Dated: April 6, 1989.

Becky Norton Dunlop,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 89-11426 Filed 5-11-89; 8:45 am]

BILLING CODE 4310-SS-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 661 and 663

[Docket No. 80750-9050]

Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California and Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues this rule to modify the regulations implementing the fishery management plans (FMPs) for the ocean salmon and Pacific coast groundfish fisheries in the exclusive economic zone (3–200 nautical miles) off the coasts of Washington, Oregon, and California. The rulemaking is necessary to clarify certain provisions of the trip limit restrictions for Pacific coast groundfish and to provide consistency between the Pacific coast groundfish and ocean salmon regulations. It is intended to simplify enforcement of regional fisheries regulations.

EFFECTIVE DATE: June 12, 1989.

FOR FURTHER INFORMATION CONTACT: William L. Robinson (Northwest Region, NMFS), 206–526–6140; or Rodney R. McInnis (Southwest Region, NMFS), 213–514–6199.

SUPPLEMENTARY INFORMATION: Under the Magnuson Fishery Conservation and Management Act (Magnuson Act), the FMPs for the commercial and recreational salmon fisheries and the Pacific coast groundfish fishery off the coasts of Washington, Oregon, and California were prepared by the Pacific Fishery Management Council (Council) and approved by the Secretary of Commerce (Secretary). Implementing regulations governing the ocean salmon and Pacific coast groundfish domestic fisheries are codified at 50 CFR Parts 661 and 663, respectively.

This rulemaking changes the Federal ocean salmon and groundfish regulations to clarify landing restrictions in these fisheries, to provide consistency between regional fisheries regulations, and to facilitate enforcement. Following discussions at its March and April 1988 meetings, the Council recommended this rule to the Secretary.

The rule contains two changes to the groundfish regulations and one change to the ocean salmon regulations which are described below.

(1) The rule clarifies the definition of "land or landing" in the groundfish regulations so that a vessel operator arriving in port prior to the end of a fishing period, if he had already landed the legal maximum for that period, would not be in violation of trip limits unless he began to offload fish again before the next legal period.

(2) The rule also revises the definition of "land or landing" in the ocean salmon regulations to be consistent with the groundfish regulations.

(3) The rule modifies the definition of "fishing trip" in the groundfish regulations by eliminating the reference to leaving port, thus clarifying that trip limits apply to a fisherman who delivers to processing vessels at sea, whether or not the fisherman returns to port between deliveries.

This rule was proposed in the **Federal Register** on October 20, 1988 (53 FR 41214), and public comments were requested until November 18, 1988. No comments were received.

Classification

NOAA issues this rule under authority of section 305(g) of the Magnuson Act to clarify certain provisions of the trip limit restrictions for Pacific coast groundfish and to provide consistency between the Pacific coast groundfish and ocean salmon regulations.

This action is categorically excluded from the requirement to prepare an environmental assessment by NOAA Directive 02–10. This is because this action proposes only minor technical changes to the existing implementing regulations and does not result in a significant effect on the human environment. This action is not expected to alter the nature or intensity of environmental impacts which were addressed in: (1) The environmental impact statement for the Ocean Salmon FMP (and in environmental assessments prepared for subsequent FMP amendments), or (2) the supplemental environmental impact statement (SEIS) prepared by the Council for the Pacific Coast Groundfish FMP and the environmental assessments for the three amendments to the FMP.

The Under Secretary for Oceans and Atmosphere determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Council determined that this rule does not directly affect the coastal zone of any state with an approved coastal zone management program. The Assistant Administrator for Fisheries concurs with this determination.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Parts 661 and 663

Fisheries, Fishing.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 5, 1989.

James E. Douglas, Jr.,

Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Parts 661 and 663 are amended as follows:

PARTS 661 AND 663—[AMENDED]

1. The authority citation for 50 CFR Parts 661 and 663 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 661.2, the definition of *land* or *landing* is revised to read as follows:

§ 661.2 Definitions.

* * * * *

Land or *landing* means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish aboard the vessel are counted as part of the landing.

* * * * *

3. In § 663.2, the definitions of *fishing trip* and *land* or *landing* are revised to read as follows:

§ 663.2 Definitions.

* * * * *

Fishing trip means a period of time between landings when fishing is conducted.

* * * * *

Land or *landing* means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish aboard the vessel are counted as part of the landing.

* * * * *

[FR Doc. 89-11417 Filed 5-11-89; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 54, No. 91
Friday May 12, 1989

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 953

[Docket No. FV-89-048]

Southeastern Potatoes; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish an assessment rate under Marketing Order 953 for the 1989–90 fiscal period. Authorization of this budget would enable the Southeastern Potato Committee to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program would be derived from assessments on handlers.

DATE: Comments must be received by May 22, 1989.

