1-8-88
Vol. 53 No. 5
Pages 487-608

Federal Register

Friday
January 8, 1988

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Executive Order 12623 of January 6, 1988

Delegating Authority To Implement Assistance to the Nicaraguan Democratic Resistance

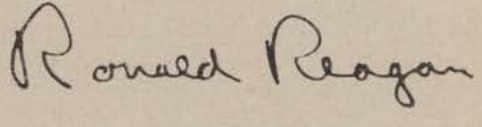
By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 111 of the Joint Resolution Making Continuing Appropriations for the Fiscal Year 1988 (Public Law 100–202) ("the Act"), the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 *et seq.*), and Section 301 of title 3 of the United States Code, and in order to delegate certain functions concerning the designation of funds to be transferred, the transfer of funds and operation of accounts, it is hereby ordered as follows:

Section 1. The Secretary of State is authorized to perform the functions vested in the President by Section 111 of the Act, except the determination and certification pursuant to Section 111(b)(2), except any request for additional assistance pursuant to Section 111(j)(1), and except as provided in Sections 2 and 3 of this Order.

Sec. 2. The Secretary of Defense is authorized to perform the function, vested in the President by Section 111(a) of the Act, of designating the accounts from which unobligated funds, made available by the Department of Defense appropriations acts for the Fiscal Year 1987 or prior fiscal years, are transferred.

Sec. 3. The Secretary of Defense is authorized to perform the functions, vested in the President by Section 111(b)(1) and (d)(1) of the Act, of designating and transferring unobligated funds made available by the Department of Defense appropriations acts for the Fiscal Year 1987 or prior fiscal years.

Sec. 4. The funds described in Sections 2 and 3 of this Order will be transferred to the account for Assistance for the Nicaraguan Democratic Resistance.



THE WHITE HOUSE,
January 6, 1988.

[FR Doc. 88–444
Filed 1–6–88; 4:47 pm]
Billing code 3195–01–M

Presidential Documents

Executive Order 12624 of January 6, 1988

Increasing the Number of Members on the President's Foreign Intelligence Advisory Board

By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered that Executive Order No. 12537 of October 28, 1985, is amended by deleting the word "fourteen" from the second sentence of Section 1 and inserting in its place the word "sixteen."

Ronald Reagan

THE WHITE HOUSE,
January 6, 1988.

[FR Doc. 88-445
Filed 1-6-88; 4:48 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Friday, January 8, 1988

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 667]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 667 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period January 8 through January 14, 1988. Such action is needed to balance the supply of fresh navel oranges with the demand for such oranges during the period specified due to the marketing situation confronting the orange industry.

DATES: Regulation 667 (§ 907.967) is effective for the period January 8 through January 14, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2528–S, P.O. Box 96456, Washington, DC 20090–6456. telephone: (202) 447–5120.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 907 (7 CFR Part 907), as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

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

There are approximately 123 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order, and approximately 4,065 producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $100,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

This action is consistent with the marketing policy for 1987–88 adopted by the Navel Orange Administrative Committee (Committee). The Committee met publicly on January 5, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a 6 to 4 vote, a quantity of navel oranges deemed advisable to be handled during the specified week. The Committee reports that the market for navel oranges is stable.

Based on consideration of supply and market conditions, and the evaluation of alternatives to the implementation of prorate regulations, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. To effectuate the declared purposes of the Act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

Marketing Agreements and Orders, California, Arizona, Oranges (navel).

For the reasons set forth in the preamble, 7 CFR Part 907 is amended as follows:

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. The authority citation for 7 CFR Part 907 continues to read as follows:

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

2. Section 907.967 is added to read as follows:

§ 907.967 Navel Orange Regulation 667.

The quantity of navel oranges grown in California and Arizona which may be handled during the period January 8, 1988, through January 14, 1988, are established as follows:

(a) District 1: 1,435,000 cartons;
(b) District 2: 280,000 cartons;
(c) District 3: Unlimited cartons;
(d) District 4: 35,000 cartons.

Dated: January 6, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88–433 Filed 1–7–88; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Part 910

[Lemon Regulation 595]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 595 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 275,000 cartons during the period January 10 through January 16, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 595 (§ 910.895) is effective for the period January 10 through January 16, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-5697.

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

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

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act", 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1987-88. The committee met publicly on January 5, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a unanimous 13-0 vote, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market for lemons is fair.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

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

2. Section 910.895 is added to read as follows:

§ 910.895 Lemon Regulation 595.

The quantity of lemons grown in California and Arizona which may be handled during the period January 10, 1988, through January 16, 1988, is established at 275,000 cartons.

Dated: January 6, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88-434 Filed 1-7-88; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 206 and 208

[Docket No. R-0609]

Securities of State Member Banks (Regulation F) and Membership of State Banking Institutions in the Federal Reserve System (Regulation H)

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Supplemental Notice; agency forms under review.

SUMMARY: Notice is hereby given of final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System ("Board") under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulation on Controlling Paperwork Burdens on the Public). The Board has amended its regulations issued pursuant to section 12(i) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78*l*(i)) (the "1934 Act") to provide that State member banks required by sections 12(b) and 12(g) of the 1934 Act (15 U.S.C. 78*l*(b) and (g)) ("State member banks") to file certain information with the Board must do so on the forms prescribed by the Securities and Exchange Commission (the "SEC") for other entities subject to reporting requirements under the 1934 Act. The amendment also rescinded the Board's present regulation dealing with disclosures by registered State member banks under the 1934 Act, Regulation F (12 CFR 206), and adds the new securities disclosure requirement to Regulation H (12 CFR 208), which governs the activities of State member banks generally. The amendments were previously published as a final rule. 52 FR 49374 (December 31, 1987). This notice provides supplementary information not included in the previously published notice of the final rule, and is published pursuant to the requirements of the Paperwork Reduction Act and the Regulatory Flexibility Act.

DATE: The final rule is effective for all filings submitted after January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Walter R. McEwen, Attorney, Legal Division (202/452-3321), Kenneth M. Kinoshita, Attorney, Legal Division (202/452-3721), Rhoger H. Pugh, Manager, Policy Development Section, Division of Banking Supervision and Regulation (202/452-5883) or Gerald A. Edwards, Supervisory Financial Analyst, Division of Banking Supervision and Regulation (202/452-

2741); Nancy Steele, Federal Reserve Paperwork Clearance Officer, Division of Research and Statistics (202/452-3822); and for the hearing impaired *only*: Telecommunication Device for the Deaf, Earnestine Hill or Dorothea Thompson (202/452-3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Interested parties may also contact Robert Fishman, OMB Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503 (202/395-7340).

SUPPLEMENTARY INFORMATION: *Approval Under OMB Delegated Authority for the Following Information Collection*

Report Title: Membership of State Banking Institutions in the Federal Reserve System; Securities of State Member Banks.

Agency Form Numbers: The following forms required by the SEC will replace the forms previously required by the Board under Regulation F:

Board Forms	Equivalent SEC Forms
F-1 (12 CFR 206.41)	Form 10.
F-2 (12 CFR 206.42)	Form 10-K.
F-3 (12 CFR 206.43)	Form 8-K.
F-4 (12 CFR 206.44)	Form 10-Q.
F-5 (12 CFR 206.51)	Schedule 14A.
F-6 (12 CFR 206.52)	Schedule 14A.
F-7 (12 CFR 206.61)	Form 3.
F-8 (12 CFR 206.62)	Form 4.
F-9 (12 CFR 206.71)	Regulation S-X.
F-1B (12 CFR 206.65)	Form 8B.
F-11 (12 CFR 206.47)	Schedule 13D.
F-11A (12 CFR 206.48)	Schedule 13G.
F-12 (12 CFR 206.81)	Schedule 14D-9.
F-13 (12 CFR 206.82)	Schedule 14D-1.
F-20 (12 CFR 206.45)	Form 8.
F-10 (12 CFR 206.46)	Form 8.

OMB Docket Numbers: 7100-0091 and 7100-0196, respectively.

Frequency: On occasion, quarterly, and annually.

Reporters: State member banks subject to the 1934 Act.

Annual Reporting Hours: 5,711 hours.

Significant Effect on Small Businesses: None expected.

General Description of the Reports: Forms and reports previously required under the Board's Regulation F are now required pursuant to Regulation H. The forms required by the SEC for entities under its jurisdiction are to be used by State member banks to satisfy the requirements under Regulation H, as amended.

Board of Governors of the Federal Reserve System, December 31, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-196 Filed 1-7-88; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-168-AD; Amdt. 39-5827]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Boeing Model 757 series airplanes, which requires repetitive functional testing of the wing and engine anti-ice control system. This amendment is prompted by reports of problems associated with the switches used in anti-ice control panels, and of the inadequacy of the anti-ice circuit logic that can result in the flight crew not being warned that the anti-ice system has not been activated. An undetected failure of the anti-ice system could result in unacceptable ice build-up on the wings or the engine inlets.

EFFECTIVE DATE: February 4, 1988.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Henry A. Jenkins, Systems and Equipment Branch, ANM-130S; telephone (206) 431-1946. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Recent investigation and service experience has shown that the wing and engine anti-ice control system of the Boeing Model 757 series airplane has deficiencies which may result in failure of the anti-ice system to be activated and a false system annunciation being provided to the flight crew. This condition could occur as a result of incomplete latching of the switch and/or switch contamination. Failure of an anti-ice system to activate when needed may result in unacceptable build-up of ice on the wing and/or engine inlets.

There have been no reported failures of the switches used in other anti-ice systems; however, these same switches used in other applications on other airplanes have a history of failure.

Since this condition is likely to exist or develop on other airplanes of the same type design, the FAA has determined that, to ensure proper operation of the system, repetitive functional tests of the wing and engine anti-ice control system must be conducted.

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 FAA has determined that this regulation is an emergency regulation that 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 document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required).

