

Finally, about 3 percent of the total number of commenters took the opportunity to request that the Department consider tofu as a creditable meat/meat alternate, citing its high protein and low fat content. The Department solicited comments on tofu in a former proposed rule, and reminds these commenters that, in the final rule dated May 7, 1986 (51 FR 16807), the Department stated that "the comments did not provide any new nutritional research data on tofu * * * nor any sanitation information regarding the control of bacteria in tofu." Tofu, like frozen yogurt, is not a standardized food. Without such standards, there is no process within FNS that can assure the nutritional consistency of these products.

The Department would like to express its appreciation to all commenters who took the time to respond.

List of Subjects

7 CFR Part 225

Food assistance programs; Grant programs—health, infants and children, Reporting and Recordkeeping requirements.

7 CFR Part 226

Daycare; Food assistance programs. Grant programs—health, infants and children, Reporting and recordkeeping requirements.

Accordingly, Parts 225 and 226 are amended as follows:

PART 225—SUMMER FOOD SERVICE PROGRAM

1. The authority citation for Part 225 continues to read as follows:

Authority: Secs. 311, 323 and 326 of the School Lunch and Child Nutrition Amendments of 1986, Pub. L. 99-500 and 99-591, 100 Stat. 1783, 1783-359 to 362, 3341-363 to 365; Pub. L. 97-35, secs. 803, 809, 816, and 817(a)-(b), 95 Stat. 357, 524, 527 and 531 (42 U.S.C. 1759a, 1761, 1785, and 1759); Pub. L. 96-499, secs. 203 and 206, 94 Stat. 2599, 2600, and 2601 (42 U.S.C. 1759a and 1761); Pub. L. 95-627, secs. 5(c)-(d), 7(b), and 10(c)(2), 92 Stat. 3603, 3620, 3622, and 3624 (42 U.S.C. 1759a and 1761); Pub. L. 95-168, sec. 2, 91 Stat. 1325 (42 U.S.C. 1761); Pub. L. 91-248, sec. 7, 84 Stat. 207, 211 (42 U.S.C. 1759a); unless otherwise noted.

2. In Section 225.2 a new definition for yogurt is added in alphabetical order to read as follows:

§ 225.2 Definitions

"Yogurt" means commercially prepared coagulated milk products obtained by the fermentation of specific bacteria, that meet milk fat or milk solid requirements and to which flavoring

foods or ingredients may be added. These products are covered by the Food and Drug Administration's Standard of Identity for yogurt, lowfat yogurt, and nonfat yogurt, (21 CFR 131.200), (21 CFR 131.203), (21 CFR 131.206), respectively.

3. In § 225.16, the table in paragraph (d)(3) is amended by adding a new entry for yogurt after the entry for "Peanuts or soynuts * * *" to read as follows:

§ 225.16 Meal service requirements.

* * * * *
 (d) * * *
 Supplemental Food
 (3) * * *

Food components	Minimum amount
Meat and Meat Alternates	.
or Yogurt, plain, or sweetened and flavored.	4 oz. or ½ cup
.	.
.	.

PART 226—CHILD CARE FOOD PROGRAM

1. Authority citation for Part 226 continues to read as follows:

Authority: Secs. 9, 11, 14, 16 and 17, National School Lunch Act, as amended (42 U.S.C. 1758, 1759a, 1782a, 1765 and 1766).

2. In § 226.2 a new definition for yogurt is added in alphabetical order to read as follows:

§ 226.2 Definitions.

"Yogurt" means commercially coagulated milk products obtained by the fermentation of specific bacteria, that meet milk fat or milk solid requirements to which flavoring foods or ingredients may be added. These products are covered by the Food and Drug Administration's Standard of Identity for yogurt, lowfat yogurt, and nonfat yogurt, (21 CFR 131.200), (21 CFR 131.203), (21 CFR 131.206), respectively.

3. In § 226.20
 a. the tables in paragraphs (c)(1), (c)(2), and (c)(3) are amended by revising the age category column headings.

b. the table in paragraph (c)(3) is amended by adding a new entry for yogurt after the entry for "Peanuts or soynuts * * *".

The revisions and addition read as follows:

§ 226.20 Requirements for meals.

* * * * *
 (c) * * *

Breakfast

(1) * * *

Food components	Age 1 and 2	Age 3 through 5	Age 6 through 12
.	.	.	.

Lunch or Supper

(2) * * *

Food components	Age 1 and 2	Age 3 through 5	Age 6 through 12
.	.	.	.

Supplemental Food

(3) * * *

Food components	Age 1 and 2	Age 3 through 5	Age 6 through 12
.	.	.	.

Meat and Meat Alternates

or Yogurt, plain, or sweetened and flavored.	2 oz or ¼ cup.	2 oz or ¼ cup.	4 oz or ½ cup.
.	.	.	.