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

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

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 104 and Marketing Order No. 953 [7 CFR Part 953], both as amended, regulating the handling of Irish potatoes grown in Southeastern States (Virginia and North Carolina). The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

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

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

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

There are approximately 60 handlers of Southeastern potatoes under this marketing order, and approximately 150 potato producers. 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 annual receipts are less than $3,500,000. The majority of the handlers and producers may be classified as small entities.

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

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

The Southeastern Potato Committee met on April 20, 1989, and unanimously recommended a 1989–90 budget of $11,000 and an assessment rate of $0.01 per hundredweight. The proposed budget and assessment rate are the same as last year's. Major expense items include committee staff salaries, travel expenses, and utilities. The recommended assessment rate, when applied to anticipated fresh market potato shipments of 700,000 hundredweight, would yield $7,000 in assessment revenue which, when added to $4,000 from reserve funds, would be adequate to cover budgeted expenses.

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

This action should be expedited because the committee needs to have sufficient funds to pay its expenses. The 1989–90 fiscal period begins on June 1, 1989, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable potatoes handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the committee at a public meeting. Therefore, it is found and determined that a comment period of less than 30 days is appropriate because the budget and assessment rate approval for this program needs to be expedited. The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 953

Marketing agreements and orders, Potatoes (Virginia and North Carolina).

For the reasons set forth in the preamble, it is proposed that § 953.246 be added as follows:

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

1. The authority citation for 7 CFR Part 953 continues to read as follows:

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

2. A new § 953.246 is added to read as follows:

§ 953.246 Expenses and assessment rate.

Expenses of $11,000 by the Southeastern Potato Committee are authorized, and an assessment rate of $0.01 per hundredweight of potatoes is established for the fiscal period ending May 31, 1990. Unexpected funds may be carried over as a reserve.

Dated: May 8, 1989.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89–11401 Filed 5–11–89; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Parts 1079 and 1030

[Docket No. AO–295–A38; DA–88–111 and DA–89–009]

Milk in the Iowa Marketing Area; Extension of Time for Filing Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order; and Milk in the Chicago Regional Marketing Area; Extension of Time for Filing Comments on Proposed Termination of Rule

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions and comments to proposed rules.

SUMMARY: This notice extends the time for filing exceptions to a recommended decision issued concerning proposed amendments to the Iowa milk marketing order, and for filing comments concerning a proposal to terminate a provision of the Chicago Regional milk marketing order. Both documents were issued on April 12, 1989. Central Milk Producers Cooperative requested the additional time in order to complete an analysis and prepare comments on both documents.

DATE: Exceptions now are due on or before May 30, 1989.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, Room 1083, South Building, United States Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION: Richard A. Glandt, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456 (202) 447–4829.

SUPPLEMENTARY INFORMATION: Prior documents in the proceeding:

Notice of Hearing: Issued July 11, 1988; published July 13, 1988 (53 FR 26446).

Correction: Published July 20, 1988 (53 FR 27450).

Notice of Rescheduled Hearing: Issued July 21, 1988; published July 25, 1988 (53 FR 27863).

Recommended Decision: Issued April 12, 1989; published April 18, 1989 (54 FR 15417).

Correction: Published May 3, 1989 (54 FR 18979).

Proposed Termination: Issued April 12, 1989; published April 18, 1989 (54 FR 15413).

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Iowa marketing area and for filing comments on the proposed termination of a provision of the order regulating the handling of milk in the Chicago Regional marketing area, which were issued April 12, 1989, is hereby extended to May 30, 1989.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement 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).

List of Subjects in 7 CFR Parts 1079 and 1030

Milk marketing orders, Milk, Dairy products.

The authority citation for 7 CFR Parts 1079 and 1030 continues to read as follows:

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

Signed at Washington, DC, on May 8, 1989.

J. Patrick Boyle,

Administrator.

[FR Doc. 89–11402 Filed 5–11–89; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

[Docket No. 89–057]

9 CFR Part 11

Horse Protection Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: We are soliciting public comment on changes that we are considering proposing regarding the Horse Protection regulations (referred to below as the regulations). The amendments to the regulations would make more specific what Designated Qualified Person (DQP) inspectors must look for when examining horses at pre-show inspections.

DATE: Consideration will be given only to comments received on or before July 11, 1989.

ADDRESSES: To help ensure that your comments are considered, send an original and three copies to Helene R. Wright, Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 89–057. 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. Morley Cook, Senior Staff Veterinarian, Animal Care Staff, Regulatory Enforcement and Animal Care, APHIS, USDA, Room 269, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8790.

SUPPLEMENTARY INFORMATION: The practice known as "soring" is the injuring of show horses to improve their performance in the show ring. In 1970, Congress passed the Horse Protection Act (15 U.S.C. 1821–1831 (1982)), referred to below as the Act, to eliminate the practice of soring, by forbidding the showing or selling of sored horses. Exercising our rulemaking power under the Act, we issued regulations at 9 CFR Part 11, referred to below as the regulations, that prohibit soring devices and soring methods. In 1979, in response to congressional mandate, we established procedures under which, in addition to our personnel, other designated individuals are trained to conduct pre-show inspections. These individuals, referred to as Designated Qualified Persons (DQP's), are trained and licensed under industry-sponsored DQP programs that we certify and supervise.