List of Subjects 14 CFR Part 39

Aviation Safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (41 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to all Model 757 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To ensure wing and engine anti-ice system integrity, accomplish the following:

A. Within the next 300 hours time-in-service after the effective date of this AD, and thereafter at intervals not to exceed 300

hours time-in-service, perform the following functional test of the wing and engine anti-ice control system:

1. Apply electrical power in accordance with the Boeing Model 757 Maintenance Manual.

2. Ensure that no pressure is applied to the pneumatic system.

3. Actuate the wing anti-ice switch.

4. Verify that the wing anti-ice switch indicates "ON".

5. Verify that both amber "VALVE" lights located below the wing anti-ice switch illuminate.

6. Turn off the wing anti-ice switch.

7. Actuate both left and right engine anti-ice switches.

8. Verify that both engine anti-ice switches indicate "ON".

9. Verify that both amber "VALVE" lights located one each engine anti-ice switch illuminate.

10. Turn off both engine anti-ice switches. The test is complete.

B. Any switch or circuit malfunction, identified by a negative verification during the functional test required by paragraph A., above, must be corrected prior to further flight, in accordance with the Boeing Model 757 Maintenance Manual.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the tests required by this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 4, 1988.

Issued in Seattle, Washington, on December 30, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 88-258 Filed 1-7-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-ANE-33; Amdt. 39-5814]

Airworthiness Directives; Glaser-Dirks Model DG-400 Motor Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Glaser-Dirks Model DG-400 motor gliders which requires a check and replacement of the engine extension/retraction gas strut, if necessary, and the modification of the spindle motor drive of that system. This action was prompted by a discovery that damage has occurred to the pinion gears on the spindle motor which operates the engine extension/retraction mechanism. The cause of this damage was found to be a defective gas strut not capable of maintaining sufficient pressure. This condition, if not corrected, could result in the inability to obtain power in flight with the possible consequences of a forced landing.

DATES: *Effective:* January 22, 1988.

Compliance Schedule: As prescribed in the body of the AD.

Incorporation by Reference: Approved by the Director of the Federal Register as of January 22, 1988.

ADDRESSES: The technical information and modification parts specified in this AD may be obtained from Glaser-Dirks Flugzeugbau GmbH, Im Schollongarton 19-20, 7520 Bruchsal 4, Federal Republic of Germany; telephone 07257-1071.

A copy of the technical note is contained in the Rules Docket, Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Mr. Heinz Hellebrand, Brussels Aircraft Certification Office, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, 15 Rue de la Loi B-1040, Brussels, Belgium; telephone 513.38.30 Ext. 2710, or Mr. Raymond J. O'Neill, Federal Aviation Administration, New England Region, New York Aircraft Certification Office, 181 S. Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791-7421.

SUPPLEMENTARY INFORMATION: Glaser-Dirks has determined that damage may occur to the drive pinion gears on the spindle motor which operates the engine extension/retraction mechanism. This type of damage has been caused in at least one instance by a defective gas strut which, because of insufficient operating pressure, has resulted in increased loads on these pinion gears. The manufacturer has issued Technical Note TN 826/18, dated March 10, 1987, which specifies a check to determine the need to replace the engine extension/retraction gas strut, a modification of the spindle motor drive, and the incorporation of certain changes in the aircraft handbook Flight and Maintenance Manuals. The Luftfahrt-Bundesamt (LBA), which has responsibility and authority to maintain the continuing airworthiness of these motor gliders in the Federal Republic of Germany, has issued Airworthiness Directive No. 87-108 on motor gliders operated under the Federal Republic of Germany registration. The FAA relies upon the certification of the LBA, combined with FAA review of pertinent documentation, in finding compliance of the design of these gliders with the applicable United States airworthiness requirements, and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Glaser-Dirks Technical Note TN 826/18 and the issuance of Airworthiness Directive No. 87-108 Glaser-Dirks by the LBA. Based on the foregoing, the FAA has determined that the condition addressed by Glaser-Dirks Technical Note TN 826/18 is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued to require a check and replacement of the engine extension/retraction gas strut, if necessary, and the modification of the spindle motor drive on Glaser-Dirks Model DG-400 motor gliders. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive 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 this

action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT"**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by Reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding to Part 39 the following new airworthiness directive (AD):

Glaser-Dirks Flugzeugbau GmbH: Applies to Model DG-400 motor gliders, work numbers 4-1 thru 4-188, certificated in any category.

Compliance is required as indicated unless already accomplished. To prevent damage to the drive penion gears on the spindle motor that operates the engine extension/retraction mechanism, which could result in the inability to obtain power in flight, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD accomplish the following in accordance with the procedures specified in Glaser-Dirks Technical Note TN 826/18; dated March 10, 1987:

(1) Replace pages in the aircraft handbook Flight and Maintenance Manuals in accordance with Procedure 1.

(2) Check the engine extension time in accordance with Procedures 2 and 3. If this extension time exceeds 13 seconds: Within 25 hours' time in service after the effective date of this AD, or 90 days, whichever comes first, replace the gas strut with Type 10-02-250-600/1200-N in accordance with Procedure 3 (procedures described on Page 41 of the Maintenance Manual). If extension time is 13 seconds or less, proceed to paragraph (b). NOTE: Replacement of pages in the aircraft handbook Flight and Maintenance Manuals and the check of the engine extension time may be accomplished by the pilot.

(b) Within 25 hours' time in service after the effective date of this AD, or 90 days, whichever comes first, modify the spindle drive in accordance with Procedure 4 of Glaser-Dirks Technical Note TN 826/18 (detailed procedures are described in Glaser-Dirks Service Instruction 1/10/86 dated March 10, 1987). This action must be accomplished regardless of whether the gas strut requires replacement.

(c) Aircraft may be ferried in accordance with FAR Section 21.197 and Section 21.199 to a base where the AD can be accomplished.

(d) Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Brussels Aircraft Certification Office, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, 15 Rue de la Loi B-1040, Brussels, Belgium; telephone 513.38.30 ext. 2710, or the Manager, New York Aircraft Certification Office, Federal Aviation Administration, New England Region, 181 S. Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791-6680.

(e) Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Brussels Aircraft Certification Office, or the Manager, New York Aircraft Certification Office, may adjust the compliance time specified in this AD.

Glaser-Dirks Technical Note TN 826/18, and Service Instruction 1/10/86, each dated March 10, 1987, identified and described in this document, are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Glaser-Dirks Flugzeugbau GmbH, Im Schollongarton 19-20, D-7520 Bruchsal 4, Federal Republic of Germany. These documents may also be examined at the Office of the Regional Counsel, Rules Docket No. 87-ANE-33, Room 311, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

This amendment becomes effective on January 22, 1988.

Issued in Burlington, Massachusetts, on December 11, 1987.

Timothy P. Forté,

Acting Director, New England Region.

[FR Doc. 88-259 Filed 1-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-ASW-1; Amdt. 39-5793]

Airworthiness Directives; Messerschmitt-Bolkow-Blohm (MBB) GmbH Model BK-117A-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which required installation of a revised V_{NE} (never exceed speed) placard for certain portions of the approved altitude and temperature flight envelope where the MBB BK-117A-1 helicopter has exhibited unstable static longitudinal control characteristics. This amendment is needed to permit removal of the V_{NE} restrictions imposed by that AD when the manufacturer's stick position augmentation system (SPAS) is installed in affected aircraft. The SPAS eliminates the static longitudinal control position instability.

EFFECTIVE DATES: January 8, 1988.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 8, 1988.

Compliance: As indicated in the body of this AD.

ADDRESSES: The applicable service information may be obtained from Messerschmitt-Bolkow-Blohm GmbH, Abt. Drehflugler, Postfach 801140, D-8000 Munchen 80, Federal Republic of Germany.

A copy of the applicable service information is contained in the Rules Docket, Office of the Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Wayne J. Barbini, Aerospace Engineer, Rotorcraft Standards Staff, ASW-110, Aircraft Certification Division, Southwest Region, FAA, Fort Worth, Texas 76193-0110, telephone (817) 624-5114, or John Varoli, Manager, Brussels Aircraft Certification Office, Federal Aviation Administration, c/o American Embassy, APO New York 09667-1011.

SUPPLEMENTARY INFORMATION: A proposal to amend Amendment 39-4989 (50 FR 4198), AD 85-02-04, which currently requires installation of a revised V_{NE} placard to reduce V_{NE} in those portions of the MBB Model BK-117A-1 helicopter flight envelope where the aircraft has exhibited static longitudinal instability was published in the Federal Register on December 1, 1986 (51 FR 43216). This amendment permits removal of the existing V_{NE} reduction placard after installation of the SPAS.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. Accordingly the proposal is adopted without change.

This amendment provides an optional means of compliance and imposes no additional burden. Good cause exists for

making this amendment effective in less than 30 days. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, Incorporation by reference.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By amending Amendment 39-4989, AD 85-02-04, by adding the following new paragraph:

* * * * *

(d) The requirements of this AD do not apply when the MBB stick position augmentation system (SPAS) is installed in accordance with MBB Helicopter Service Bulletin No. SB-MBB-BK-117-40-7, dated April 14, 1986.

This procedure shall be accomplished in accordance with MBB Helicopter Service Bulletin No. SB-MBB-BK-117-40-7, dated April 14, 1986. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from MBB, GmbH, Abt, Drehflugler, Postfach 801140, D-8000 Munchen 80, Federal Republic of Germany. Copies may be inspected at the Office of the Regional Counsel, FAA, 4400 Blue Mound Road, Fort Worth, Texas, or at the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC.

This amendment amends Amendment 39-4989, AD 85-02-04 (50 FR 4198).

This amendment becomes effective January 8, 1988.

Issued in Forth Worth, Texas, on November 20, 1987.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 88-261 Filed 1-7-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-ASW-25]

Revision of Control Zone; Oklahoma City Wiley Post Airport, OK and Oklahoma City Will Rogers World Airport, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule will revise the control zones located at Oklahoma City Wiley Post Airport, OK, and Oklahoma City Will Rogers World Airport, OK. This revision is necessary since a review of the existing control zone airspace revealed that, due to the relocation of the Oklahoma City VORTAC and the subsequent cancellation and/or modification of several standard instrument approach procedures (SIAP) utilizing the Oklahoma City VORTAC in its old location, more controlled airspace than is necessary exists. The intended effect of this multiple revision is to release that controlled airspace no longer required.

