DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

RIN 1218-AA 82

Occupational Exposure to Formaldehyde

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Extension of administrative stay.

SUMMARY: On December 4, 1987, the Occupational Safety and Health Administration (OSHA) published a final rule in the Federal Register on occupational exposure to formaldehyde (29 CFR 1910.1048, 52 FR 46168). In response to numerous public comments which indicated confusion about the hazard warning provisions of the newly revised Formaldehyde Standard, on December 18, 1988, OSHA announced an administrative stay of paragraphs (m)(1)(i) through (m)(4)(ii) for a period of nine months. OSHA also announced its intention to revoke paragraphs (m)(1)(i) through (m)(4)(ii) and invite comments on replacing them with the Hazard Communication Standard (29 CFR 1910.1200) or another equally protective alternative which would be less confusing to the public (53 FR 50198).

OSHA has not yet completed work on certain proposed amendments to the Hazard Communication Standard (see 53 FR 29822, 8/8/88). These amendments are relevant to the decision as to whether it would be appropriate to substitute the amended Hazard Communication Standard for stayed paragraph (m)(1)(i) through (m)(4)(ii) of the Formaldehyde Standard. Consequently OSHA is extending the stay an additional nine months and will consider further developments in the Hazard Communication rulemaking in determining what regulatory action to propose on formaldehyde. While this stay is in effect, affected employers must continue to comply with the provisions of OSHA's Hazard Communication Standard.

EFFECTIVE DATE: The administrative stay of 29 CFR 1910.1048 (m)(1)(i) through (m)(4)(ii) will be effective until June 13, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, Office of Information and Consumer Affairs, U.S. Department of Labor, Room N-3647, 200 Constitution Avenue NW., Washington, DC 20210. Telephone (202) 523-8151.

Authority and Signature

This document was prepared under the direction of Alan C. McMillan, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210.

This action is taken pursuant to section 4(b), 6(b), and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1597, 1599; 29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 9-83 (48 FR 35736) and 29 CFR part 1911.

List of Subjects in 29 CFR Part 1910

Formaldehyde, Occupational safety and health, Chemicals, Cancer, Health, Risk assessment.

§ 1910.1048 [Stayed in part]

Therefore, 29 CFR 1910.1048 (m)(1)(i), through (m)(4)(ii) is stayed until June 13, 1990.

Signed at Washington, DC this 22nd day of August, 1989.

Alan C. McMillan,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 89-20245 Filed 8-23-89; 8:45 am]

BILLING CODE 4510-26-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal

CFR Correction

In title 29 of the Code of Federal Regulations, part 1927 to end, revised as of July 1, 1988, § 2676.13(b)(1), in the portion of paragraph (b)(1) which immediately follows the equation, some of the symbols were incorrectly displayed.

§ 2676.13 [Corrected]

On page 731, in the second column, paragraph (b)(1) is revised to read as follows:

(1) If the payment is not contingent on the survival of any person:

$$v^{0,n}=\left(\frac{1}{1+i_{k+1}}\right)^{j}\cdot\prod_{t=1}^{k}\frac{1}{1+i_t},$$

where $n = k + j$, k is an integer, $0 \leq j < 1$, $v^{0,0} = 1$, and i_k is the interest rate determined under § 2676.15 applicable to the year ending on the kth anniversary of the valuation date.

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Parts 235, 240, 245, 243

Indorsement and Payment of Checks Drawn on the United States Treasury

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This rule amends existing regulations governing the indorsement and payment of checks drawn on the United States Treasury and the processing of claims on Treasury checks. The changes are required by Title X of the Competitive Equality Banking Act of 1987 which: (1) Provides that Treasury may decline payment on a Treasury check unless it is negotiated within one year; (2) provides for the cancellation of Treasury checks outstanding after one year; and (3) decreases the time limit for claims on Treasury checks to be brought by or against the United States.

EFFECTIVE DATE: October 1, 1989.

ADDRESSES: Financial Management Service, Prince Georges Center II Building, 3700 East-West Highway, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT: Joan Pesata, Director, Limited Payability Project, Financial Management Service, Room 816-C, Prince Georges Center II Building, 3700 East-West Highway, Hyattsville, Maryland 20782; telephone (301) 436-7172, (FTS) 436-7172.

SUPPLEMENTARY INFORMATION: On August 10, 1987, Congress enacted the Competitive Equality Banking Act of 1987 (CEBA), Public Law No. 100-86, 101 Stat. 552, 659. Title X of CEBA changed the laws governing the payment of checks drawn on the United States Treasury and the filing of claims on

account of Treasury checks. Formerly, Treasury checks were payable without limitation of time. Under CEBA, Treasury is not required to pay a Treasury check issued on or after the effective date of the legislation unless it is negotiated to a financial institution within 12 months after the date of issuance of the check. Treasury is not required to pay a Treasury check issued before the effective date of the legislation unless it is negotiated to a financial institution within 12 months after the effective date. Checks outstanding more than one year are to be cancelled.

Formerly, a claim on a paid Treasury check could be brought for 6 years from the date of payment. Under CEBA, any claim on account of a Treasury check is barred unless presented to the agency that authorized the issuance of the check within one year after the date of issuance. Claims on checks issued before the effective date of the legislation must be filed within one year after the effective date. CEBA reduces the period during which Treasury may reclaim the amount of a check which has been paid over a forged or unauthorized indorsement.

Section 1005 of Title X of CEBA authorizes the Secretary of the Treasury to prescribe rules, regulations and procedures as he deems necessary to implement the amendments made by sections 1002, 1003 and 1004, including the recertification of Treasury checks which have been cancelled or for which a claim has been asserted or barred. Sections 1002, 1003 and 1004 of Title X of CEBA were to be effective 6 months after enactment or on such later date as the Secretary of the Treasury prescribed. In the February 8, 1988, Federal Register (53 FR 3584), Treasury set October 1, 1989 as the effective date.

Pursuant to CEBA, in the March 13, 1989, Federal Register (54 FR 10366), Treasury issued a Proposed Rule to amend the regulations governing the payment of checks and check claims.

Response to Comments

Five comments were received from Federal agencies and fourteen comments were received from financial institutions or other organizations. Two agencies were concerned that the amendments will increase agency responsibilities for agency payments and agency collections. One effect of CEBA is to make agencies more responsible for the financial consequences of their programs. This effect is reflected in the amendments. Other agency comments involved interagency procedural relationships. Such interagency matters will be addressed in specific implementing instructions and Volume I, Part 4 of the Treasury Financial Manual.

Many financial institution comments expressed support for the rulemaking. Other comments addressed regulations unaffected by CEBA or the amendments. These remarks have been forwarded to appropriate Treasury offices. Several comments concerned the need for a strong public awareness campaign in conjunction with the publication of the final rule. Over the past two years, the Financial Management Service (FMS) has conducted a broad public awareness effort, targeting the major audiences affected. FMS has worked with Federal agencies and with organizations representing large segments of check recipients to enlist their assistance in educating payees and constituents. The awareness effort included liaison with Federal Reserve Banks (FRBs) and banking organizations to reach member financial institutions. In addition, a series of news articles is scheduled for publication in August and September 1989.

One financial institution requested reimbursement procedures when a check is received for deposit and funds are paid out after the one year negotiability period and no recourse is available to the depositor's account. The financial institution will be able to ascertain from the face of the check if a check is not properly payable pursuant to § 240.3. Financial institutions that accept checks which are not properly payable do so at their own risk.

One comment stated that the term "Commission" in §§ 240.4(a)(3) and 240.6(d) should be "Commissioner." The term was corrected to "Commissioner" in the above-cited sections of the final rule.

The following is a section by section discussion of the remaining comments made to specific sections of the final rule.

Section 240.3 Limitations on Payment

1. *Comment:* Several comments offered alternatives to the legend "Void After One Year." One comment suggested a specific placement and size of the legend.

Response: Available space on the check restricted the length of the legend, but "Void After One Year" is one of many legend variations in common use. CEBA does not require that a legend appear on the checks. In addition to the constructive notice in § 240.3, the legend will be actual notice to payees and indorsers of a general limitation on the payment and negotiability of Treasury checks. The regulations provide that the legend, or inadvertent lack thereof, does not limit, or otherwise affect, the rights of the Commissioner under the law. When new check stock is ordered, delivered, and used, the legend will appear printed on the blank check stock. Until existing check stock is depleted, the legend will be typed on the check stock at the same time that other fields of information are included.