* * * * *
 George A. Braley,
Acting Administrator.
 Date: June 22, 1989.
 [FR Doc. 89-15248 Filed 6-27-89; 8:45 am]
 BILLING CODE 3410-30-M

FEDERAL ELECTION COMMISSION

11 CFR Part 114

[Notice 1989-8]

Trade Association Solicitation

AGENCY: Federal Election Commission.
ACTION: Final rule; announcement of effective date.

SUMMARY: On March 15, 1989, the Commission published the text of a revision to 11 CFR 114.8(f), a regulation governing the solicitation of parent and subsidiary corporations by a trade association or a trade association's separate segregated fund. 54 FR 10622. This regulation applies the basic rule permitting trade associations to solicit the executive or administrative personnel, stockholders, and families of such personnel and stockholders (the "restricted class") of the trade

association's member corporations, subject to certain exceptions, established by the Federal Election Campaign Act of 1971, as amended. 2 U.S.C. 441b(b)(4)(D). Section 114.8(f) governs situations where a parent corporation is a member of a trade association but its subsidiary is not, or vice versa. The Commission announces that this rule is effective as of June 28, 1989.

EFFECTIVE DATE: June 28, 1989.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street NW., Washington, DC 20463, (202) 376-5690 or toll free (800) 424-9530.

SUPPLEMENTARY INFORMATION: 2 U.S.C. 438(d) requires that regulations prescribed by the Commission to implement Title 2, United States Code, be transmitted to the Speaker of the House of Representatives and the President of the Senate prior to final promulgation. The revision to 11 CFR 114.8(f) was transmitted to Congress on March 10, 1989. Thirty legislative days expired in the Senate on June 2, 1989 and in the House of Representatives on May 15, 1989.

Announcement of Effective Date: 11 CFR 114.8(f), as published at 54 FR 10622, is effective as of June 28, 1989.

Dated: June 22, 1989.

Danny L. McDonald,
Chairman, Federal Election Commission.
[FR Doc. 89-15295 Filed 6-27-89; 8:45 am]
BILLING CODE 6715-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 346

RIN 3064-AA78

Foreign Banks

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: The FDIC is publishing an addendum to its previously published (April 7, 1989) final regulation dealing with the International Banking Act ("IBA") which is to become effective on July 6, 1989. In regard to exemptions from deposit insurance for branches of foreign banks, the exemption for initial deposits of less than \$100,000 by depositors who are neither citizens nor residents of the U.S. at the time of the initial deposit will be included in the final regulation. No other changes to the regulation will be made at this time.

FOR FURTHER INFORMATION CONTACT: Charles V. Collier, Assistant Director, or

Joseph Duffy, Senior Financial Analyst, Division of Bank Supervision, (202) 898-6850 or (202) 898-6821, respectively, or Katharine H. Haygood, Senior Attorney, (202) 898-3732, 550 17th Street NW., Washington, DC 20429.

EFFECTIVE DATE: July 6, 1989.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The portions of the regulation affected by this publication contain no collections of information.

Discussion

On April 7, 1989 (at 54 FR 14064), the FDIC published a revision of its regulation dealing with foreign banks, 12 CFR Part 346. Although the regulation was published in final form with an effective date 90 days after publication (July 6), the FDIC requested comments on several points for a 60-day period (until June 6). Comment was specifically invited on the concept of the "initial deposit" as a means of measuring retail deposit activity (§ 346.6), on the exemptions from the deposit insurance requirement (§ 346.6(a)), and on the application of the waiver of offset to notes included by regulation within the term deposit (see § 346.19(d)(1)).

Eleven comments were received; and one of these comments concerned a matter not at issue, the denomination in U.S. dollars of assets pledged to the FDIC. The overwhelming majority of the comments related to the exemptions from deposit insurance, specifically to the deletion of the exemption currently embodied at § 346.6(a)(7). These comments argued that the exemption for initial deposits of a depositor who is neither a U.S. citizen nor resident at the time of the initial deposit should be retained, primarily because branches rely heavily on the exemption and its elimination would require substantial costs either to remain uninsured or to obtain insurance. Some argued that the International Banking Act was intended to cover only domestic deposits, the implication being that these deposits are not domestic, and that other entities accept such deposits without having to obtain deposit insurance. Commenters also maintained that the exemption has worked well as it currently exists and that the volume of these deposits is in excess of the "catchall" de minimis exemption, even at the 5% level included in the final regulation.