EFFECTIVE DATE: 0901 UTC, June 30, 1988.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On October 2, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revising the control zones located at Oklahoma City Wiley Post Airport, OK, and Oklahoma City Will Rogers World Airport, OK, (52-FR-38786).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C, dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will revise the control zones located at Oklahoma City Wiley Post Airport, OK, and Oklahoma City Will Rogers World Airport, OK. A review of the existing control zone airspace revealed that, due to the relocation of the Oklahoma City VORTAC, there exists more controlled airspace than is required, thus necessitating this multiple revision. Since the Oklahoma City VORTAC has been relocated and the SIAP's utilizing the VORTAC in its old location have either been canceled or modified, existing control zone extensions to the southwest of the Wiley Post Airport and to the northwest of the Will Rogers World Airport are no longer necessary. The intended effect of this multiple revision is to release that controlled airspace no longer required due to the cancellation and/or modification of these SIAP's. This revision will alter the control zone at the Wiley Post Airport to a 5-mile radius of the airport with one short extension to the north and will alter the control zone at the Will Rogers World Airport to a 5-mile radius of the airport with one short extension to the south.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation Safety, Control Zones.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

1.The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g)

(Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Oklahoma City Wiley Post Airport, OK [Revised]

Within a 5-mile radius of the Wiley Post Airport (latitude 35°32'03"N., longitude 97°38'48"W.); within 2 miles each side of the Wiley Post ILS Localizer north course extending from the 5-mile radius zone to the OM (latitude 35°37'33"N., longitude 97°38'50"W.).

Oklahoma City Will Rogers World Airport, OK [Revised]

Within a 5-mile radius of the Will Rogers World Airport (latitude 35°23'35"N., longitude 97°36'02"W.); within 3 miles each side of the Oklahoma City Runway 35R ILS Localizer south course extending from the 5-mile radius zone to the LOM (latitude 35°17'42"N., longitude 97°35'18"W.).

Issued in Fort Worth, TX, on December 18, 1987.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 88-260 Filed 1-7-88 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-ASW-31]

Removal of Transition Area; Crockett, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule will remove the transition area located at Crockett, TX. A standard instrument approach procedure (SIAP) utilizing a nondirectional radio beacon (NDB) located at the Houston County Airport, Crockett, TX, has been canceled, making this revision necessary. The intended effect of this revision will be to return that controlled airspace no longer required to execute the SIAP. Coincident with this revision, the status of the Houston County Airport will change from instrument flight rules (IFR) to visual flight rules (VFR).

EFFECTIVE DATE: 0901 UTC, June 30, 1988.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On September 19, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by removing the transition area located at Crockett, TX (52 FR 36587).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C, dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will remove the 700-foot transition area located at Crockett, TX. The SIAP to the Houston County Airport was based on an NDB located at the airport. The NDB has since been removed with the associated SIAP being canceled, thus necessitating this revision. The intended effect of this revision will return that controlled airspace no longer required by aircraft executing the SIAP. Coincident with this revision, the status of the Houston County Airport will change from IFR to VFR.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation Safety, Transition Areas.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Crockett, TX [Removed]

Issued in Fort Worth, TX, on December 18, 1987.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 88-255 Filed 1-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 87-AWA-2]

Alteration of Jet Routes; Expanded East Coast Plan; Phase II

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of several jet routes located in the vicinity of New York. These jet routes are part of an overall plan designed to alleviate congestion and compression of traffic in the airspace bounded by Eastern, New England, Great Lakes and the Southern Regions. This amendment is the final segment of Phase II of the EECP, portions of Phase II were implemented on November 19, 1987, and January 14, 1988. Phase I was implemented February 12, 1987. The EECP is designed to make optimum use of the airspace along the east coast corridor. This action reduces en route and terminal delays in the Boston, MA; New York, NY; Miami, FL; Chicago, IL; and Atlanta, GA, areas, saves fuel and reduces controller workload. The EECP is being implemented in coordinated segments until completed.

EFFECTIVE DATE: 0901 UTC, March 10, 1988.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

History

On July 6, 1987, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to alter the descriptions of several jet routes located

in the vicinity of New York (52 FR 25244). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Congressman Dean A. Gallo requested that implementation of Phase II of the EECP be suspended pending a full and complete study of the noise impact over the State of New Jersey.

The State of New Jersey Department of Environmental Protection comments were mostly directed at the jet route changes, but were additionally concerned with what impact those jet route changes would have on the flight paths in the lower altitudes. They state that "consideration of the direct and indirect aircraft noise impacts on residential communities should have been factored into the EECP planning process."

People Against Newark Noise commented that certain residents of New Jersey object to changes in air routes which will bring jet noise upon previously peaceful communities. Environmental assessment of airspace actions by the FAA is conducted in accordance with FAA Order 1050.1D, Policies and Procedures for Handling Environmental Impacts. Appendix 3 of the order requires environmental assessment of a Part 71 airspace action only when it would result in rerouting traffic over a noise-sensitive area at altitudes less than 3,000 feet above the surface. No such low-altitude routings were involved in the airway modification adopted in this amendment, and we do not consider that an environmental assessment is required under the National Environmental Policy Act or the Agency's Environmental Guidelines. In view of the comments of the New Jersey parties, however, the FAA is in the process of conducting a review of the environmental implications of the overall impact of Phase II of the EECP.

In consideration of the importance of the airway actions for the safe and efficient handling of air traffic on the east coast, and of the fact that the agency has complied with Federal environmental review requirements, the FAA does not believe that this action should be delayed pending the outcome of the review. With respect to the studies being conducted by the General Accounting Office and the New Jersey state government, the FAA will fully consider the results of these studies when completed, but we do not agree that important airway changes should be delayed pending the outcome of those studies.

People Against Newark Noise also questioned the basis for the FAA's determination that a regulatory evaluation is not required. The action does not meet the threshold requirements for a major rule under Executive Order 12291, and a regulatory impact analysis under that order is not required. Department of Transportation Regulatory Policies and Procedures (44 FR 11031) require an economic evaluation of agency rulemaking actions except in emergencies or when the agency determines that the economic impact is so minimal that the action does not warrant a full evaluation. Such a determination was made in this case, in consideration of the minimal economic impacts of the airway changes proposed. Similarly, a regulatory flexibility analysis is not required since this action will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

AOPA objected that this proposal will impose complicated routings and/or additional mileages. The FAA agrees there will be additional mileages on certain airways due to the realignment of the standard instrument departures and standard terminal arrival routes. Nevertheless, this change in traffic flow has resulted in more than a 40% reduction in departure/arrival delays in the New York Metroplex area, thereby saving time and fuel. This action should more than offset the slight additional distance. The FAA does not consider these actions to constitute a complication of routing. Should unforeseen problems arise as a result of this phase of the EECP, the FAA would initiate appropriate remedial action as required.

The Air Transport Association (ATA) endorsed the objective of the EECP to establish an improved air traffic system which reduces delays for aircraft departing and arriving terminals in the eastern United States. However, ATA requested an overview of the total plan. Also, ATA requested a longer response time to the NPRM's because of the large volume of very technical and complicated material. FAA appreciates the comments and will carefully review and consider their suggestion. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 75 of the Federal Aviation Regulations alters the descriptions of Jet Routes J-6, J-8, J-14, J-22, J-24, J-30 and J-34 located in the vicinity of New York. These routes are part of an overall plan designed to alleviate congestion and compression of traffic in the airspace bounded by Eastern, New England, Great Lakes and the Southern Regions. This amendment is the final segment of Phase II of the EECP, portions of Phase II were implemented on November 19, 1987, and January 14, 1988. Phase I was implemented February 12, 1987. The EECP is designed to make optimum use of the airspace along the east coast corridor. This action reduces en route and terminal delays in the Boston, MA; New York, NY; Miami, FL; Chicago, IL; and Atlanta, GA, areas, saves fuel and reduces controller workload. The EECP is being implemented in coordinated segments until completed.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as amended (52 FR 21248 and 35235) is further amended, as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J-6 [Amended]

By removing the words "Shawnee, VA; Westminster, MD; INT of Westminster 080° and Robbinsville, NJ, 239° radials; to Robbinsville." and substituting the words "INT Charleston 076° and Martinsburg, WV, 243° radials; Martinsburg; to Lancaster, PA."

J–8 [Amended]

By removing the words "Casanova, VA; INT Casanova 051° and Westminster, MD, 080° radials; INT Westminster 080° and Robbinsville, NJ, 239° radials; to Robbinsville." and substituting the words "INT Charleston 085° and Casanova VA, 262° radials; to Casanova."

J–14 [Amended]

By removing the words "to Kenton, DE." and substituting the words "INT Richmond 039° and Patuxent, MD, 228° radials; to Patuxent."

J–22 [Amended]

By removing the words "to Gordonsville, VA." and substituting the words "to Montebello, VA."

J–24 [Amended]

By removing the words ", INT Charleston 101° and Richmond, VA, 286° radials; to Richmond," and substituting the words "; Montebello, VA; Flat Rock, VA; to Harcum, VA."

J–30 [Amended]

By removing the words "to Shawnee, VA." and substituting the words "INT Appleton 111° and Kessel, WV, 276° radials; Kessel; to INT Kessel 097° and Armel, VA, 292° radials."

J–34 [Amended]

By removing the words "to Martinsburg, WV." and substituting the words "INT Bellaire 133° and Kessel, WV, 276° radials; Kessel; to INT Kessel 097° and Armel, VA, 292° radials."

Issued in Washington, DC, on December 14, 1987.

Daniel J. Peterson,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 88–256 Filed 1–7–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 25503; Amdt. No. 1364]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFS–230), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a

regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in CFR Part 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC on December 25, 1987.

Robert L. Goodrich,

Director of Flight Standards.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

PART 97—[AMENDED]

1. The authority citation for Part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421, and 1510; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983; and 14 CFR 11.49(b)(2)).