2. *Comment:* One comment requested a definition of the 12 month negotiability period.

Response: The period of negotiability, which begins on the date of issuance printed on the check, extends for 12 months. The check must be negotiated within one year from the date printed on the check. For example, a check issued dated October 31, 1989, must be negotiated on, or before, October 30, 1990.

Section 240.4 Cancellation and Distribution of the Proceeds of Checks

1. *Comment:* One comment offered that the regulations should specify that cancellation applies to any check that has not been accepted for payment, or deposit, by a financial institution.

Response: The cancellation of a check that remains outstanding for more than twelve (12) months from the later of the date of issuance or October 1, 1989 will occur at the end of the fourteenth (14) month. Based on current FRBs processing time for Government checks, the time period between the negotiation and cancellation and distribution of proceeds allows for the processing of checks through the FRBs and Treasury's payment system.

2. *Comment:* One comment stated that § 240.4(b) should include a provision requiring Treasury to maintain records related to checks dated prior to October 1, 1989 that will be cancelled.

Response: Information on Treasury's record retention policy is included in § 245.7.

Section 240.6 Reclamation of Amounts of Paid Checks

1. *Comment:* One comment recommended that the term "date of payment" be defined for reclamations under this section.

Response: Section 240.6(d) states the time period for reclamations. The language of § 240.6(d) is specific to the governing statute and will remain unchanged. As described in the summary to the proposed rules, Treasury may reclaim within one year after the date of payment. For purposes of this section, Treasury considers the date of payment to be the date on which the Federal Reserve Bank gives

provisional credit for the item to the member bank or clearing bank.

2. *Comment:* One comment requested that, where multiple consecutive checks have been issued and fraudulently negotiated, Treasury should reclaim the proceeds from indorsers based on the age of the last check paid, rather than on the date of payment of each check.

Response: The language and intent of CEBA (31 U.S.C. 3712(a)(1)) is contrary to the recommendation. The reclamation period will not be extended on the basis described.

3. *Comment:* One comment stated that the term "provisional credit" used on section 240.6 is obsolete and should be replaced with "credit."

Response: "Provisional credit" appears in the summary and comment of the rule, but is not used in the text of the regulation. In the context of Treasury procedures, the term "provisional credit" accurately reflects the processing for payment of Treasury checks as set forth in § 240.9, whereby FRBs provide immediate credit subject to examination and credit by the United States Treasury.

4. *Comment:* One comment disagreed with the extension of the reclamation period for an additional 180 days beyond the one year period.

Response: The extended time for reclamation does not alter payee claim periods. Rather, CEBA provides the additional 180-day reclamation period in cases where a timely claim was filed under provisions of 31 U.S.C. 3702. The additional time allows for administrative processing and for the time necessary to obtain documentation supporting a forgery claim.

Section 240.9 Processing of Checks

1. *Comment:* One comment indicated that § 240.9(a)(2), appeared to have omitted the word "not".

Response: In the proposed rule the word "not" was inadvertently omitted from § 240.9(a)(2). A correction was published on May 18, 1989, at 54 FR 21527.

2. *Comment:* One comment requested that Treasury be required to return a certified true copy of the check when payment is refused.

Response: By agreement with the FRBs, when payment of a check is refused for the reason that it was negotiated more than 12 months after the date on which the check was issued, the original check will be returned through the line of endorsers.

Section 240.11 Indorsement by Payees

Comment: One comment disagreed with the change which places responsibility for the redesignation of survivor(s) as payees of a check with the agency, rather than with Treasury.

Response: The present language of § 240.10(f) will be retained in the final rule at § 240.11(f). Thus, the responsibility for redesignation of survivor(s) as payees of a check remains unchanged from present regulations.

Section 245.1 Introductory

Comment: One comment questioned Treasury's authority to issue regulations on the recertification of Treasury checks which have been cancelled or for which a claim has been asserted or barred.

Response: "Treasury may prescribe such rules, regulations, and procedures as the Secretary deems necessary to implement the amendments made by sections 1002, 1003, 1004, including the recertification of Treasury checks which have been cancelled or for which a claim has been asserted or barred." CEBA, Public Law No. 100–86, 101 stat. 552, 659.

Section 245.2 Definitions

Comment: One commenter stated that the definition of "replacement check" should be supplemented by a definition of "settlement check."

Response: Section 245.2(f) defines "replacement check" as "a check issued pursuant to the recertification of payment by a certifying official." This definition accurately reflects the implementation of CEBA and the process of recertifying Treasury checks and will remain unchanged.

Section 245.3 Time Limit for Check Claims

1. *Comment:* One comment suggested clarification of the fact that the new limitation on negotiability of Government checks does not affect the person's entitlement to payment. The commenter stated that they believe that § 245.3(a) and § 245.3(c) are contradictory.

Response: A claim on account of a Treasury check is distinct from a claim on the underlying obligation. The language of §§ 245.3(a) and 245.3(c) is consistent and accurately reflects the statutory language of CEBA.

2. *Comment:* One comment stated that the proposed mechanism for making a claim pursuant to section 245 does not appear to operate for checks which have been cancelled pursuant to § 240.4.

Response: Section 245.3(a) provides that any claim on account of a Treasury check must be presented to the agency that authorized the issuance of such check within one year after the date of issuance of the check or within one year after October 1, 1989, whichever is later. Section 240.4 provides that checks, that have not been paid and remain outstanding for more than 12 months, shall be cancelled either 12 months from October 1, 1989, pursuant to § 240.4(a), or no later than April 1, 1991, pursuant to § 240.4(b). The period for claims on account of a Treasury check will end before the cancellation period. The provisions do not present a conflict.

Section 245.5 Recertification.

1. *Comment:* Four commenters stated that implementation of section 245.5 should be delayed.

Response: Section 245.5 applies to Federal agencies and implements agency recertification under CEBA. By specific arrangement with the Treasury, where operational and system limitations compel a phased integration, agency responsibilities under recertification may be temporarily assisted by Treasury.

2. *Comment:* Two commenters stated that payee forgery claims should be settled by Treasury's use of the Check Forgery Insurance Fund.

Response: As the later enacted statute, specific to the issues of check claims, payments, and reclamations, the 1987 enactment of CEBA is the controlling law with respect to these issues. Regulatory amendments, issued under authority of CEBA, explicitly confirm and expand upon existing, longstanding, government-wide policies and processes for check payments and check claims.

Section 245.7 Check Status Inquiry

Comment: Five comments requested that Treasury reconsider the decision to return records to agencies after 18 months beyond a check's issue date.

Response: Section 245.7 has been amended to read, "The Commissioner will provide the status and a copy of the check if available, upon request, to the agency which authorized the issuance of the check."

Section 245.8 Receipt or Recovery of Original Check

Comment: One comment requested that the policy of returning checks to the Treasury continue rather than returning checks to the program agencies.

Response: The section reflects the relationship of the certifying agency to its constituents and the availability of detailed constituent records to the certifying agencies. By specific agreement, FMS Regional Financial Centers may temporarily assist agencies incapable of immediate implementation of this provision.

Except as noted above, the Final Rule is the same as was published as a Proposed Rule in the Federal Register.

Regulatory Procedures

Executive Order 12291

The Treasury Department has determined that this regulation is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193, February 19, 1981). It is not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local Government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Therefore, preparation of a Regulatory Impact Analysis is not required.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603 and 604) are not applicable to this rule because it will not have a significant economic impact on a substantial number of small entities. The regulation will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The regulation is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The collection of information contained in this final regulation has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 1510-0058. The estimated average burden associated with the collection of information in this final rule is .167 hours per respondent or recordkeeper.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Financial Management Service at the address previously specified and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention Desk Officer for the Financial Management Service.

List of Subjects

31 CFR Part 235

Banks, Banking, Claims, Forgery.

31 CFR Part 240

Banks, Banking, Forgery.

31 CFR Part 245

Banks, Banking, Claims.

31 CFR Part 248

Banks, Banking, Claims, Foreign Banking.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, title 31, chapter II, subchapter A of the Code of Federal Regulations is amended as follows:

PART 235—ISSUANCE OF SETTLEMENT CHECKS FOR FORGED CHECKS DRAWN ON DESIGNATED DEPOSITARIES

1. The authority citation for Part 235 is revised to read as follows:

Authority: 31 U.S.C. 3343.