The requirements for DQP licensing are set forth in § 11.7 of the regulations. As part of the licensing process, prospective DQP's are trained in the guidelines we have established for

examining a horse prior to exhibition. These inspection procedures include both palpation of the horse's pasterns and visual examination of the horse. However, representatives of both the horse industry and animal welfare organizations have suggested that the current guidelines for pre-show examination of a horse are not detailed enough to ensure a uniform and adequate inspection of all horses examined by DQP's. We agree that a clarification of inspection procedures would probably result in more thorough examination of horses inspected under the Act. Therefore, at this time we are soliciting comments on how best to clarify and make more specific pre-show inspection guidelines, so as to most effectively detect sore horses.

Authority: 15 U.S.C. 1823, 1824, 1825, and 1828; 44 U.S.C. 3506.

Done in Washington, DC, this 8th day of May 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-11467 Filed 5-11-89; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[PS-001-89]

RIN 1545-AM88

Limitations on Passive Activity Losses and Credits—Definition of Activity

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary regulations relating to the definition of "activity" for purposes of applying the limitations on passive activity losses and passive activity credits. The text of those temporary regulations also serves as the comment document for this notice of proposed rulemaking.

DATES: These regulations are proposed to be effective for taxable years beginning after December 31, 1986. Comments and requests for a public hearing must be delivered or mailed by August 31, 1989.

ADDRESS: Send comments and requests for a public hearing to: Internal Revenue Service, 1111 Constitution Avenue, NW., Room 4429, Washington, DC 20224 (Attn: CC:CORP:T:R (PS-001-89)).

FOR FURTHER INFORMATION CONTACT: Robert Stoddart or Michael J. Grace at 202-566-4751 (not a toll-free number), or at Internal Revenue Service, 1111 Constitution Avenue, NW., Room 4429, Washington, DC 20224 (Attn: CC:CO-RP:T:R (PS-001-89)).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This notice of proposed rulemaking contains requirements for collecting information, which have been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments on the requirements should be sent to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer TR:FP, Washington, DC 20224.

The collections of information in this regulation are in § 1.469-4T (k) and (o). The Internal Revenue Service requires this information to identify certain undertakings that taxpayers elect to treat as separate activities and to ascertain that taxpayers have made proper, timely elections. This information will be used to verify that taxpayers have accounted for their interests in the separate activities as section 469 requires. The likely respondents are individuals, farms, and businesses.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on such information as is available to the Internal Revenue Service. Individual respondents may require more or less time, depending on their circumstances.

The estimated figures below represent only the estimated time for the physical preparation of any writing requirement that may be imposed by § 1.469-4T (k) or (o). They do not represent an estimation of the actual time for making the decisions, judgments, computations, and studies that may be necessary to satisfy the requirements of section 469 or to determine whether an election should be made.

Estimated total annual reporting burden: 3,000 hours.

Estimated annual burden per respondent for making a written election varies from 5 minutes to 15 minutes, depending on individual circumstances, with an estimated average of 6 minutes.

Estimated number of respondents: 30,000.

Estimated annual frequency of responses: once (for each of two possible elections).

Submission to Small Business Administration

Pursuant to section 7805(f) of the Code, the rules proposed in this document will be submitted to the Administrator of the Small Business Administration for comment on their impact on small business.

Background

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** add rules under § 1.469-4T to Title 26 of the Code of Federal Regulations. Section 1.469-4T defines the term "activity" for purposes of applying the limitations on passive activity losses and passive activity credits. The temporary regulations also amend certain provisions of previously issued temporary regulations under section 469 (53 FR 5686, February 25, 1988 (T.D. 8175)).

The temporary regulations reflect the amendment of the Internal Revenue Code by sections 501 and 502 of the Tax Reform Act of 1988 (Pub. L. 99-514), section 10212 of the Revenue Act of 1987 (Pub. L. 100-203), and sections 1005(a) and 2004(g) of the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. 100-647). This document proposes to adopt the temporary regulations as final regulations. Accordingly, the text of the temporary regulations serves as the comment document for this notice of proposed rulemaking. In addition, the preamble to the temporary regulations explains the proposed and temporary rules.

For the text of the temporary regulations, see T.D. 8253, published in the Rules and Regulations portion of this issue of the **Federal Register**.

Special Analyses

These proposed rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are submitted (preferably a signed original and seven copies) to the Internal Revenue Service. All comments will be available for public inspection and copying. A public hearing will be scheduled and held upon written request by any person who submits written comments on the proposed rules. Notice