§ 97.23 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . Effective March 10, 1988

Santa Ana, CA—John Wayne Airport-Orange County, LOC BC RWY IL, Amdt. 10
Santa Ana, CA—John Wayne Airport-Orange County, NDB RWY IL, Amdt. 1
Santa Ana, CA—John Wayne Airport-Orange County, ILS RWY 19R, Amdt. 11
Charles City, IA—Charles City Muni, NDB RWY 12, Amdt. 9
Charles City, IA—Charles City Muni, NDB RWY 30, Amdt. 1
Elmira, NY—Elmira/Corning Regional, NDB RWY 24, Amdt. 12
Elmira, NY—Elmira/Corning Regional, ILS RWY 24, Amdt. 14
Newburgh, NY—Stewart Intl, VOR or TACAN RWY 27, Amdt. 3
Newburgh, NY—Stewart Intl, NDB RWY 9, Amdt. 6
Newburgh, NY—Stewart Intl, ILS RWY 9, Amdt. 4
Newburgh, NY—Stewart Intl, RNAV RWY 16, Amdt. 2
Newburgh, NY—Stewart Intl, RNAV RWY 27, Amdt. 1
Poughkeepsie, NY—Dutchess County, ILS RWY 6, Amdt. 5
Poughkeepsie, NY—Dutchess County, RNAV RWY 6, Amdt. 5
Wurtsboro, NY—Wurtsboro-Sullivan County, VOR-A, Amdt. 2
Brady, TX—Curtis Field, NDB RWY 17, Orig.
Levelland, TX—Levelland Muni, NDB RWY 17, Amdt. 1
Levelland, TX—Levelland Muni, NDB RWY 35, Orig.
Pinedale, WY—Ralph Wenz Field, NDB RWY 29, Orig.

. . . Effective February 11, 1988

Flagstaff, AZ—Pulliam, NDB/DME RWY 21, Orig.
Jefferson City, MO—Jefferson City Meml, LOC BC RWY 12, Orig.
Philadelphia, PA—Philadelphia Intl, VOR/DME-A, Orig.

. . . Effective December 18, 1987

Baton Rouge, LA—Baton Rouge Metropolitan Ryan Field, LOC BC RWY 4L, Amdt. 3
Baton Rouge, LA—Baton Rouge Metropolitan Ryan Field, ILS RWY 22R, Amdt. 7

. . . Effective December 17, 1987

Richmond, IN—Richmond Muni, VOR RWY 24, Amdt. 11
Baltimore, MD—Baltimore-Washington Intl, VOR RWY 28, Amdt. 21
New York, NY—LaGuardia, ILS/DME RWY 13, Amdt. 2

The FAA published an Amendment in Docket No. 25418, Amdt. No. 1359 to Part 97 of the Federal Aviation Regulations (VOL 52 FR No. 205 Page 39627; dated Friday, October 23, 1987) under Section 97.33 effective 14 JAN 88 which is hereby amended as follows:

Laporte, IN—Laporte Muni, RNAV RWY 20, Amdt. 20 should read Laporte, IN—Laporte Muni, RNAV RWY 20, Amdt. 2.

[FR Doc. 88-257 Filed 1-7-88; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of Beta-Hydroxy-3-Methylfentanyl Into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to place the narcotic substance, beta-hydroxy-3-methylfentanyl into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This action is based on findings made by the DEA Administrator, after a review and evaluation of the relevant data by both DEA and the Assistant Secretary for Health, that beta-hydroxy-3-methylfentanyl meets the statutory criteria for inclusion in Schedule I of the CSA. As a result of this final rule, the regulatory controls and criminal sanctions of Schedule I are applicable to the manufacture, distribution, importation, exportation and possession of beta-hydroxy-3-methylfentanyl.

EFFECTIVE DATE: January 8, 1988.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: On November 28, 1986, in a notice of proposed rulemaking published in the **Federal Register** (51 FR 43025), after a review of relevant data, the DEA Administrator proposed to place acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl and thiofentanyl into Schedule I of the CSA pursuant to 21 U.S.C. 811(a). This proposed rule provided the opportunity for interested parties to submit comments or objections regarding the proposed scheduling actions. DEA received no comments or objections nor were there any requests for hearings.

After receiving and taking into consideration the scientific and medical evaluations and scheduling recommendations of the Secretary of the Department of Health and Human Services regarding acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, beta-hydroxyfentanyl, 3-methylthiofentanyl and thiofentanyl, the DEA Administrator issued a final rule on May 29, 1987 placing these substances into Schedule I of the CSA (52 FR 20070). The temporary control of these substances plus beta-hydroxy-3-methylfentanyl in Schedule I of the CSA pursuant to 21 U.S.C. 811(h) expired on May 29, 1987. By letter dated October 27, 1987 the DEA Administrator received the scientific and medical evaluation and scheduling recommendation for beta-hydroxy-3-methylfentanyl from the Assistant Secretary for Health, delegate of the Secretary of the Department of Health and Human Services. He recommended that beta-hydroxy-3-methylfentanyl be placed into Schedule I of the CSA.

Beta-hydroxy-3-methylfentanyl is an extremely potent analog of the Schedule II synthetic narcotic analgesic fentanyl. It behaves as a morphine-like substance in rodent antinociceptive tests. Further this fentanyl analog substitutes completely for morphine when administered to morphine dependent withdrawn monkeys. The primate single-dose suppression potency is 6000

times that of morphine. Beta-hydroxy-3-methylfentanyl has been produced in clandestine laboratories and identified in drug evidence submissions to forensic laboratories. It is likely that some of the more than 100 overdose deaths associated with fentanyl analog use involved beta-hydroxy-3-methylfentanyl.

Based upon the investigation and review conducted by DEA and upon the scientific and medical evaluation and recommendation of the Assistant Secretary for Health, delegate of the Secretary of the Department of Health and Human Services, received in accordance with 21 U.S.C. 811(b), the DEA Administrator, pursuant to the provisions of 21 U.S.C. 811 (a) and (b), finds that:

(1) Beta-hydroxy-3-methylfentanyl has a high potential for abuse;

(2) Beta-hydroxy-3-methylfentanyl has no currently accepted medical use in treatment in the United States, and

(3) Beta-hydroxy-3-methylfentanyl lacks accepted safety for use under medical supervision.

The above findings are consistent with the placement of beta-hydroxy-3-methylfentanyl into Schedule I of the CSA. The Administrator further finds that beta-hydroxy-3-methylfentanyl is an opiate as defined in 21 U.S.C. 802(18) since it has an addiction-forming and an addiction-sustaining liability similar to that of morphine. Consequently, beta-hydroxy-3-methylfentanyl is a narcotic since the definition of narcotic, as stated in 21 U.S.C. 802(17)(A), includes: "Opium, opiates, derivatives of opium and opiates."

All regulations applicable to Schedule I narcotic substances are effective as of January 8, 1988, with respect to beta-hydroxy-3-methylfentanyl. The current applicable regulations are as follows:

1. *Registration.* Any person who manufactures, distributes, delivers, imports or exports beta-hydroxy-3-methylfentanyl or who engages in research or conducts instructional activities with respect to this substance, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. *Security.* Beta-hydroxy-3-methylfentanyl must be manufactured, distributed and stored in accordance with §§ 1301.71–1301.76 of Title 21 of the Code of Federal Regulations.

3. *Labeling and packaging.* All labels and labeling for commercial containers of beta-hydroxy-3-methylfentanyl must comply with the requirements of §§ 1302.03–1302.05, 1302.07 and 1302.08 of Title 21 of the Code of Federal Regulations.

4. *Quotas.* All persons required to obtain quotas for beta-hydroxy-3-methylfentanyl shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations.

5. *Inventory.* Every registrant required to keep records and who possesses any quantity of beta-hydroxy-3-methylfentanyl shall take an inventory pursuant to §§ 1304.11–1304.19 of Title 21 of the Code of Federal Regulations of all stocks of this substance on hand.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21–1304.27 of Title 21 of the Code of Federal Regulations shall maintain such records on beta-hydroxy-3-methylfentanyl.

7. *Reports.* All registrants required to submit reports pursuant to §§ 1304.34–1304.37 of Title 21 of the Code of Federal Regulations shall do so regarding beta-hydroxy-3-methylfentanyl.

8. *Order forms.* All registrants involved in the distribution of beta-hydroxy-3-methylfentanyl must comply with the order form requirements of §§1305.01–1305.16 of Title 21 of the Code of Federal Regulations.

9. *Importation and exportation.* All importation and exportation of beta-hydroxy-3-methylfentanyl shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal liability.* The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to beta-hydroxy-3-methylfentanyl not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act shall be unlawful.

Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the placement of beta-hydroxy-3-methylfentanyl into Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354).

This action involves the control of a substance with no legitimate medical use or manufacture in the United States.

In accordance with the provisions of 21 U.S.C. 811(a), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by section 201(a) of the CSA (21 U.S.C. 811(a)) and delegated to the Administrator of DEA by Department of Justice Regulations (28 CFR 0.100), the Administrator hereby orders that 21 CFR 1308.11 be amended as follows:

PART 1308—[AMENDED]

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. Section 1308.11 is amended by redesignating existing paragraphs (b)(12) through (b)(54) as (b)(13) through (b)(55) and adding a new paragraph (b)(12) as follows:

§ 1308.11 Schedule I

* * * * *

(b) * * *

(12) Beta-hydroxy-3-methylfentanyl (other name: *N*-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-*N*phenylpropanamide)..... 9830

* * * * *

§ 1308.11 [AMENDED]

3. Section 1308.11 is further amended by removing paragraph (g)(2) and redesignating existing paragraphs (g)(3) through (g)(6) as (g)(2) through (g)(5).

Dated: January 4, 1988.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 88–279 Filed 1–7–88; 8:45 am]

BILLING CODE 4410–09–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3313–5; KY–047]

Approval and Promulgation of Implementation Plans; Kentucky: 401 KAR 61:140, Existing By-Product Coke Manufacturing Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves a revision to 401 KAR 61:140, Existing by-product coke manufacturing plants, submitted by Kentucky on September 19, 1986. This revision changes the test method for measuring total dissolved

solids (TDS) in quench water used in by-product coke manufacturing operations from ASTM Method 209B to Method 209C. EPA previously requested this change in test methods. At the present time, there is only one source in Kentucky subject to this amendment, and that source is currently in compliance with its provisions. This revision to 401 KAR 61:140 was proposed on May 6, 1987 (52 FR 16877).

EFFECTIVE DATE: This rule will become effective on February 8, 1988.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365

Natural Resources and Environmental Protection Cabinet, Division of Air Pollution Control, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Pamela E. Adams of the EPA Air Programs Branch at the above address, telephone (404) 347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: On December 1, 1982, Kentucky promulgated revisions to its regulation for the control of emissions from existing by-product coke manufacturing plants, 401 KAR 61:140. Upon submittal of these revisions to EPA for approval, EPA stated that the revised regulation would be entirely approvable if the Kentucky Natural Resources and Environmental Protection Cabinet changed the test method for measuring total dissolved solids (TDS) in the makeup water from Method 209B to Method 209C of the *Standard Methods For the Evaluation of Water and Wastewater*, ASTM 15th Edition, 1980. On August 28, 1986, a public hearing was held in Frankfort, Kentucky to receive comments on a revised version of 401 KAR 61:140, Existing by-product coke manufacturing plants, which incorporated the new test method. This version of the regulation was submitted to EPA on September 19, 1986. EPA proposed to approve the regulation on May 6, 1987 (52 FR 16877). EPA received no comments in response to that proposal. Method 209B and Method 209C are both test methods for determining total filtrable residue. Method 209C differs from Method 209B only in that the temperature of the drying oven is maintained at 103 °C–105 °C than 180 °C. The only source affected by this amendment, Armco Inc.-Coke Plant, I.D. No. 103-0340-0027, is already in compliance with the provisions of this amendment (letter dated April 12, 1985, from D.E. Davisson, Environmental Engineer, Armco, Inc.). Requiring Method 209C for testing will cause no economic disadvantages to Kentucky.

Final Action

EPA is today finalizing approval of the revision to 401 KAR 61:140, Existing by-product coke manufacturing plants, which changes the test method for measuring TDS is quench water used in by-product coke manufacturing operations from Method 209B to Method 209C. The only difference in these two test methods is in the temperature of the drying oven.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 8, 1988. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations.

Note: Incorporation by reference of the State Implementation Plan for the State of Kentucky was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 4, 1988.

Lee M. Thomas,

Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

Subpart S—Kentucky

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.920 is amended by adding paragraph (c)(50) to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

(50) A revision in Kentucky regulation 401 KAR 61:140, Existing by-product coke manufacturing plants, submitted on September 19, 1986, by the Kentucky Natural Resources and Environmental Protection Cabinet.

(i) Incorporation by reference.

(A) A revision to Division of Air Pollution regulation 401 Kentucky Administrative Regulations (KAR) 61:140, Existing by-product coke manufacturing plants, which became effective on September 4, 1986.

(B) Letter of September 19, 1986 from the Commonwealth of Kentucky to EPA.

[FR Doc. 88-309 Filed 1-7-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 86-79]

Common Carrier Services; Customer Premises Equipment by the Bell Operating Companies and the Independent Telephone Companies

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: In the BOC CPE Order, the FCC adopted nonstructural safeguards to govern BOC provision of CPE and directed the BOCs to file plans specifying the means by which they proposed to comply with certain of these safeguards. This Order addresses these plans. Specifically, this action approves the plans filed with the FCC by Ameritech, BellSouth, Bell Atlantic, NYNEX, Southwestern Bell, and USWest for complying with the CPNI, nondiscrimination, and joint marketing regulatory requirements of the BOC CPE Order (CC Docket No. 86-79). However, each of these BOCs is required to amend its compliance plans in certain respects. This action also approves the CPNI and nondiscrimination proposals in PacTel's compliance plan, while requiring some amendments to these proposals, but rejects PacTel's joint marketing proposal.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Gary Phillips, Common Carrier Bureau, (202) 632-4047.

SUPPLEMENTARY INFORMATION: This is a summary of the Common Carrier Bureau's Order in CC Docket 86-79, adopted December 29, 1987, and released December 30, 1987. The full text of this Bureau decision is available for inspection and copying during normal

business hours in FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The full text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Washington, DC 20037.

Summary of Order

1. In the BOC CPE Order (2 FCC Rcd 143 (1987), recon., FCC 87–389 (released Dec. 17, 1987)), the Commission relieved the Bell Operating Companies (BOCs) of the structural separation requirements governing their provision of customer premises equipment (CPE) and replaced those requirements with five nonstructural safeguards. These safeguards covered five areas: cost allocation, network information disclosure, use and availability of customer proprietary network information (CPNI), nondiscrimination in the installation and maintenance of network services, and provision of joint marketing opportunities to independent CPE vendors. The Commission required each BOC to file a compliance plan specifying the procedures by which it would satisfy the CPNI, nondiscrimination, and joint marketing requirements. It delegated authority to the Chief of the Common Carrier Bureau (the Bureau) to review these plans. On April 13, 1987, the BOCs filed their compliance plans. In the Order, the Bureau addresses these plans.

2. Under the CPNI requirements, each BOC must honor customers' requests that it restrict its CPE personnel from accessing the customers' CPNI, as well as requests that it make such CPNI available to independent CPE vendors. Each BOC must also provide annual notice to multiline business customers of the Commission's CPNI rules and make nonproprietary, aggregate CPNI available to independent CPE vendors to the extent that, and on the same terms as, it is made available to the BOC's own CPE operations.

3. In the Order, the Bureau approves the CPNI proposal of each BOC but requires each BOC to correct minor deficiencies in its proposal by filing with the Commission certain plan amendments within 14 days of publication of this summary of the Order in the **Federal Register**. Bell Atlantic, Southwestern Bell, US West, and PacTel must amend their plans to state that the procedures they describe for releasing and restricting customers' CPNI apply to all customers. NYNEX must amend its plan to state that it will notify all multiline business customers of their right to authorize release of their CPNI to independent CPE vendors, as well as of the other CPNI rights of such customers. All BOCs, except NYNEX and Bell Atlantic, must amend their plans to state that they will provide the required CPNI notice within 60 days after publication of this summary of the Order in the **Federal Register**. If Bell Atlantic does not provide the required CPNI notice by January 1, 1988, as it states in its CPNI proposal, it must also amend its plan as summarized in the preceding sentence. All BOCs, except NYNEX, must amend their plans to state that they will include with their CPNI notices response forms that customers can use to restrict CPNI and must file proposed response forms with their plan amendments. Bell Atlantic and Ameritech must state that they will make nonproprietary aggregate CPNI available to independent CPE vendors to the extent that, and on the same terms and conditions as, it is made available to their own CPE operations. Finally, all BOCs, except NYNEX, must amend their plans to indicate that customers will receive at least 30 days to respond to the CPNI notice, during which time BOC CPE operations may not access the customer's CPNI, and that customers will be informed of this response period in the CPNI notice. All BOCs must file sample CPNI notices and response forms with their plan amendments.

4. Under the nondiscrimination rules, the BOCs must retain their Centralized Operations Groups (COGs) as optional points of contact for the CPE vendor community and customers with non-BOC CPE and may not discriminate in their provision of installation and maintenance of network services in favor of their own CPE customers. In addition, they must file quarterly reports on network service installation intervals experienced by their own CPE customers and by customers of their CPE competitors. The BOCs must describe in their complaince plans their installation and maintenance procedures and their proposed reporting mechanism and report format for their installation reports. The Order notes that the BOCs have elected to file with th Commission annual affidavits attesting that they follow the maintenance procedures described in their compliance plan and have not, in fact discriminated in their provision of maintenance service.

5. In the Order, the Bureau approves the installation and maintenance procedures described by the BOCs in their compliance plans. However, it requires Ameritech, Bell Atlantic, and US West to amend their plans to describe the training they provide their installation personnel on the Commission's nondiscrimination rules. Ameritech and US West must also describe the training provided to maintenance personnel in their plan amendments. The Bureau rejects the reporting categories proposed by the BOCs in their compliance plans but approves revised categories proposed by the BOCs in recent ex parte filings. Southwestern Bell, however, must modify its ex parte proposal to include a separate WATS/800 category and a category for analog private line service. Southwestern Bell must also amend its plan to state that it will provide quarterly installation reports for all of its business customers. Finally, the Order clarifies that BOCs may not provide CPE on an unseparated basis until their reporting mechanism is operational. All of the BOCs must file with the Commission the amendments summarized in this paragraph within 14 days of publication of this summary in the **Federal Register.**

6. Under the joint marketing requirement, the BOCs must provide independent CPE vendors with a meaningful opportunity, through sales agency programs or other functionally equivalent means, to market their CPE jointly with Centrex and other network services. In the Order, the Bureau approves the joint marketing plans of the five BOCs that propose to continue existing sales agency programs—NYNEX, Ameritech, BellSouth, Southwestern Bell, and US West. It also approves Bell Atlantic's Vendor Support and trial sales agency program. Recognizing certain limitations of existing sales agency programs, however, the Bureau, states that it will reassess these proposals in two years to determine whether modifications to them should be required. During this two-year period, these BOCs are required to file the sales agency reports required by the Sales Agency Reconsideration Order (FCC 85–582 (released Nov. 15, 1985)), and Bell Atlantic is also required to report its activities under its Vendor Support program. The Bureau does not approve PacTel's Intermediary Marketing and Joint Marketing proposals for satisfying the joint marketing requirement. PacTel is required to establish a sales agency program or its functional equivalent in conjunction with or in lieu of these programs, and to file with the Commission an amendment to its compliance plan by February 15, 1988, that describes its revised program.

Ordering Clause

Accordingly, it is ordered that, pursuant to sections 4(i), 4(j), 201–205, 218, 220, 403, and 404 of the Communications Act, 47 U.S.C. 4(i), 4(j), 201–205, 218, 220, 403, and 404, §§ 0.91(h) and 0.291 of the Commission's Rules, 47 CFR 0.91(h) and 0.291, and the BOC CPE Order, 2 FCC Rcd 143 (1987), the Compliance Plans of NYNEX, Bell Atlantic, Southwestern Bell, Ameritech, US West, and BellSouth described above are approved, subject to the modifications set forth herein. The Compliance Plan of PacTel, as described above, is rejected to the extent set forth herein.

Federal Communications Commission.

Gerald Brock,

Chief, Common Carrier Bureau.

[FR Doc. 88–340 Filed 1–7–88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87–76; RM–5686]

Radio Broadcasting Services; Sedona, AZ

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 275C for Channel 261A at Sedona, AZ, and modifies the Class A license of Station KQST(FM), accordingly, in response to a petition filed by American Aircasting Corp. Additionally, Channel 261C2 is substituted for Channel 275C2 at Flagstaff, AZ, for which seven applications are pending, to accommodate the modification of Station KQST(FM). With this action, the proceeding is terminated.

DATE: Effective January 29, 1988. The window period for filing applications on Channel 261C2 at Flagstaff, AZ has closed.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau (202) 634–6530, concerning the Sedona, AZ modification. Questions related to the pending Flagstaff, AZ applications should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau, (202) 632–0394.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–76, adopted November 25, 1987, and released December 16, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Arizona by adding Channel 261C2, removing Channel 275C2 at Flagstaff, adding Channel 275C and removing Channel 261A at Sedona.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88–342 Filed 1–7–88; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 53, No. 5
Friday, January 8, 1988

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 401

[Amdt. No. 12; Doc. No. 4744S]

General Crop Insurance Regulations; Stonefruit Endorsement

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the General Crop Insurance Regulations (7 CFR Part 401), effective for the 1988 and succeeding crop years, by adding a new section, 7 CFR 401.122, to be known as the Stonefruit Endorsement. The intended effect of this rule is to provide the regulations containing the provisions of crop insurance protection on stonefruit in an endorsement to the general crop insurance policy which contains the standard terms and conditions common to most crops.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than February 8, 1988, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is established as December 1, 1992.

Edward D. Hews, Acting Manager, FCIC, (1) has determined that his action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for invidviduals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

FCIC herewith proposes to add to the General Crop Insurance Regulations (7 CFR Part 401), a new section to be known as 7 CFR 401.122, the Stonefruit Endorsement, effective for the 1988 and succeeding crop years, to provide the provisions for insuring stonefruit, including clingstone peaches and apricots.

Upon publication of 7 CFR 401.122 as a final rule, the provisions for insuring stonefruit contained therein will parallel those provisions contained in 7 CFR Part 451, the Canning and Processing Peach Crop Insurance Regulations, for the 1988 crop year. The policy contained in 7 CFR Part 451 will be terminated at the end of the 1988 crop year and later removed and reserved.

1987 crop year insureds under the Canning and Processing Peach Crop Insurance Policy may transfer coverage to the Stonefruit Endorsement, at the insured's option, before the sales closing date. Insureds under the Stonefruit Endorsement will not be allowed to transfer to the Canning and Processing Peach Policy. No new policies under 7 CFR Part 451 will be issued.

FCIC is soliciting public comment on this proposed rule for 30 days following publication in the **Federal Register.** Written comments received pursuant to this proposed rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washigton, DC 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 401

General crop insurance regulations, Stonefruit endorsement.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the General Crop Insurance Regulations (7 CFR Part 401), proposed to be effective for the 1988 and succeeding crop years, as follows:

PART 401—[AMENDED]

1. The authority citation for 7 CFR Part 401 continues to read as follows:

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. 7 CFR Part 401 is amended to add a new section to be known as 7 CFR 401.122 Stonefruit Endorsement, effective for the 1988 and Succeeding Crop Years, to read as follows:

§ 401.122 Stonefruit Endorsement

The provisions of the Stonefruit Crop Insurance Endorsement for the 1988 and subsequent crop years are as follows:

Federal Crop Insurance Corporation

Stonefruit Endorsement

1. Causes of loss

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;
(2) Earthquake;
(3) Fire;
(4) Wildlife;
(5) Volcanic eruption;

(6) An insufficient number of chilling hours to effectively break dormancy; or

(7) Failure of the irrigation water supply due to an unavoidable cause occurring after insurance attaches;

Unless these causes of loss are excepted, excluded, or limited by the actuarial table or section 9 of the general crop insurance policy.

b. In addition to the causes of loss not insured against under Section 1.b. of the general crop insurance policy, we will not insure against any loss of production due to:

(1) Fire, where weeds and other forms of undergrowth have not been controlled or tree pruning debris has not been removed from the orchard;

(2) Insect infestation;

(3) Split pits regardless of cause; or

(4) Inability to market as a direct result of quarantine, boycott, or refusal of any entity to accept or harvest production unless production has actual physical damage due to a cause specified in subsection 1.a.

2. Insured Crop and Acreage

a. The crop insured will be any of the following stonefruit types you elect in writing prior to the sales closing date and grown for fresh market fruit or processing (whichever is applicable) for which we provide a guarantee and premium rate:

Type I—Apricots—Fresh
Type II—Apricots—Processing
Type III—Nectarines—Fresh
Type IV—Peaches, Cling—Processing
Type V—Peaches, Freestone—Processing
Type VI—Peaches, Freestone—Fresh

b. You may insure any fresh market Stonefruit to Type I Apricots or Type VI Freestone Peaches as processing Type II Apricots or Type V Freestone Peaches respectively by converting fresh market lugs, harvested or appraised, to equivalent processing tons using the weight equivalents provided in paragraph 12.d.

c. In lieu of the provisions of paragraph 2. e. of the general crop insurance policy, we do not insure any stonefruit acreage:

(1) Which is not irrigated;

(2) On which the trees have not reached the fifth growing season after being set out;

(3) Which has not produced at least 200 lugs fresh market production per acre (at least 2.2 tons per acre for processing types);

(4) For which acceptable production records for the type elected for at least the previous crop year are not provided;

(5) Which we inspect and consider not acceptable;

(6) Which is interplanted with another crop;

(7) On which is grown a type or variety: not established as adapted to the area; excluded by the actuarial table; or not regulated by the California Tree Fruit agreement or a related crop advisory board for the State (for applicable types);

(8) From which the fruit is harvested directly by the public; or

(9) If the orchard practices carried out are not in accordance with the orchard practices for which the premium rates have been established.

3. Report of acreage, share, type and practice (acreage report)

The acreage report must be filed on or before January 31. You must report the crop type in addition to the information required by the general crop insurance policy for the acreage report.

4. Production reporting and production guarantees

a. In addition to the production report required in section 4 of the general crop insurance policy, you must report:

(1) The number of bearing trees;

(2) The number of trees planted per acre;

(3) Known tree damage or use of production practices which have or may reduce the yield from previous levels; and

(4) If the number of bearing trees (fifth growing season and older) is reduced more than 10% from the preceding calendar year. (The production guarantee will be reduced 1 percent (through adjustment to your average yield) for each 1 percent reduction in excess of 10 percent).

b. You may select only one coverage level and price election per type for the crop year.

c. The processing price elections will be applied to any applicable type (except type III—Nectarines) where an election:

(1) Has not been made by the insured; or

(2) Is not available in accordance with the provisions of the actuarial table.

5. Annual premium

The annual premium is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time insurance attaches.

6. Insurance period

In lieu of the provisions in section 7 of the general crop insurance policy, coverage begins for each crop year on February 1; except that for the first crop year coverage begins on March 1 following our inspection and acceptance. Insurance ends on each acre at the earliest of:

a. Total destruction of the insured crop by type;

b. Harvest;

c. The date harvest would normally start for the type;

d. Final adjustment of a loss; or

e. In all counties, the calendar date immediately following February 1 as follows:

(1) All apricots—July 31
(2) All nectarines and peaches—September 30

7. Units

Stonefruit acreage of each type, grown on non-contiguous land, that would otherwise be one unit, as defined in section 17 of the general crop insurance policy, may be divided into more than one unit if you agree to pay an additional premium as provided for by the actuarial table and if for each proposed unit you maintain written, verifiable records of acreage and harvested production for at least the previous crop year.

If you have a loss on any unit, production records for all harvested units must be provided. Production that is commingled between units will cause the production from those units to be combined for the purpose of calculating an indemnity.

8. Notice of damage or loss

In lieu of the notices required in subsections 8.a (2), (3), and (4) of the general crop insurance policy, in case of damage or probable loss you must give us written notice within 72 hours of the date of damage and indicate the cause of damage and whether a claim for indemnity is probable. Notwithstanding the previous sentence, if damage occurs within 72 hours of or during harvest, immediate notice stating the cause of damage and probability of a claim must be given to us. If notice is given under this paragraph, we must be notified of the time of harvest at least 72 hours before harvest begins.

9. Claim for indemnity

In addition to Section 9 of the general crop insurance policy:

a. The indemnity will be determined separately for each unit of types I, III, and VI by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of fresh stonefruit by type to be counted (see section 9.b. or c.);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this result by the insured share.

b. The total production (standard lug equivalents) (see section 12.d.) to be counted for a unit will include all production harvested, by type and all appraised production. For fresh apricots (Type I), such production must meet the California Department of Food and Agriculture minimum standards. For fresh nectarines (Type III) and fresh freestone peaches (Type VI), such production must meet U.S. #1 standards as modified by the latest California Tree Fruit Agreement Publication.

(1) Production of fresh stonefruit damaged by insurable causes within the insurance period, that could be marketed for any use as other than fresh packed stonefruit, will be determined by multiplying the number of tons that could be marketed by the value per ton of fruit or $50.00 per ton, whichever is greater, and dividing that result by the higher price election available for the type. This result will be the number of standard lug equivalents to be considered as production to count.

(2) Appraised production to be counted will include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes;

(b) Not less than the applicable guarantee for any acreage which is abandoned, destroyed by you without our prior written consent, or not inspected by us prior to the completion of harvest;

(c) Any unharvested production where good stonefruit cultural practices were discontinued following an appraisal; and

(d) Any appraised production on unharvested acreage.

(3) Any appraisal we have made on insured acreage will be considered production to count unless such appraised production is:

(a) Not harvested before the harvest of stonefruit becomes general in the county and is reappraised by us;

(b) Further damaged by an insured cause and is reappraised by us; or

(c) Harvested.

(4) The amount of production of any unharvested type may be determined on the basis of orchard appraisals conducted after the end of the insurance period or discontinuance of harvest. We may appraise and consider as production to count, any insured fruit remaining on acreage not clean harvested.