2. Part 235 is amended by revising the part heading as set forth above.

§ 235.1 [Amended]

3. Section 235.1 is amended by removing "drawn on the United States Treasury and."

§ 235.3 [Amended]

4. Section 235.3 is amended by removing "the Commissioner, Financial Management Service, with respect to a check drawn on the United States Treasury, or."

5. Section 235.6 is revised to read as follows:

§ 235.6 Implementing instructions.

Procedural instructions implementing these regulations will be issued by the Commissioner of the Financial Management Service in volume I, part 4 of the Treasury Financial Manual.

Parts 240 and 245 are revised to read as follows:

PART 240—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE UNITED STATES TREASURY

General Provisions

Sec.
240.1 Scope of regulations.
240.2 Definitions.
240.3 Limitations on payment.
240.4 Cancellation and distribution of proceeds of checks.
240.5 Guaranty of indorsements.
240.6 Reclamation of amounts of paid checks.
240.7 Demand and protest.
240.8 Offset.
240.9 Processing of checks.
240.10 Release of original checks.

Indorsement of Checks

240.11 Indorsement by payees.
240.12 Checks issued to incompetent payees.
240.13 Checks issued to deceased payees.
240.14 Checks issued to minor payees in certain cases.
240.15 Powers of attorney.

Appendix A—Standard Forms for Power of Attorney and Their Application

Authority: 5 U.S.C. 301; 12 U.S.C. 391; 31 U.S.C. 3328; 31 U.S.C. 3331; 31 U.S.C. 3343; 31 U.S.C. 3711; 31 U.S.C. 3716; 31 U.S.C. 3717; 332 U.S. 234 (1947); 318 U.S. 363 (1943).

General Provisions

§ 240.1 Scope of regulations.

The regulations in this part prescribe the requirements for indorsement and the conditions for payment of checks drawn on the United States Treasury. These regulations also establish procedures for collection of amounts due the United States Treasury because of payments on checks bearing forged or other unauthorized indorsements or other material defects or alterations.

§ 240.2 Definitions.

(a) *Certifying agency* means an agency for whom a Treasury disbursing officer or a non-Treasury disbursing officer makes payment in accordance with 31 U.S.C. 3325. The responsibilities of a certifying official are set forth at 31 U.S.C. 3528.

(b) *Check* or *Checks* means a check or checks drawn on the United States Treasury.

(c) *Check payment* means the amount paid to a presenting bank in accordance with § 240.9(a)(3) of this part.

(d) *Commissioner* means the Commissioner of the Financial Management Service, Department of the Treasury, 401 14th Street SW., Washington, DC 20227.

(e) *Days* means calendar days.

(f) *Financial institution* means any bank, savings bank, savings and loan association, Federal or State chartered credit union, or similar institution.

(g) *Item* means a reference in a monthly interest billing statement to a check for the amount of which Treasury has demanded refund from a presenting bank.

(h) *Monthly interest billing statement* means a statement prepared by

Treasury and sent to a presenting bank which includes the following information regarding each outstanding demand for refund:

(1) The reclamation date;

(2) The reclamation number;

(3) Check identifying information; and

(4) The balance due, including interest.

(i) *Person* or *persons* means an individual or individuals, or an institution or institutions including all forms of financial institutions.

(j) *Presenting bank* means:

(1) A financial institution which, either directly or through a correspondent banking relationship, presents checks to and receives provisional credit from a Federal Reserve Bank; or

(2) A depositary which is authorized to charge checks directly to the General Account of the United States Treasury and present them to Treasury for payment through a designated Federal Reserve Bank.

(k) *Protest* means a presenting bank's written statement and any supporting documentation tending to prove that it is not liable for refund of the reclamation balance.

(l) *Reclamation* means a demand by Treasury for refund of the amount of a check payment.

(m) *Reclamation date* means the date on which a demand for refund was prepared. Normally, demands are sent to presenting banks within two working days of the reclamation date.

(n) *Treasury* means the United States Treasury.

(o) *U.S. securities* means securities of the United States and securities of Federal agencies and wholly or partially government-owned corporations for which the Treasury acts as the transfer agent.

(p) *Unauthorized indorsement* means:

(1) An indorsement made by a person other than the payee, except as authorized by and in accordance with § 204.5 and §§ 240.11 through 240.15;

(2) An indorsement by a financial institution under circumstances in which the financial institution breaches the guaranty required of it by 31 CFR 209.9(a) (*See*, 31 CFR 209.8); or

(3) A missing indorsement where the depositary bank had no authority to supply the indorsement.

§ 240.3 Limitations on payment.

(a) As a general rule,

(1) The Commissioner shall not be required to pay a Treasury check issued on or after October 1, 1989 unless it is negotiated to a financial institution within 12 months after the date on which the check was issued; and

(2) The Commissioner shall not be required to pay a Treasury check issued before October 1, 1989 unless it is negotiated to a financial institution no later than October 1, 1990.

(b) All checks drawn on the United States Treasury and issued on or after October 1, 1989 shall bear a legend, stating "Void After One Year." The legend is notice to payees and indorsers of a general limitation on the payment of Treasury checks. The legend, or the inadvertent lack thereof, does not limit, or otherwise affect, the rights of the Commissioner under the law.

(c) The Treasury shall have the usual right of a drawee to examine checks presented for payment and refuse payment of any checks. The Treasury shall have a reasonable time to make such examination.

(d) Checks shall be deemed to be paid by the United States Treasury only after first examination has been fully completed.

(e) If the Treasury is on notice of a question of law or fact about whether a Treasury check is properly payable when the check is presented for payment, the Commissioner may defer payment until the Comptroller General settles the question.

§ 240.4 Cancellation and distribution of proceeds of checks.

(a) *Checks issued on or after October 1, 1989.* (1) Any check issued on or after October 1, 1989 that has not been paid and remains outstanding for more than 12 months shall be cancelled by the Commissioner.

(2) The proceeds from checks cancelled pursuant to paragraph (a) of this section shall be returned to the agency which authorized the issuance of the check and credited to the appropriation or fund account initially charged for the payment.

(3) Beginning January 1, 1991, and monthly thereafter, the Commissioner shall provide to each agency that authorizes the issuance of Treasury checks a list of those checks issued for such agency which were cancelled during the preceding month pursuant to paragraph (a) of this section.

(b) *Checks issued before October 1, 1989.* (1) Any check issued before October 1, 1989 that has not been paid and remains outstanding for more than 12 months shall be cancelled by the Commissioner no later than April 1, 1991.

(2) The proceeds from checks cancelled pursuant to paragraph (b) of this section shall be applied as required by 31 U.S.C. 3334.

§ 240.5 Guaranty of indorsements.

The presenting bank and the indorsers of a check presented to the Treasury for payment are deemed to guarantee to the Treasury that all prior indorsements are genuine, whether or not an express guaranty is placed on the check. When the first indorsement has been made by one other than the payee personally, the presenting bank and the indorsers are deemed to guarantee the Treasury, in addition to other warranties, that the person who so indorsed had unqualified capacity and authority to indorse the check on behalf of the payee.

§ 240.6 Reclamation of amounts of paid checks.

(a) If, after a check has been paid by Treasury, it is found to:

(1) Bear a forged or unauthorized indorsement; or

(2) Contain any other material defect or alteration which was not discovered upon first examination, then, upon demand by the Treasury in accordance with the procedures specified in § 240.7 of this part, the presenting bank or other indorser shall refund the amount of the check payment.

(b) Interest on any unpaid item shall commence to accrue on the sixty-first day after the reclamation date. Interest shall be calculated at the rate set from time to time for purposes of 31 U.S.C. 323. Interest shall continue to accrue until the amount demanded is paid or the reclamation is abandoned by Treasury.

(c) In addition to its right to recover interest, Treasury shall have the right to recover such other applicable charges *(e.g.,* administrative collection costs, late payment penalties) as may be authorized or required by law.

