by the financial institution from a Federal Reserve Bank do not balance; are incomplete; are clearly erroneous on their face; or are incapable of being processed, the financial institution, after assuring itself that neither it nor any of its agents are responsible, shall immediately notify the Federal Reserve Bank in order that it may deliver corrected information to the financial institution.

8. Section 210.8 is redesignated as § 210.9.

9. A new § 210.8 is added to Subpart A to read as follows:

§ 210.8 Prenotification.

(a) Regardless of whether it has participated in an enrollment, a financial institution's acceptance and handling of a prenotification or a payment issued pursuant to this part shall constitute its agreement to the provisions of this part.

(b) At the discretion of the Service, a prenotification may be originated for any ACH payment.

(c) The financial institution shall respond to the prenotification message by midnight of the banking day following the banking day of receipt of such prenotification if the information contained in the message does not agree with the corresponding record of the financial institution, or if for any reason the financial institution will not be able to credit the payment in accordance with this part.

(d) If a financial institution does not respond to a prenotification message within the specified time period, the financial institution shall be deemed to have accepted the prenotification and to have warranted to the Federal Government that it shall make the payment available on time to the account specified in the prenotification.

10. Section 210.9 is redesignated as § 210.10.

11. Section 210.11 is amended by revising paragraph (b) to read as follows:

§ 210.11 Fraud.

(b) A financial institution shall verify the identity of any person who initiates

and executes an enrollment through such financial institution. The Federal Government shall verify the identity of any person who presents an enrollment to the Federal Government without prior review or execution by a financial institution. A financial institution that executes an enrollment in which the recipient's or beneficiary's signature is forged or other information is falsified shall be liable to the Federal Government for all payments made in reliance thereon, except for the case where the beneficiary was deceased at the time the recipient executed the enrollment and if the financial institution had no knowledge of the beneficiary's death. However, once the financial institution has provided written or electronic notice to the program agency that a payment certified by the program agency has not been received by the correct recipient or beneficiary, it shall not be liable for any payments based on the forged, false, or fraudulent information which are certified for payment after the date such written or electronic notice is received by the program agency.

12. Subpart C is added to read as follows:

Subpart C—Discretionary Salary Allotments

- Sec.
210.16 General.
210.17 Criteria and standards.
210.18 Method of payment.

§ 210.16 General.

This subpart applies only to discretionary allotments. This regulation does not supersede, and shall not be used to circumvent, the requirements of particular statutes, Executive Orders or other executive branch regulations; for example, see Office of Personnel Management regulations at 5 CFR Part 550, Subpart C implementing 5 U.S.C. 5525. Savings allotments are governed under the regulations at 31 CFR Part 209.

§ 210.17 Criteria and standards.

(a) Discretionary allotments may be made for any purpose determined appropriate by the head of an agency and which are consistent with Subchapter III of Chapter 55 of Title 5, United States Code, and Part 550 Subpart C of Chapter 1 of Title 5, Code of Federal Regulations.

(b) Discretionary allotment payments shall be made in accordance with the schedule established by the program agency, provided such allotment payments are not issued until the related earnings have accrued.

§ 210.18 Method of payment.

(a) Payment of discretionary allotments shall be made following the

policy and procedures outlined in 31 CFR Part 210, Subpart A.

(b) Discretionary allotments shall be made available by the allotter to the recipient on the payment date in accordance with § 210.7(d).

W.E. Douglas,
Commissioner.

Dated: February 21, 1989.

[FR Doc. 89-11435 Filed 5-11-89; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD1 89-018]

Connecticut River Raft Race

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of regulations.

SUMMARY: This notice puts into effect the permanent regulations, 33 CFR 100.102, for the Connecticut River Raft Race between 10:00 a.m. and 2:00 p.m. on July 29, 1989. The regulations in 33 CFR 100.103 are needed to control vessel traffic within the immediate vicinity of the event due to the confined nature of the waterway and the expected congestion at the time of the event. The regulations restrict general navigation in the area for the safety of life and property on the navigable waters during the event.

EFFECTIVE DATES: The regulations are effective from 10:00 a.m. until 2:00 p.m. on Saturday, July 29, 1989 and annually thereafter during the same time period on the first Saturday of August or as specified in the Coast Guard Local Notice to Mariners and a Federal Register Notice.

FOR FURTHER INFORMATION CONTACT: Lieutenant Luke Brown, (617) 223-8311.

SUPPLEMENTARY INFORMATION: The Connecticut River Raft race is held annually on the Connecticut River between Hurd State Park and Haddam Meadows State Park. Approximately 100 watercraft of all description are expected to participate along with some 500 spectator craft. All participating vessels will be unpowered; traditionally, the event attracts a great number of homemade rafts of unique design. The event will be patrolled by the Coast Guard, state and local law enforcement organizations, and sponsor provided patrol craft. Members of the Coast Guard Auxiliary may be present to advise vessels of the regulations. The

regulatory text may be found in 33 CFR 100.102.

DRAFTING INFORMATION: The drafters of this notice are LT L. BROWN, project officer, First Coast Guard District Boating Safety Division, and LT J.B. GATELY, project attorney, First Coast Guard District Legal Division.

Dated: April 27, 1989.

R.I. Rybacki,
Rear Admiral, U.S. Coast Guard Commander,
First Coast Guard District.

[FR Doc. 89-11392 Filed 5-11-89; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD188-106]

Safety Zone; Portsmouth Harbor, Portsmouth, NH

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent safety zone to safeguard vessels carrying Liquefied Petroleum Gas (LPG) to a facility along the Piscataqua River in Newington, New Hampshire. This safety zone is necessary to safeguard the LPG carriers and minimize the effects of the movement of these vessels on the maritime and recreational boating communities. This regulation will eliminate the need for written safety zones for each movement of the LPG carriers.

EFFECTIVE DATE: June 12, 1989.

FOR FURTHER INFORMATION CONTACT: Lieutenant Scott Kuhaneck at Marine Safety Office, Portland at (207) 780-3251.

SUPPLEMENTARY INFORMATION: On February 22, 1989, the Coast Guard published a notice of proposed rule making in the *Federal Register* for these regulations (54 FR 7571). Interested persons were requested to submit comments and no comments were received.

Drafting Information

The drafters of this notice are Lieutenant Scott Kuhaneck, project officer, Portland Marine Safety Office and Lieutenant John Gately, project attorney, First Coast Guard District Legal Office.

Discussion of Comments

No comments were received concerning this regulation.

Economic Assessment and Certification

This action has been analyzed in accordance with the principles and