(5) We may delay final appraisal until the extent of damage can be determined.

c. The total production in tons to be counted for a processing unit will include all production harvested and all appraised production:

(1) For processing apricots (Type II), such production must meet California Department of Food and Agriculture minimum standards;

(2) For processing clingstone peaches (Type IV), such production must be graded by the California State Inspection Service as #2 or better;

(3) For processing freestone peaches (Type V), such production must meet California Department of Food and Agriculture minimum standards and will include all production harvested and appraised which is acceptable to the processor;

(4) Appraised production to be counted for Types II, IV, and V will include:

(a) Potential production lost due to uninsured causes and failure to follow recognized good stonefruit production practices;

(b) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause, or destroyed by you without our consent; and

(c) Any unharvested production.

(5) Any appraisal for processing fruit types will be conducted based on procedure stated in subsection 9.b.(2), (3), and (4).

d. In the absence of acceptable records to determine the disposition of harvested stonefruit, we may elect to determine such disposition and the amount of such production to be counted for the unit.

e. You must authorize us in writing to examine and obtain any records pertaining to production and marketing of the insured fruit under this contract from the broker, shipper, canner, advisory board, marketing order or any other source we deem necessary.

10. The Cancellation and Termination Dates

The cancellation and termination dates are January 31.

11. Contract Changes

The date by which contract changes will be available in your service office is October 31 preceding the cancellation date. Acceptance of any change will be conclusively presumed in the absence of notice from you to cancel the contract.

12. Meaning of Terms

For the purpose of Stonefruit crop insurance:

a. "Appraisal" means an estimate of the potential production determined by our representative using our prescribed procedures.

b. "Crop Year" means the period beginning with the date insurance attaches and extending through the normal harvest time and will be designated by the calendar year in which the insured type is normally harvested.

c. "Harvest" means the picking of mature fruit from the trees by hand or machine.

d. "Lug" means a container of fresh fruit of the weights shown below. All fresh production to count of varying lug sizes will be converted to standard lug equivalents on the basis of the following average net pounds of packed fruit:

	Pounds/Lug
Type:	
I Apricots	24
III Nectarines	25
VI Freestone Peaches	22

e. "Ton" means a volume of apricots or processing peaches of type II, IV, or V marketable through processing channels and equaling 2000 pounds.

Done in Washington, DC, on December 30, 1987.

Edward D. Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 88-288 Filed 1-7-88; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 401

[Amdt. No. 26; Doc. No. 4980S]

General Crop Insurance Regulations; Texas Citrus Tree Endorsement

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the General Crop Insurance Regulations (7 CFR Part 401), effective for the 1989 and succeeding crop years, by adding a new section, 7 CFR 401.134, be known as the Texas Citrus Tree Endorsement. The intended effect of this rule is to provide the regulations and endorsement containing the provisions of crop insurance protection on citrus trees in Texas in an endorsement to the general crop insurance policy which contains the standard terms and conditions common to most crops.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than February 8, 1988, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is established as November 1, 1992.

E. Ray Fosse, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires integovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

FCIC herewith proposes to add to the General Crop Insurance Regulations (7 CFR Part 401), a new section to be known as 7 CFR 401.134, the Texas Citrus Tree Endorsement, effective for the 1989 and succeeding crop years, to provide the provisions for insuring citrus trees in Texas.

Upon publication of 7 CFR 401.134 as a final rule, the provisions for insuring citrus trees contained in 7 CFR 401.134 will supersede those provisions contained in 7 CFR Part 440, the ELS

Cotton Crop Insurance Regulations, effective with the beginning of the 1989 crop year. The present policy contained in 7 CFR Part 440 will be terminated at the end of the 1988 crop year and later removed and reserved. FCIC will amend the title of 7 CFR Part 440 by separate document so that the provisions therein are effective only through the 1988 crop year.

Minor editorial changes have been made to improve capatibility with the new general crop insurance policy. These changes do not affect meaning or intent of the provisions. In adding the new Texas Citrus Tree Endorsement to 7 CFR Part 401, FCIC proposes other changes in the provisions for insuring Texas citrus trees as follows:

1. Section 1—Rio Red grapefruit trees have been added to the Star Ruby (Type IV) designation and Ruby Red grapefruit trees have been designated type V. These changes place tree insurance units on the same basis as the citrus fruit insurance units.

2. Section 2—Cyclone was replaced by excess wind as an insured cause of loss. This change provides insurance against damage from shear wind of defined force as well as cyclonic winds

3. Section 4—Language has been added to clarify that trees less than one year old on June 1 are limited to 33% of then normal amount of insurance.

4. Section 7—Add unit division to include language indicating that additional premium may be required for unit division by non-contiguous land.

5. Section 12—Add definitions of excess moisture, excess wind, and non-contiguous land.

FCIC is soliciting public comment on this proposed rule for 30 days following publication in the **Federal Register**. Written comments received pursuant to this proposed rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 401

General crop insurance regulations, Texas citrus tree endorsement.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the General Crop Insurance Regulations (7 CFR Part 401), effective for the 1989 and succeeding crop years, as follows

PART 401—[AMENDED]

1. The authority citation for 7 CFR Part 401 continues to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. 7 CFR Part 401 is amended to add a new section to be known as 7 CFR 401.134 Texas Citrus Tree Endorsement, effective for the 1989 and succeeding crop years, to read as follows:

§ 401.134 Texas Citrus Tree Endorsement.

The provisions of the Texas Citrus Tree Endorsement for the 1989 and subsequent crop years are as follows:

Federal Crop Insurance Corporation

Texas Citrus Tree Endorsement

1. Insured Crop.

a. The crop insured will be any of the following insurable citrus tree types (hereafter called trees) you elect:

Type I Early and mid-season orange trees;
Type II Late orange (including Temples) trees;
Type III Grapefruit trees except types IV and V;
Type IV Rio Red and Star Ruby grapefruit trees; or
Type V Ruby Red grapefruit trees; which are set out for the purpose of harvesting citrus as fresh fruit or juice.

b. In addition to the citrus trees not insurable in section 2 of the general crop insurance policy, we do not insure any citrus trees;

(1) Which are not irrigated;

(2) For the crop year the application for insurance is filed unless we inspect the acreage and consider it acceptable;

(3) Which have been grafted onto existing root stock within the one year period prior to the date insurance attaches; or

(4) In any established grove which do not have the potential to produce at least 70 percent of the area average yield for the type and age, unless we agree in writing to insure such trees;

c. We may exclude from insurance or limt the amount of insurance on any acreage which was not insured by us the previous crop year.

2. Causes of loss

a. The insurance provided is against unavoidable damage to citrus trees resulting from the following causes occurring within the insurance period:

(1) Freeze;
(2) Excess Moisture;
(3) Hail;
(4) Fire;
(5) Tornado;
(6) Excess wind; or
(7) Failure of the irrigation water supply;

unless those causes are excluded, or limited by the actuarial table or section 9 of the general crop insurance policy.

b. In addition to the causes of loss not insured against in section 1 of the general crop insurance policy, we will not insure against any damage to trees due to fire if weeds and other forms of undergrowth have not been controlled or tree pruning debris has not been removed from the grove.

3. Report of acreage, share, number, type, age of trees, and practice (acreage report)

a. In addition to the information required in section 3 of the general crop insurance policy, you must report:

(1) The number and type(s) of trees;

(2) The date of original set out; and

(3) The date of replacement and/or dehorning, if more than 10 percent of the trees on any unit have been replaced or dehorned in the previous 5 years.

b. If any insurable acreage of trees is set out after June 1 of the insured crop year, and you elect to insure such acreage during that crop year, you must report to us within 72 hours of the completion of set out the acreage, practice, type, number of trees, date set out is completed, and your share.

c. The date by which you must annually submit the acreage report is June 30 of the calendar year in which insurance attaches.

4. Amounts of insurance

a. The amount of insurance shown on the actuarial table will be reduced for any acreage which has not reached the fourth growing season after being set out or the fifth year following dehorning. The amount of insurance will be the product obtained by multiplying the amount of insurance on the actuarial table by:

(1) 33 percent the year of set out or the year following dehorning (insurance will be limited to this amount until trees that are set out are one year of age or older on June 1);

(2) 60 percent the first growing season after being set out or the second year following dehorning;

(3) 80 percent the second growing season after being set out or the third year following dehorning; or

(4) 90 percent the third growing season after being set out or the fourth year following dehorning.

b. The amount of insurance will be reduced proportionately for any unit on which the stand is less than 90 percent, based on the original planting pattern.

5. Annual premium

The annual premium amount is computed by multiplying the amount of insurance per acre times the premium rate, times the insured acreage, times your share at the time insurance attaches.

6. Insurance period

a. In lieu of section 7 of the general crop insurance policy, insurance attaches on June 1 for each crop year except that for the first crop year insured and notwithstanding subsection 1.b.(2):

(1) If the application is accepted by us after June 1, the insurance against cyclone and freeze will attach the tenth day after the application is signed by you; and

(2) If any insurable acreage is set out after June 1, insurance will attach on the date set out is completed for the unit if the acreage is reported within 72 hours after the date of completion, except insurance against cyclone and freeze will attach the tenth day after you report such acreage.

b. The insurance period ends at the earlier of:

(1) May 31 following the beginning of the crop year; or

(2) Total destruction of the insured trees.

7. Unit division

a. Citrus tree acreage that would otherwise be one unit, as defined in section 17 of the general crop insurance policy, may be divided by citrus type.

b. Citrus tree acreage that would otherwise be one unit as defined in section 17 of the general crop insurance policy and subsection 7.a. above may be divided into more than one unit if you agree to pay additional premium if required by the actuarial table and the insured trees are located on non-contiguous land.

If you have a loss on any unit, production records for all harvested units must be provided. Production that is commingled between optional units will cause those units to be combined.

8. Notice of damage or loss

a. In lieu of section 8 of the general crop insurance policy and in case of damage or probable loss, you must give us written notice of:

(1) The dates of damage; and

(2) The causes of damage.

b. If you are going to claim an indemnity on any unit, we will have the right to inspect all insured acreage and damaged trees before pruning, dehorning, or removal.