(d) If the Treasury determines that a check has been paid over a forged or unauthorized indorsement, the Commissioner may reclaim the amount of the check from the presenting bank or any other indorser that breached its guarantee of indorsement prior to:

(1) The end of the one-year period beginning on the date of payment; or

(2) The expiration of the 180-day period beginning on the close of the period described in paragraph (d)(1) of this section if a timely claim under 31 U.S.C. 3702 is presented to the agency which authorized the issuance of the check.

§ 240.7 Demand and protest.

(a) For all reclamations an initial demand for refund of the amount of a check payment will be made by sending a "Request for Refund (Reclamation)," to the presenting bank or any other

indorser. This Request shall advise the presenting bank of the amount demanded and the reason for the demand. Treasury will make follow-up demands by including each unpaid item on at least three monthly interest billing statements sent to the presenting bank. Monthly interest billing statements will identify any unpaid reclamation demands and will also show the amount of any accrued interest for each outstanding reclamation. Any discrepancies should be brought to Treasury's attention immediately at the address listed in paragraph (b) of this section. Monthly interest billing statements will contain or be accompanied by notice to the bank:

(1) That Treasury intends to collect the debt through administrative offset if the reclamation is not paid within 120 days of the reclamation date;

(2) That the bank has an opportunity to inspect and copy Treasury's records with respect to the reclamation;

(3) That the bank may, by filing a protest, request Treasury to review its decision that the bank is liable for the reclamation; and

(4) That the bank has an opportunity to enter into a written agreement with Treasury for the repayment of the amount of the reclamation. A request for a payment agreement must be accompanied by proof that satisfies the Treasury that the requesting bank is unable to repay the entire amount owed at the time that it is due.

(b) Requests for an appointment to inspect and copy Treasury's records with respect to a reclamation and requests to enter into repayment agreements should be sent in writing to: Department of the Treasury, Financial Management Service, Operations Division, Reclamation Branch, Room 700–D, 3700 East-West Highway, Hyattsville, MD 20782.

(c)(1) If a presenting bank wishes to contest its liability for the principal amount demanded, it shall send a protest, *i.e.*, a written statement and copies of all documentary evidence *(e.g.*, affidavits, account agreements, signature cards) and other written information raising a question of law or fact which, if resolved in the bank's favor, would show that the bank is not liable, to: Department of the Treasury, Financial Management Service, Operations Division, Reclamation Branch Room 700–D, 3700 East-West Highway, Hyattsville, MD 20782.

The Director, Operations Division, who has supervisory authority over the Reclamation Branch, or his authorized subordinate, shall consider and decide any protest properly submitted under this paragraph. Neither the Director, Operations Division, nor any of his subordinates, shall have any involvement in the process of making findings or demands under § 240.6(a). In order to be considered, and to be timely, a protest must be received not later than 90 days after the reclamation date. Treasury will refrain from collection in accordance with § 240.8 while a timely protest is being considered. Unresolved protested items will be appropriately annotated on the monthly interest billing statement.

(2) If Treasury accepts the protest, the presenting bank shall be notified in writing that efforts to collect the item and any accrued interest have been abandoned.

(3) If the evidence sent by the presenting bank does not satisfy Treasury that refund of the amount demanded is not required under § 240.6(a), Treasury will notify the presenting bank in writing of its decision that the bank is liable for the amount demanded and the reasons for its decision. If the presenting bank fails to send the amount demanded within 30 days of the date of Treasury's decision, Treasury shall proceed to collect the amount owed in accordance with § 240.8, provided that no offset shall be taken sooner than 120 days after the reclamation date.

(4) If an item, and/or accrued interest relating to that item remains unpaid for 90 days after the reclamation date and if there is no unresolved protest associated with the item, the monthly interest billing statement will be annotated with a notice that the presenting bank has until the next billing date to make payment on the item or be subject to offset thereon.

§ 240.8 Offset.

(a) If an item, and/or accrued interest relating to that item, remains unpaid for 120 days after the reclamation date and the presenting bank has been sent at least one monthly interest billing statement informing it that Treasury intends to collect that item by offset, Treasury may refer the matter to any Federal agency and request that agency to offset the indebtedness and other applicable charges against amounts otherwise owed by the Federal agency to the presenting bank. Monthly interest billing statements will be annotated to identify those specific items that are to be referred to an agency for offset.

(b) If a bank wishes to make payment on an item referred to an agency for offset, it should contact Treasury at the address listed in § 240.7(b) to reduce the possibility of a double collection. If an agency to which an indebtedness is referred in accordance with this paragraph is unable to effect offset in whole or in part, Treasury may then refer the debt to any other agency and request offset in accordance with this paragraph. Treasury designates each agency acting under this paragraph as its designee for the sole purpose of effecting offset. No such designee shall be liable to any party for any loss resulting from its action under this paragraph.

(c) If Treasury is unable to collect an amount owed by use of the offset described in paragraph (a) of this section, Treasury shall take such action against the presenting bank as may be necessary to protect the interests of the United States, including referral to the Department of Justice.

(d) If Treasury effects offset under this section and it is later determined that the presenting bank paid the amount of the reclamation and accrued interest thereon, or that a presenting bank which had timely filed a protest was not liable for the amount of the reclamation, Treasury shall promptly refund to the presenting bank the amount of its payment.

§ 240.9 Processing of checks.

(a) *Federal Reserve Banks.* (1) Federal Reserve Banks shall cash checks for Government disbursing officers when such checks are drawn by the disbursing officers to their own order. Payment of such checks shall not be refused except for alteration or counterfeiting of the check, or forged signature of the drawer.

(2) Federal Reserve Banks shall not be expected to cash Government checks presented directly to them by the general public.

(3) As a depository of public funds, each Federal Reserve Bank shall:

(i) Receive checks from its member banks, nonmember clearing banks, or other depositors, when indorsed by such banks or depositors who guarantee all prior indorsements thereon;

(ii) Give immediate credit therefore in accordance with their current Time Schedules and charge the amount of the checks cashed or otherwise received to the account of the Treasury, subject to examination and payment by the United States Treasury;

(iii) Forward payment records and copies of checks to Treasury; and

(iv) Release the original checks to a designated Federal Records Center upon notification from Treasury. The Treasury shall return to the forwarding Federal Reserve Bank a photocopy of any check the payment of which is refused upon first examination. Federal Reserve Banks shall give immediate credit therefor in the United States

Treasury's account, thereby reversing the previous charge to the account for such check. The Treasury authorizes each Federal Reserve Bank to release the original check to the endorser when payment is refused in accordance with § 240.3(a).

(b) *Depositaries outside of the mainland of the United States.* Banks outside of the mainland of the United States designated as depositaries of public money and permitted to charge checks to the General Account of the United States Treasury shall be governed by the operating instructions contained in the letter of authorization to them from Treasury and shall assume the obligations of presenting banks set forth in §§ 240.5 and 240.6. Checks charged to the General Account of the United States Treasury along with the supporting credit voucher shall be shipped to the Federal Reserve Bank of Richmond. The Treasury shall return to the presenting depositary bank a photocopy of any check the payment of which is refused upon first examination. The depositary bank shall give immediate credit therefor in the General Account of the United States Treasury, thereby reversing the previous charge to the Account for such check. Treasury authorizes the Federal Reserve Bank of Richmond to return to the presenting depositary bank the original check when payment is refused in accordance with § 240.3(a).

§ 240.10 Release of original checks.

An original check may be released to a responsible indorser upon receipt of a properly authorized request showing the reason it is required and that the request is in conformity with all applicable law including the Privacy Act.

Indorsement of Checks

§ 240.11 Indorsement by payees.

(a) *General requirements.* Checks shall be indorsed by the payee or payees named, or by another on behalf of such payees as set forth in this part.

(b) *Checks indorsed by the payee or payees named.* When a check is indorsed by the payee or payees named, the forms of indorsement shall conform to those recognized by general principles of law and commercial usage for negotiation, transfer or collection of negotiable instruments.