After considering all of the comments, the FDIC has decided to retain both the 5% de minimis provision (§ 346.6(a)(5)) and the current "noncitizen, nonresident" exemption (current § 346.6(a)(7), adopted here as

§ 346.6(a)(6)). (Although one comment related to computation of the de minimis provision using a base other than deposits, we believe that the basis for computation should be "deposits" pursuant to the definition in the Federal Deposit Insurance Act.) Although deposits of persons who remain noncitizens and nonresidents after the initial deposit are not domestic deposits and are not covered by the IBA, the FDIC does have concerns about depositors who become domestic depositors by either residence or citizenship in the United States. In this vein, it is crucial that proper notification of uninsured status be given to depositors. Each uninsured branch should verify that it is in compliance with § 346.7, which requires such notification. If a branch is not in compliance, that branch should notify the FDIC's Office of Analysis and Special Activities, Division of Bank Supervision, 550 17th Street NW., Washington, DC 20429, to determine what steps should be taken to attain compliance. In addition, it is recommended that uninsured branches consider notifying each depositor periodically (perhaps annually) of the uninsured status of the branch's deposits.

Comment also was sought on the use of the "initial deposit" as the tool for measuring retail activity. Two comments argued that the initial deposit does not reflect the true nature of the activity as retail or wholesale. Another comment believed the tool is acceptable. The FDIC continues to have concerns but believes that changes would require long-term study, so changes will not be made at this time. We continue to believe that many branches are not adequately monitoring initial deposits, and branches are once again cautioned to maintain records of initial deposits for the purposes of complying with this regulation.

The FDIC's proposed regulation on the extension of deposit liabilities has not been finalized, and the FDIC has decided to defer the question of the application of the waiver of offset to notes included as deposits. Only one comment referred to this matter, and it opposed the application of the waiver of offset.

This amendment will become effective on July 6, at the time the previously published regulation becomes effective. The amendment is restoring an exemption, so no delayed effective date is necessary.

Regulatory Flexibility Analysis

As stated in the final rule published on April 7, 1989 and in the proposed rule, the Board of Directors certified that the rule would not, if promulgated, have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). There are presently 24 foreign banks which have insured branches, and they are world-wide institutions with assets ranging from approximately \$2 to \$240 billion. The Regulatory Flexibility Act requirement of 5 U.S.C. 604 that a final regulatory flexibility analysis be prepared does not apply.

In addition, pursuant to the FDIC's statement of policy on the drafting of regulations, it has been determined that a cost-benefit analysis, including a small bank impact statement, is not required.

List of Subjects in 12 CFR Part 346

Bank deposit insurance, Foreign banks, banking, Banks, banking, Reporting and recordkeeping requirements.

For the reasons stated in this notice, and pursuant to the FDIC's authority under the Federal Deposit Insurance Act and the International Banking Act, FDIC hereby amends Part 346 of title 12 of the Code of Federal Regulations as follows:

PART 346—FOREIGN BANKS

1. The authority citation for Part 346 reads as follows:

Authority: 12 U.S.C. 1813, 1815, 1817, 1819, 1820, 3103, 3104, 3108.

2. In § 346.6, the introductory text to paragraph (a) is being republished, and a new paragraph (a)(6) is being added as follows:

§ 346.6 Exemptions from the insurance requirement.

(a) *Deposit activities not requiring insurance.* A State branch will not be deemed to be engaged in a domestic retail deposit activity which requires the branch to be an insured branch under § 346.4, if initial deposits in an amount of less than \$100,000 are derived solely from the following:

* * * * *

(6) Any depositor who is not a citizen of the United States and who is not a resident of the United States at the time of the initial deposit.

* * * * *

By Order of the Board of Directors pursuant to a unanimous notational vote.

Dated at Washington, DC, this 20th day of June, 1989.

Federal Deposit Insurance Corporation.
 Hoyle L. Robinson,
Executive Secretary.
 [FR Doc. 89-15236 Filed 6-27-89; 8:45 am]
 BILLING CODE 6174-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-NM-91-AD; Amdt. 39-6244]

Airworthiness Directives; Aerospatiale Model ATR42 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Aerospatiale Model ATR42 series airplanes, which requires lockwiring of the engine oil pressure transmitter manifold drain plug. This amendment is prompted by reports of the plug working loose. This condition, if not corrected, could result in loss of oil and engine shutdown.

EFFECTIVE DATE: July 5, 1989.

ADDRESSES: The applicable service information may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Robert McCracken, Standardization Branch, ANM-113; telephone (206) 431-1979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority of France, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain Aerospatiale Model ATR42 series airplanes. There have been reports of the engine oil pressure transmitter manifold drain plug becoming loose. This condition, if not corrected, could result in loss of oil and engine shutdown.

Aerospatiale has issued Service Bulletin ATR42-79-0006, Revision 1, dated April 18, 1989, which describes replacing and lockwiring the drain plug

to an adjacent locknut. DGAC France has classified this service bulletin as mandatory, and has issued French Airworthiness Directive 89-042-018(B)R1 to address this subject.

This airplane model is manufactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD requires replacement and lockwiring of the engine oil pressure transmitter manifold drain plug, in accordance with the service bulletin previously described.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator,