

requests and is reopening the comment period for an additional 30 days.

Done at Washington, DC on: March 13, 1989.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 89-6194 Filed 3-14-89; 8:45 am]

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## FEDERAL ELECTION COMMISSION

### 11 CFR Part 114

[Notice 1989-4]

#### Trade Association Solicitation

**AGENCY:** Federal Election Commission

**ACTION:** Final rule, transmittal of regulation to Congress

**SUMMARY:** The Commission has revised its regulation at 11 CFR 114.8(f), governing the solicitation of parent and subsidiary corporations by a trade association or a trade association's separate segregated fund. Section 114.8 sets forth the rules under which a trade association may solicit the restricted class of its member corporations. The revision clearly states that a trade association or its separate segregated fund may solicit no part of the restricted class of the parent if the parent corporation is not a member of the association although the parent's subsidiary is a member. The revision also specifies in each sentence the categories of persons who constitute the restricted class. Supplementary information, set out below, provides further information on the revision.

**DATES:** Further action, including the announcement of an effective date, will be taken after the regulation has been before Congress for 30 legislative days pursuant to 2 U.S.C. 438(d).

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

**SUPPLEMENTARY INFORMATION:** The Commission is publishing today the final text of a revised rule at 11 CFR 114.8(f), governing the solicitation of parent and subsidiary corporations by a trade association or its separate segregated fund.

On September 15, 1988, the Commission issued a Notice of Proposed Rulemaking in which it sought comments on proposed revisions of § 114.8(f) and two other regulations. 53 FR 35827. The Commission received no comments in response to the Notice.

Section 438(d) of Title 2, United States Code, requires that any rule or regulation prescribed by the Commission to carry out the provisions of Title 2 of the United States Code be transmitted to the Speaker of the House of Representatives and to the President of the Senate 30 legislative days before they are finally promulgated. This regulation was transmitted to Congress on March 10, 1989.

#### Explanation and Justification

The Federal Election Campaign Act of 1971, as amended, (the "Act"), 2 U.S.C. 431 *et seq.*, permits 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 conditions. 2 U.S.C. 441b(b)(4)(D). Section 114.8(f) of the Commission's regulations applies this basic rule to situations where a parent corporation is a member of a trade association but its subsidiary is not, or vice versa.

Under the current § 114.8(f), if the parent corporation is a member of a trade association but the subsidiary is not, the trade association or its separate segregated fund may solicit only the restricted class of the parent. To be consistent with the Act, the regulations should further provide that if the subsidiary corporation is a member of a trade association but its parent is not, then the trade association and its separate segregated fund may solicit only the restricted class of the subsidiary; the trade association may not solicit the parent corporation's restricted class. As the Notice of Proposed Rulemaking pointed out, however, current § 114.8(f) states that the trade association is prohibited from soliciting only the "shareholders" of the non-member parent corporation. The revision corrects this language. The Commission notes that this revision does not represent a change in agency policy but rather is a more accurate statement of the current law. It has been the consistent position of the Commission that trade associations may only solicit the restricted class of their member corporations. In addition, unlike the earlier proposed version, the new rule also specifies in each sentence the categories of persons who constitute the relevant restricted class.

#### List of Subjects in 11 CFR Part 114

Business and industry, Elections.

For the reasons set out in the preamble, Subchapter A, Chapter I, Title 11 of the Code of Federal Regulations is amended as follows:

## PART 114—CORPORATE AND LABOR ORGANIZATION ACTIVITY

1. The authority citations for Part 114 is revised to read as follows:

Authority: 2 U.S.C. 431(8)(B), 431(9)(B), 432, 437d(a)(8), 438(a)(8), and 441b.

2. By revising § 114.8(f) to read as follows:

#### § 114.8 Trade associations.

(f) *Solicitation of a subsidiary corporation.* If a parent corporation is a member of the trade association but its subsidiary is not, the trade association or its separate segregated fund may only solicit the parent's executive or administrative personnel and their families and the parent's stockholders and their families; it may not solicit the subsidiary's executive or administrative personnel or stockholders or their families. If a subsidiary is a member of the trade association but the parent corporation is not, the trade association or its separate segregated fund may only solicit the subsidiary's executive or administrative personnel and their families and the subsidiary's stockholders and their families; it may not solicit the parent's executive or administrative personnel or stockholders or their families. If both parent and subsidiary are members of the trade association, the executive or administrative personnel and their families and the stockholders and their families of each may be solicited.

Dated: March 10, 1989.

Danny L. McDonald,

Chairman, Federal Election Commission.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 88-NM-126-AD; Amdt. 39-6150]

**Airworthiness Directives; McDonnell Douglas Model DC-9 Series, Model DC-9-80 Series, Model MD-88, and C-9 (Military) Series Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all McDonnell Douglas Model DC-9 series, Model DC-9-80