(c) *Checks indorsed by another on behalf of the named payee or payees—* (1) *Acceptable indorsement.* The only acceptable indorsement of a check by another on behalf of the named payee or payees (except when a check is indorsed by a financial institution under the payee's or payees' authorization) is one which indicates that the person indorsing is doing so on behalf of the named payee or payees. Such an acceptable indorsement shall include the signature of the indorser and sufficient wording to indicate that the indorser is indorsing on behalf of the named payee or payees, pursuant to authority expressly conferred by or under law or other regulation. An example would be: "John Jones by Mary Jones." This example states the minimum indication acceptable. However, §§ 240.12(a)(1), 240.13(a)(1), and 240.15(d) specify the addition of an indication in specified situations of the actual capacity in which the person other than the named payee is indorsing. Checks indorsed "for collection" or "for deposit only to the credit of the within named payee or payees," are acceptable without any signature. However, in the absence of a signature, the presenting bank will be deemed to guarantee its good title to such checks to all subsequent indorsers and to Treasury.

(2) *Unacceptable indorsement.* The indorsement by another on behalf of the named payee or payees, which consists of the name(s) of the payee(s), whether as purported signature(s) or otherwise, and *not* the signature of the person other than named payee or payees indorsing the check, regardless of the relationship between the indorser and the named payee or payees, will be rebuttably presumed to be a forgery and is unacceptable. The indorsement by a person who purports to indorse for the named payee(s) with an indorsement consisting of the name(s) of the payee(s), whether as purported signature(s) or otherwise, and the indorsing person's signature and no indication of the indorsing person's representative capacity, will create a rebuttable presumption that the indorsing person was not authorized to indorse for the named payee(s). In these circumstances it is the responsibility of the individual or institution accepting a check from a person other than the named payee(s) to determine that such person is authorized and has the capacity to indorse and negotiate the check. Evidence of the basis for such a determination may be required by the Treasury in the event of a dispute.

(d) *Indorsement of checks by a financial institution under the payee's authorization.* When a check is credited by a financial institution to the payee's account under the payee's or payees' authorization, the financial institution may use an indorsement substantially as follows: "Credit to the account of the within-named payee in accordance with the payee's or payees' instructions. XYZ." A financial institution using this form of indorsement will be deemed to guarantee to all subsequent indorsers and to the Treasury that it is acting as an attorney-in-fact for the payee or payees, under the payee's or payees' authorization, and that this authority is currently in force and has neither lapsed nor been revoked either in fact or by the death or incapacity of the payee or payees.

(e) *Indorsement of checks drawn in favor of financial institutions.* All checks drawn in favor of financial institutions, for credit to the accounts of persons designated payment so to be made, shall be indorsed in the name of the financial institutions as payee in the usual manner. Financial institutions receiving and indorsing such checks shall comply fully with Part 209 of this chapter.

(f) *Social Security benefit checks issued jointly to individuals of the same family.* A social security benefit check issued jointly to 2 or more individuals of the same family shall, upon the death of 1 of the joint payees prior to the negotiation of such check, be returned to the Social Security District Office or the Treasury Regional Financial Center. Payment of the check to the surviving payee or payees may be authorized by placing on the face of the check a stamped legend signed by an official of the Social Security Administration or the Treasury Regional Financial Center, redesignating such survivor or survivors as the payee or payees of the check. A check bearing such stamped legend, signed as herein prescribed, may be indorsed and negotiated by the person or persons named as if such check originally had been drawn payable to such person or persons.

§ 240.12 Checks issued to incompetent payees.

(a) *Classes of checks which may be indorsed by guardian or fiduciary.* Where the payee of a check of any class listed in § 240.13(a) has been declared incompetent:

(1) If a check is indorsed by a legal guardian or other fiduciary, such legal guardian or fiduciary shall include, as a part of the indorsement, an indication of the capacity in which the legal guardian or fiduciary is indorsing. An example would be: "John Jones by Mary Jones, guardian of John Jones." When a check indorsed in this fashion is presented for payment by a bank, it will be paid by the Treasury without submission to the Treasury of documentary proof of the authority of the guardian or other fiduciary, with the understanding that evidence of such claimed authority to

indorse may be required by the Treasury in the event of a dispute.

(2) If a guardian has not been or will not be appointed, and if the check:

(i) Was issued in payment of goods and services, tax refunds or redemption of currency, it shall be forwarded for advice to the certifying agency; or

(ii) Was issued in payment of principal or interest on U.S. securities, it shall be forwarded to the Bureau of the Public Debt, Division of Loans and Currency, Washington, DC 20226, with a full explanation of the circumstances.

(b) *Classes of checks which may not be indorsed by guardian or fiduciary.* Where the payee of a check of any other class has been declared incompetent, the check shall not be indorsed by a guardian or other fiduciary. The check shall be returned to the Government agency which certified the payment, with information as to the incompetency of the payee and submission of documentary evidence showing the appointment of the guardian or other explanation in order that a replacement check, and others to be issued subsequently, may be drawn in favor of the guardian.

§ 240.13 Checks issued to deceased payees.

(a)(1) *Classes of checks which may be indorsed by an executor or administrator.* Checks issued for the classes of payments indicated below, the right to which under law does not terminate with the death of the payee, when indorsed by an executor or administrator, shall include, as part of the indorsement, an indication of the capacity in which the executor or administrator is indorsing. An example would be: "John Jones by Mary Jones, executor of the estate of John Jones." Such checks, when presented for payment by a bank, will be paid by the Treasury without the submission of documentary proof of the authority of the executor or administrator, with the understanding that evidence of such claimed authority to indorse may be required by the Treasury in the event of a dispute. The classes of payments to which this subsection refers are:

(i) Payments for the redemption of currencies or for principal or interest on U.S. securities;

(ii) Payments for tax refunds; and

(iii) Payments for goods and services.

(2) If an executor has not been appointed, persons claiming as owners shall return the checks for appropriate handling to the Government agency that certified the payment. If there is doubt as to whether the proceeds of the check or checks pass to the estate of the deceased payee, the checks shall be handled in accordance with paragraph (b) of this section.

(b) *Classes of checks which may not be indorsed by an executor or administrator.* Checks issued for classes of payment other than those specified in paragraph (a) of this section may not be negotiated after the death of the payee, but must be returned to the Government agency that certified the payment for determination whether, under applicable laws, payment is due and to whom it may be made.

§ 240.14 Checks issued to minor payees in certain cases.

Checks issued to minors in payment of principal or interest on U.S. securities may be indorsed by either parent with whom the minor resides, or, if the minor does not reside with either parent, by the person who furnishes his chief support. The parent or other person indorsing in behalf of the minor shall present with the check his signed statement giving the minor's age, stating that the payee either resides with the parent or receives his chief support from the person indorsing in his behalf, and that the proceeds of the checks will be used for the minor's benefit.

§ 240.15 Powers of attorney.

(a) *Specific powers of attorney.* Any check may be negotiated under a specific power of attorney executed after the issuance of the check and describing it in full.

(b) *General powers of attorney.* Checks issued for the following classes of payments may be negotiated under a general power of attorney in favor of an individual, financial institution or other entity:

(1) Payments for the redemption of currencies or for principal or interest on U.S. securities.

(2) Payments for tax refunds, but subject to the limitations concerning the mailing of Internal Revenue refund checks contained in 26 CFR 601.506(b).

(3) Payments for goods and services.

(c) *Special powers of attorney.* Under discussions of the Comptroller General of the United States, classes of checks other than those specified in paragraph (b) of this section may be negotiated under a special power of attorney which names a financial institution as attorney-in-fact, and recites that it is not given to carry into effect an assignment of the right to receive payment, either to the attorney-in-fact or to any other person.

(d) *Proof of authority.* Checks indorsed by an attorney-in-fact shall include, as part of the indorsement, an indication of the capacity in which the attorney-in-fact is indorsing. An example would be: "John Jones by Paul Smith, attorney-in-fact for John Jones." Such checks when presented for payment by a bank, will be paid by the Treasury without the submission of documentary proof of the claimed authority, with the understanding that evidence of such claimed authority to indorse may be required by the Treasury in the event of a dispute.

(e) *Revocation of powers of attorney.* Powers of attorney are revoked by the death of the grantor and may also be revoked by notice from the grantor to the parties known, or reasonably expected, to be acting on the power of attorney. Notice of revocation to the Treasury will not ordinarily serve to revoke the power.

(f) *Acknowledgment of powers of attorney.* Where desirable or where required by foreign, state or local law, powers of attorney shall be acknowledged before a notary public or other officer authorized by law to administer oaths generally.

(g) *Seal or certificate of attesting officers.* Where acknowledgment of powers of attorney is desirable or required pursuant to paragraph (f) of this section, seals of attesting officers shall be impressed or stamped upon the power of attorney form, or the power of attorney shall be accompanied by a certificate from an appropriate official showing that the officer was in commission on the date of acknowledgment.

(h) *Forms.* Power of attorney forms issued under this part are listed in the appendix to this part. They may be obtained from the Financial Management Service, Property and Supply Section, Ardmore East Business Center, 3361–L 75th Avenue, Landover, MD 20785.

Appendix A—Standard Forms for Power of Attorney and Their Application

Standard Form 231. A general power of attorney on this form may be executed by an individual, firm, or sole owner, for checks drawn on the United States Treasury, in payment: (1) For redemption of currencies or for principal or interest on U.S. securities, (2) for tax refunds, and (3) for goods and services.

Standard Form 232. A specific power of attorney on this form, which must be executed after the issuance of the check, describing the check in full, may be used to authorize the indorsement of any class of check drawn on the United States Treasury.

Standard Form 233. A special power of attorney on this form naming a financial organization as attorney-in-fact and reciting that it is not given to carry into effect an assignment of the right to receive payment, either to the attorney-in-fact or to any other person, may be used for classes of payments

other than those shown under Standard Form 231.

Standard Form 234–5. A general power of attorney may be executed by a corporation for the classes of payment listed under Standard Form 231.

Standard Form 236–7. A specific power of attorney may be executed on this form by a corporation to cover a specific check for any class of payment.

PART 245—CLAIMS ON ACCOUNT OF TREASURY CHECKS

Sec.

245.1 Introductory.
245.2 Definitions.
245.3 Time limit for check claims.
245.4 Advice of nonreceipt or loss.
245.5 Recertification of payment.
245.6 Claim by an indorser.
245.7 Check status inquiry.
245.8 Receipt or recovery of original check.
245.9 Procedural instructions.
245.10 Performance of functions of the Commissioner.

Authority: R.S. 3646, as amended; 31 U.S.C. 3328; 31 U.S.C. 3331

§ 245.1 Introductory.

This part governs the issuance of replacement checks for checks drawn on the United States Treasury, when

(a) The original check has been lost, stolen, destroyed or mutilated or defaced to such an extent that it is rendered non-negotiable;

(b) The original check has been negotiated and paid on a forged or unauthorized indorsement, and

(c) The original check has been cancelled pursuant to § 204.4 of this chapter.

§ 245.2 Definitions.

For purposes of this part:

(a) Agency means each authority of the United States for which the Treasury of the United States issues checks or for which checks drawn on the Treasury of the United States are issued.

(b) Check means a check drawn on the United States Treasury.

(c) Certifying Agency means an agency for whom a Treasury disbursing officer or a non-Treasury disbursing officer makes payment in accordance with 31 U.S.C. 3325. The responsibilities of a certifying official are set forth at 31 U.S.C. 3528.

(d) Commissioner means the Commissioner of the Financial Management Service, Department of the Treasury, 401 14th Street, SW., Washington, DC 20227.

(e) Person means an individual, a partnership, a corporation, a labor organization, a government or a subdivision or instrumentality thereof, and any other entity to which a check may be issued.

(f) Replacement check means a check issued pursuant to the recertification of payment by a certifying official.

(g) Secretary means the Secretary of the Treasury.

§ 245.3 Time limit for check claims.

(a) Any claim on account of a Treasury check must be presented to the agency that authorized the issuance of such check within one year after the date of issuance of the check or within one year after October 1, 1989, whichever is later.

(b) Any claim by an indorser under § 245.6 will be considered timely if presented to the Commissioner within one year after the date of issuance of the check or within one year after October 1, 1989, whichever is later.

(c) Nothing in this subsection affects the underlying obligation of the United States, or any agency thereof, for which a Treasury check was issued.

§ 245.4 Advice of nonreceipt or loss.

(a) In the event of the nonreceipt, loss or destruction of a check drawn on the United States Treasury, or the mutilation or defacement of such a check to an exent which renders it nonnegotiable, the claimant should immediately notify the agency that authorized the issuance of such check, describing the check, stating the purpose for which it was issued and giving, if possible, its date, amount, Treasury symbol and number.

(b) In cases involving mutiliated or defaced checks, the claimant should enclose the mutilated or defaced check with his communication to the agency.

§ 245.5 Recertification of payment.

Upon receipt of a claim concerning the nonreceipt, loss, destruction, mutilation or defacement of a check, or the cancellation of a check pursuant to § 240.4 of this chapter, the certifying agency may certify a new payment.

§ 245.6 Claim by an indorser.

When one or more Treasury checks are lost, stolen or destroyed in a single incident while in the possession of a person to whom the checks have been negotiated by the payee, and if the checks have not been paid, the Commissioner may issue a replacement check to the person to whom the checks had been negotiated.

§ 245.7 Check status inquiry.

The Commissioner will provide the status and a copy of the check if available, upon request, to the agency which authorized the issuance of the check.

§ 245.8 Receipt or recovery of original check.

(a) If the original check is received or recovered by the claimant after he has requested the agency to issue a replacement check, but before a replacement check has been received, he should immediately advise the agency and hold such check until receipt of instructions with respect to the negotiability of such check.

(b) If the original check is received or recovered by the claimant after a replacement check has been received by him, the original shall not be cashed, but shall be forwarded immediately to the agency that authorized the issuance of such check. Under no circumstances should both the original and replacement checks be cashed.

§ 245.9 Procedural instructions.

The Commissioner of the Financial Management Service may issue procedural instructions, implementing these regulations, in Volume I, Part 4 of the Treasury Financial Manual.

§ 245.10 Performance of functions of the Commissioner.

The Commissioner of the Financial Management Services may authorize any officer of the Treasury Department to perform any of his functions under this part and to redelegate such authority within such limits as the Commissioner may prescribe.

(Approved by the Office of Management and Budget under control number OMB No. 1510–0058)

PART 248—ISSUE OF SUBSTITUTES OF LOST, STOLEN, DESTROYED, MUTILATED AND DEFACED CHECKS OF THE UNITED STATES DRAWN ON ACCOUNTS MAINTAINED IN DEPOSITARY BANKS IN FOREIGN COUNTRIES OR UNITED STATES TERRITORIES OR POSSESSIONS

1. The authority citation for Part 248 is revised to read as follows:

Authority: 31 U.S.C. 3331.

2. Section 248.1 is revised to read as follows:

§ 248.1 Introductory.

This part governs the issuance of substitutes for checks of the United States drawn on United States dollar or foreign currency accounts, maintained with designated depositaries in foreign countries or territories or possessions of the United States. Checks of the United States drawn on such depositaries are

hereafter referred to as "depositary checks."

§ 248.5 [Amended]

3. Section 248.5 is amended by removing "§ 368.4" and adding in its place "§ 248.4."

W.E. Douglas,

Commissioner.

[FR Doc. 89-20242 Filed 8-28-89; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 89-064]

Safety and Security Zones; Temporary Rules

AGENCY: Coast Guard, DOT.

ACTION: Notice of Temporary Rules Issued.

SUMMARY: This document gives notice of temporary safety zones, security zones, and local regulations. Periodically the Coast Guard must issue safety zones, security zones, and special local regulations for limited periods of time in limited areas. Safety zones are established around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested area. Special local regulations are issued to assure the safety of participants and spectators of regattas and other marine events.

DATES: The following list includes safety zones, security zones, and special local regulations that were established between April 1, 1989 and June 30, 1989 and have since been terminated. Also included are several zones established earlier but inadvertently omitted from the past published list.

ADDRESS: The complete text of any temporary regulation may be examined at, and is available on request from, Executive Secretary, Marine Safety Council (G-LRA-2), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Novak, Executive Secretary, Marine Safety Council at (202) 267-1477.

SUPPLEMENTARY INFORMATION: The local Captain of the Port must be immediately responsive to the safety needs of the waters within his jurisdiction; therefore, he has been delegated the authority to issue these regulations. Since events and emergencies usually take place without advance notice or warning, timely publication of notice in the **Federal Register** is often precluded. However, the affected public is informed through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the zone to keep the public informed of the regulatory activity. Because mariners are notified by Coast Guard officials on scene prior to enforcement action, **Federal Register** notice is not required to place the special local regulation, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of these temporary local regulations, security zones, and safety zones. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the **Federal Register** just as any other rulemaking. Temporary zones are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

Non-major safety zones, special local regulations, and security zones have been exempted from review under E.O. 12291 because of their emergency nature and temporary effectiveness.

The following regulations were placed in effect temporarily during the period April 1, 1989 through June 30, 1989 unless otherwise indicated.

Docket Number	Location	Type	Date
1-89-022	Arthur Kill between New York & New Jersey	Safety Zone	20 APR 89
1-89-017	New York Harbor, New York, NY	Safety Zone	29 APR 89
1-89-020	East River, New York, NY	Safety Zone	29 APR 89
1-89-031	Hudson River, New York, NY	Safety Zone	13 MAY 89
1-89-032	Norwich Harbor, Greenwich Harbor, CT	Safety Zone	19 MAY 89
1-89-044	Smith Creek, Arthur Kill, NJ	Safety Zone	21 MAY 89
1-89-042	Thames River, CT	Security Zone	24 MAY 89
1-89-028	Hempstead Harbor, North Hempstead, L.I., NY	Safety Zone	26 MAY 89
1-89-029	Coney Island Channel, NY	Safety Zone	27 MAY 89
1-89-030	East River, New York, NY	Safety Zone	28 MAY 89
1-89-046	Jersey City, Hackensack, Hackensack River, NJ	Safety Zone	29 MAY 89
1-89-033	Hudson River, Poughkeepsie, NY	Safety Zone	4 JUN 89
1-89-050	225th St. & Broadway, Harlem River, NY	Safety Zone	5 JUN 89
1-89-051	Port Newark, Newark Newark Bay, NJ	Safety Zone	9 JUN 89
1-89-034	Hudson River, Troy, NY	Safety Zone	10 JUN 89
1-89-43	Long Island Sound, CT	Special Local Regulation.	17 JUN 89
1-89-060	New York Harbor, NY	Security Zone	22 JUN 89
1-89-064	Atlantic Ocean, Branchport, NJ	Security Zone	23 JUN 89
1-89-036	Hudson River, New York, NY	Safety Zone	25 JUN 89
1-89-067	Stamford, CT	Safety Zone	30 JUN 89
2-89-02	Lower Mississippi River, Mile 52.5 to Mile 51.5	Special Local Regulation.	9 JUN 89
COTP Huntington, WV Reg. 89-01	Kanawha River, Mile 81.8 to Mile 82.5	Safety Zone	15 JAN 89
COTP Huntington, WV Reg. 89-02	Kanawha River, Mile 81.8 to Mile 82.5	Safety Zone	16 JAN 89
COTP Huntington, WV Reg. 89-03	Ohio River, Mile 327.5 to Mile 328.5	Security Zone	22 JUN 89
COTP Louisville, KY Reg. 89-01	Louisville, KY	Safety Zone	10 JAN 89
COTP Louisville, KY Reg. 89-02	Louisville, KY	Safety Zone	28 APR 89
COTP Louisville, KY Reg. 89-03	Louisville, KY	Safety Zone	30 APR 89
COTP Louisville, KY Reg. 89-04	Louisville, KY	Safety Zone	2 MAY 89
COTP Louisville, KY Reg. 89-05	Louisville, KY	Safety Zone	20 MAY 89
COTP Louisville, KY Reg. 89-06	Louisville, KY	Safety Zone	28 MAY 89
COTP Louisville, KY Reg. 89-08	Louisville, KY	Safety Zone	18 JUN 89
COTP Louisville, KY Reg. 89-07	Louisville, KY	Safety Zone	24 JUN 89
COTP Louisville, KY Reg. 89-14	Louisville, KY	Safety Zone	24 JUN 89

Docket Number	Location	Type	Date
COTP Memphis, TN Reg. 89-01	Mississippi River, Mile 734.8 to Mile 736.7 & Wolf River Chute, Mile 0.0 to Mile 1.0	Safety Zone	27 MAY 89
COTP Pittsburgh, PA Reg. 89-01	Ohio River, Mile 104.0 to Mile 108.0	Safety Zone	15 FEB 89
COTP Pittsburgh, PA Reg. 89-02	Ohio River, Mile 94.0 to Mile 95.0	Safety Zone	18 FEB 89
COTP Pittsburgh, PA Reg. 89-03	Monongahela River, Mile 38.5 to Mile 39.0	Safety Zone	30 MAY 89
COTP Pittsburgh, PA Reg. 89-05	Ohio River, Mile 114.0 to Mile 124.0	Safety Zone	12 JUN 89
COTP Pittsburgh, PA Reg. 89-04	Ohio River, Mile 42.7 to Mile 44.5	Safety Zone	25 JUN 89
COTP St. Louis, MO Reg. 88-19	St. Louis, MO, Upper Mississippi River, at the upper entrance to the Chain of Rocks Canal, Mile 194.0.	Safety Zone	10 DEC 88
COTP St. Louis, MO Reg. 88-20	St. Louis, MO, Upper Mississippi River, Mile 0.0 to Mile 185.0	Safety Zone	12 DEC 88
COTP St. Louis, MO Reg. 88-21	St. Louis, MO, Upper Mississippi River, Mile 181.0 to Mile 184.0	Safety Zone	14 DEC 88
COTP St. Louis, MO Reg. 88-22	St. Louis, MO, Upper Mississippi River, Mile 0.0 to Mile 185.0	Safety Zone	14 DEC 88
COTP St. Louis, MO Reg. 88-23	St. Louis, MO, Upper Mississippi River, Mile 158.8 to Mile 159.2	Safety Zone	14 DEC 88
COTP St. Louis, MO Reg. 88-24	St. Louis, MO, Upper Mississippi River, Mile 158.8 to Mile 159.2	Safety Zone	16 DEC 88
COTP St. Louis, MO Reg. 88-25	St. Louis, MO, Upper Mississippi River, Mile 0.0 to Mile 185.0	Safety Zone	16 DEC 88
COTP St. Louis, MO Reg. 88-26	St. Louis, MO, Upper Mississippi River, Mile 158.8 to Mile 159.2	Safety Zone	16 DEC 88
COTP St. Louis, MO Reg. 88-27	St. Louis, MO, Upper Mississippi River, Mile 125.0	Safety Zone	17 DEC 88
COTP St. Louis, MO Reg. 88-28	St. Louis, MO, Upper Mississippi River, Mile 170.5 to 171.5	Safety Zone	18 DEC 88
COTP St. Louis, MO Reg. 88-29	St. Louis, MO, Upper Mississippi River, Lock & Dam 26	Safety Zone	18 DEC 88
COTP St. Louis, MO Reg. 88-30	St. Louis, MO, Upper Mississippi River, Mile 183.2 to Mile 183.4	Safety Zone	21 DEC 88
COTP St. Louis, MO Reg. 88-31	St. Louis, MO, Upper Mississippi River, Mile 0.0 to Mile 185.0	Safety Zone	22 DEC 88
COTP St. Louis, MO Reg. 88-32	St. Louis, MO, Upper Mississippi River, Mile 182.0 to Mile 184.0	Safety Zone	23 DEC 88
COTP St. Louis, MO Reg. 88-33	St. Louis, MO, Upper Mississippi River, Mile 182.0 to Mile 184.0	Safety Zone	26 DEC 88
COTP St. Louis, MO Reg. 89-01	St. Louis, MO, Upper Mississippi River, Mile 0.0 to Mile 185.0	Safety Zone	6 JAN 89
COTP St. Louis, MO Reg. 89-02	St. Louis, MO, Upper Mississippi River, Mile 0.0 to Mile 185.0	Safety Zone	10 JAN 89
COTP St. Louis, MO Reg. 89-03	St. Louis, MO, Upper Mississippi River, Mile 0.0 to Mile 185.0	Safety Zone	11 JAN 89
COTP St. Louis, MO Reg. 89-04	St. Louis, MO, Upper Mississippi River, Mile 0.0 to Mile 185.0	Safety Zone	26 JAN 89
COTP St. Louis, MO Reg. 89-05	St. Louis, MO, Upper Mississippi River, Mile 0.0 to Mile 185.0	Safety Zone	7 FEB 89
COTP St. Louis, MO Reg. 89-06	St. Louis, MO, Upper Missiissippi River, Mile 0.0 to Mile 185.0	Safety Zone	8 FEB 89
5-89-16	Norfolk Harbor, Elizabeth River, Norfolk & Portsmouth, VA	Special Local Regulation.	1 APR 89
5-89-22	Elizabeth River, Norfolk & Portsmouth, VA	Special Local Regulation.	22 APR 89
5-89-29	Town Point Park, Elizabeth River, Norfolk, VA	Special Local Regulation.	10 MAY 89
5-89-33	Lower Chesapeake Bay, Community Beach, West Ocean View, Norfolk, VA	Special Local Regulation.	19 MAY 89
5-89-32	Choptank River, Denton, MD	Special Local Regulation.	20 MAY 89
5-89-36	Approaches to Annapolis Harbor, Spa Creek & Severn River, Annapolis, MD	Special Local Regulation.	27 MAY 89
5-89-40	Annapolis Harbor, Annapolis, MD	Special Local Regulation.	29 MAY 89
5-89-41	Norfolk Harbor, Elizabeth River, Norfolk & Portsmouth, VA	Special Local Regulation.	2 JUN 89
5-89-48	Inner Harbor, Baltimore, MD	Special Local Regulation.	9 JUN 89
5-89-42	Moon Channel Delaware River Trenton, NJ	Special Local Regulation.	18 JUN 89
5-89-53	East Channel, Northwest Harbor Patapsco River, Baltimore, MD	Special Local Regulation.	20 JUN 89
COTP Baltimore, MD Reg. 89-01	Craighill Entrance, Upper Chesapeake Bay	Safety Zone	28 APR 89
COTP Hampton Rds., VA Reg. 89-15	Chesapeake Bay, Off Fort Story, Virginia Beach, VA	Safety Zone	8 MAY 89
COTP Philadelphia, PA Reg. 89-05	Delaware River	Safety Zone	24 JUN 89
COTP Wilmington, NC Reg. 89-001	Bogue Sound & Beaufort Inlet, Morehead City, NC	Safety Zone	5 MAY 89
COTP Wilmington, NC Reg. 89-002	Onslow Bay & Onslow Beach, Camp Lejeune, NC	Safety Zone	15 MAY 89
7-89-001	St. Cloud, FL	Special Local Regulation.	9 APR 89
7-89-011	Fanny Key, Moser Channel Bridge, FL	Special Local Regulation.	29 APR 89
COTP P. Charleston, SC Reg. 89-023.	Ashley River, Charleston, SC	Safety Zone	11 JUN 89
COTP Miami, FL Reg. 89-01	Atlantic Ocean Position 24 33' N, 081 37' W	Security Zone	18 APR 89
COTP Savannah, GA Reg. 89-017	Savannah River, Savannah, GA	Security Zone	12 MAY 89
COTP Savannah, GA Reg. 89-016	Savannah River	Safety Zone	14 MAY 89
COTP Tampa, FL Reg. 89-019	Gulf of Mexico, Fort Myers Beach, Estera Island, FL	Safety Zone	20 MAY 89
COTP Port Arthur, TX Reg. 89-02	Port of Beaumont, TX and Sabine Neches Waterway	Safety Zone	12 MAY 89
COTP Port Arthur, TX Reg. 89-04	Sabine Neches Waterway	Safety Zone	14 MAY 89
COTP Port Arthur, TX Reg. 89-03	Calcasieu, Ship Channel, Channel Light 62	Safety Zone	18 MAY 89
9-89-03	Lake Macatawa, Holland, MI	Special Local Regulation.	19 MAY 89
9-89-12	Lake Erie	Special Local Regulation.	28 MAY 89
9-89-06	Lake Erie, Cleveland, OH	Special Local Regulation.	17 JUN 89
9-89-17	Keweenaw Waterway, MI	Special Local Regulation.	17 JUN 89
COTP Chicago, IL Reg. 89-01	Lake Michigan waters offshore at Chicago Harbor, Burnham Park Harbor, & Chicago River, Chicago, IL.	Security Zone	24 APR 89
COTP Cleveland, OH Reg. 89-01	Cleveland Harbor, Lake Erie	Safety Zone	16 MAY 89
11-89-12	San Diego Channel, San Diego Bay, CA	Special Local Regulation.	28 MAY 89
COTP LA/LB, CA Reg. 89-04	Ports of Los Angeles/Long Beach, CA	Safety Zone	1 APR 89

Docket Number	Location	Type	Date
COTP LA/LB, CA Reg. 89-05	Ports of Los Angeles/Long Beach, CA	Safety Zone	5 JUN 89
COTP Puget Sound, Seattle, WA Reg. 89-01.	500 Yards Around Tugs RANGER/HUNTER/GERONIMO	Safety Zone	26 APR 89
13-89-05	Northern Lake Washington Seattle, WA	Special Local Regulation.	5 MAY 89
COTP Honolulu, HI Reg. 89-02	Mamala Bay, Oahu, HI	Safety Zone	6 MAY 89

Date: August 22, 1989.

Bruce P. Novak,

Executive Secretary, Marine Safety Council.

[FR Doc. 89-20247 Filed 8-28-89; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Editorial Amendment of List of Office of Management and Budget Approved Information Collection Requirements

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the Commission's list of Office of Management and Budget approved information collection requirements contained in the Commission's Rules.

This action is necessary to comply with the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget for each agency information collection requirement.

This action will provide the public with a current list of information collection requirements in the Commission's Rules which have OMB approval.

EFFECTIVE DATE: August 29, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jerry Cowden, Office of Managing Director, (202) 632-7513.

SUPPLEMENTARY INFORMATION:

Order

Adopted: August 1, 1989.
Released: August 10, 1989.

1. Section 3507(f) of the Paperwork Reduction Act of 1980, as amended, 44 U.S.C. 3507(f), requires agencies to display a current control number assigned by the Director of the Office of Management and Budget ("OMB") for each agency information collection requirement.

2. Section 0.408 of the Commission's Rules displays the OMB control numbers assigned to the Commission's information collection requirements. OMB control numbers assigned to Commission forms are not listed in this section since those numbers appear on the forms.

3. This Order amends § 0.408 to remove listings of information collections which the Commission has eliminated or to add listings of new information collections which OMB has approved.

4. Authority for this action is contained in section 4(i) of the Communications Act of 1934 (47 U.S.C. 154(i)), as amended, and § 0.231(d) of the Commission's rules. Since this amendment is editorial in nature, the public notice, procedure, and effective date provisions of 5 U.S.C. 553 do not apply.

5. Accordingly, *it is ordered,* That § 0.408 of the rules is amended, effective on the date of publication in the **Federal Register.**

6. Persons having questions on this matter should contact Jerry Cowden at (202) 632-7513.

List of Subjects in 47 CFR Part 0

Reporting and recordkeeping requirements.

Federal Communications Commission.

Edward J. Minkel,

Managing Director.

Part 0 of title 47 of the Code of Federal Regulations is amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted.

2. In 47 CFR 0.408, paragraph (b) is amended by removing § 43.31 and its corresponding OMB control number 3060-0058.

3. In 47 CFR 0.408, paragraph (b) is further amended by adding the following sections and their corresponding OMB control numbers to read as follows:

§ 0.408 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) * * *

47 CFR part or section where identified and described	Current OMB Control No.
* * * *	*
2.948	3060-0398
* * * *	*
15.7	3060-0397
* * * *	*
15.117(g)(2)-(3)	3060-0398
* * * *	*
73.3523	3060-0427
73.3524	3060-0423
* * * *	*

[FR Doc. 89-20294 Filed 8-28-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-413, RM-6370]

Radio Broadcasting Services; Ringgold, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of James E. Price, *See* 53 FR 35337, September 13, 1988, this document allots Channel 229A to Ringgold, Georgia, as that community's second local FM service. Channel 229A can be allotted to Ringgold, in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.3 kilometers (3.9 miles) west to avoid a shortspacing to Station WJLA(FM), Channel 228A, Ellijay, Georgia. The coordinates for this allotment are North Latitude 34-54-01 and West Longitude 85-10-37. With this action, this proceeding is terminated.

DATES: Effective October 10, 1989; the window period for filing applications will open on October 11, 1989, and close on November 9, 1989.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-413, adopted August 7, 1989, and released August 23, 1989. The full text of this Commission decision is available for inspection and copying during normal