9. Claim for indemnity

a. In addition to the requirements in section 9 of the general crop insurance policy you must furnish records to us concerning all trees on the unit.

b. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the amount of insurance;

(2) Multiplying this result by the applicable percent of loss determined by subtracting from the actual percent of damage determined in accordance with subsection 9.c., the following applicable amount:

(a) 25 percent (for Coverage Level 3) and dividing the result by 75 percent;

(b) 35 percent (for Coverage Level 2) and dividing the result by 65 percent; or

(c) 50 percent (for Coverage Level 1) and dividing the result by 50 percent; and

(3) multiplying this result by your share.

c. The total amount of indemnity will include both trees damaged and trees destroyed due to an insurable cause.

(1) The actual percent of damage to count will be:

(a) The percent of damage determined by dividing the number of scaffold limbs (scaffold limbs are limbs directly attached to the trunk) damaged in an area from the trunk to a length equal to one-fourth (¼) the height of the tree, by the total number of scaffold limbs before damage occurred. Any trees with over 80 percent actual damage will be counted as 100 percent damaged unless the damage occurs within one year of set out;

(b) Any grove with over 80 percent actual damage will be counted as 100 percent damaged unless the damage occurs within one year of set out; or

(c) The percent of damage resulting from insurable causes occurring during the crop year of set out as follows:

(i) 100 percent if the trees are killed back to the root stock; or

(ii) 90 percent if the trees have less than 12 inches of live wood above the bud union. However, no damage will be considered if more than 12 inches of wood above the bud union is alive.

(2) Any percentage of damage by uninsured causes, will not be included in the actual percent of damage.

d. The amount of indemnity will be determined at the earlier of:

(1) Total destruction of the trees; or

(2) The calendar date for the end of the insurance period.

10. Cancellation and Termination Dates

The cancellation and termination dates are May 31 prior to the date insurance attaches

11. Contract Changes

The date by which contract changes will be available in your service office is February 28 preceding the cancellation date.

12. Meaning of terms

a. "Crop year" means the period beginning June 1 and extending through May 31 of the following year and is designated by the calendar year in which the insurance period ends.

b. "Dehorning" means the cutting back of each scaffold limb to a length that is no longer than ¼ the height of the tree.

c. "Destroyed" means trees which are damaged to the extent that removal is required.

d. "Excess wind" means a natural movement of air which has sustained speeds in excess of 58 miles per hour recorded at the U.S. Weather Service reporting station nearest to the crop at the time of crop damage.

e. "Freeze" means the condition of air temperatures over a widespread area remaining sufficiently at or below 32 degrees Fahrenheit to cause tree damage.

f. "Non-contiguous land" means land which is not touching at any point. Land which is separated by only a public or private right-of-way will be considered to be touching (contiguous).

g. "Set out" means transplanting the citrus tree from the nursery to the grove.

h. "Total destruction" means the occurrence of damage by unit to the trees which have been set out more than one year in excess of 80 percent.

Done in Washington, DC, on December 31, 1987.

Edward D. Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 88-289 Filed 1-7-88; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 1260

Beef Promotion and Research Program; Procedures for Conduct of Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Beef Promotion and Research Order was implemented July 18, 1986, as authorized by the Beef Promotion and Research Act of 1985. The Act requires that the Secretary conduct a referendum among eligible cattle producers and cattle and beef importers not later than 22 months after the issuance of an order to determine whether the order should be continued. Accordingly, the referendum must be held on or before May 18, 1988. This proposed rule sets forth the procedures for conducting the required initial referendum.

DATE: Comments must be received by February 8, 1988.

ADDRESS: Send two copies of comments to Ralph L. Tapp, Chief, Marketing Programs and Procurement Branch, Livestock and Seed Division, Agricultural Marketing Service (AMS), USDA, Room 2610-S, P.O. Box 96456, Washington, DC 20090-6456.

Comments will be available for public inspection during regular business hours at the above office in Room 2610 South Agriculture Building, 14th and Independence Avenue SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs and Procurement Branch (202) 447-2650.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established to implement Executive Order No. 12291 and Departmental Regulation No. 1512-1 and has been classified as a non-major rule under the criteria contained therein.

This action has also been reviewed under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This proposed rule, would establish procedures for the conduct of a referendum to determine whether the Beef Promotion and Research Order (Order) should be continued. It permits all eligible cattle producers and importers of cattle, beef, and beef products to register and to vote. Participation in the referendum is voluntary. The Administrator of the Agricultural Marketing Service (AMS) has determined that this rule will not

have a significant economic impact on a substantial number of small entities.

The Beef Promotion and Research Act of 1985 (Act) (7 U.S.C. 2901 *et seq.*) provides for the establishment of a coordinated program of promotion and research designed to strengthen the beef industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for beef and beef products. The program is financed by a $1-per-head assessment on domestic and imported cattle and an equivalent amount on imported beef and beef products. Pursuant to the Act, an order was made effective July 18, 1986, and the collection of assessments began on October 1, 1986.

The Act requires that a referendum be conducted not later than 22 months after the issuance of the order to determine whether the order should be continued. The initial referendum is to be conducted among persons who were producers of cattle or importers of cattle, beef, or beef products during a representative period specified by the Secretary for the purpose of determining whether the initial order should be continued. The order shall be continued only if it is approved by a majority of persons voting in the referendum. If continuation of the order is not approved by a majority of those persons voting in the referendum, the Secretary shall terminate collection of assessments under the order within six months after the Secretary determines that the continuance of the order is not favored by a majority of those persons voting in the referendum and shall terminate the order in an orderly manner as soon as practicable after such determination.

The Act specifies that the referendum shall be held on a date determined by the Secretary and that eligible persons must register and vote on the same day. The Act also provides that the referendum shall be conducted at county offices of the U.S. Department of Agriculture's Extension Service.

The proposed rule sets forth procedures to be followed in conducting the initial referendum. The proposed rule includes provisions concerning definitions, supervision of the referendum, registration, voting procedures, reporting the referendum results, and disposition of the ballots and records. It is proposed that the Agricultural Stabilization and Conservation Service (ASCS) of the Department, will assist in the conduct of the referendum by (1) counting ballots, (2) determining the eligibility of challenged voters, and (3) reporting referendum results.

List of Subjects in 7 CFR Part 1260

Administrative practice and procedure, Marketing agreements, Meat and meat products, Beef and beef products.

For the reasons set forth in the preamble, it is proposed that Title 7 of the CFR, Part 1260 be amended as follows:

PART 1260—BEEF PROMOTION AND RESEARCH

1. The authority citation for 7 CFR Part 1260 continues to read as follows:

Authority: 7 U.S.C. 2901 et seq.

2. Subpart C, consisting of §§ 1260.500 through 1260.640 is redesignated as Subpart D.

3. Add a new "Subpart C" to read as follows:

Subpart C—Procedure for the Conduct of Referendum

Definitions

Sec.

Subpart C—Procedure for the Conduct of Referendum

Definitions

§ 1260.401 Act.

"Act" means the Beef Promotion and Research Act of 1985 set forth in Title XVI, Subtitle A of the Food Security Act of 1985 (Pub. L. 99–198) and any amendments thereto.

§ 1260.402 Administrator.

"Administrator" means the Administrator of the Agricultural Marketing Service, or any officer or employee of the Department to whom there has heretofore been delegated or may hereafter be delegated, the authority to act in the Administrator's stead.

§ 1260.403 Agricultural Stabilization and Conservation County Committee.

"Agricultural Stabilization and Conservation County Committee," also referred to as "ASC County Committee" means the group of persons within a county elected to act as the county Agricultural Stabilization and Conservation Committee.

§ 1260.404 Agricultural Stabilization and Conservation Service.

"Agricultural Stabilization and Conservation Service," also referred to as "ASCS" means the Agricultural Stabilization and Conservation Service of the Department.

§ 1260.405 Agricultural Stabilization and Conservation Service County Executive Director.

"Agricultural Stabilization and Conservation Service County Executive Director," also referred to as "ASCS Executive Director" means the person employed by the ASC county committee to execute the policies of the ASC county committee and be responsible for the day-to-day operation of the ASCS county office, or the person acting in such capacity.

§ 1260.406 Beef.

"Beef" means flesh of cattle.

§ 1260.407 Beef products.

"Beef Products" means edible products produced in whole or in part from beef, exclusive of milk and products made therefrom.

§ 1260.408 Cattle.

"Cattle" means live domesticated bovine animals regardless of age.

§ 1260.409 Department.

"Department" means the United States Department of Agriculture.

§ 1260.410 Deputy Administrator.

"Deputy Administrator" means the Deputy or Acting Deputy Administrator, State and County Operations, Agriculture Stabilization and Conservation Service, U.S. Department of Agriculture.

§ 1260.411 Extension Service

"Extension Service" also referred to as "ES" means the Extension Service of the Department.

§ 1260.412 Extension Agent.

"Extension Service Agent" also referred to as "ES Agent" or designee means an employee of the Extension Service of the Department.

§ 1260.413 Imported beef and beef products.

"Imported Beef and Beef Products" means products which are imported into the United States which the Secretary determines contain a substantial amount of beef including those products which have been assigned one or more of the following numbers in the Tariff Schedule of the United States: 106.1020, 106.1040, 106.1060, 106.1080, 107.2000, 107.2520, 107.4000, 107.4500, 107.4820, 107.4840, 107.5220, 107.5240, 107.5500, 107.6100, 107.6200, 107.6300.

§ 1260.414 Importer.

"Importer" means any person who imports cattle, beef or beef products from outside the United States.

§ 1260.415 Order.

"Order" means the Beef Promotion and Research Order.

§ 1260.416 Person.

"Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

§ 1260.417 Producer.

"Producer" means any person who owns or acquires ownership of cattle; provided, however, that a person shall not be considered a producer within the meaning of this subpart if (a) the person's only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee; or (b) the person (1) acquired ownership of cattle to facilitate the transfer of ownership of such cattle from the seller to a third party, (2) resold such cattle no later than ten (10) days from the date on which the person acquired ownership, and (3) certified, as required by regulations prescribed by the Board and approved by the Secretary, that the requirements of this provision have been satisfied.

§ 1260.418 Public notice.

"Public Notice" means information regarding a referendum which shall be provided by the Secretary, without advertising expenses, through press releases and by State and county ES offices and county ASCS offices, by means of newspapers, television, radio, county newsletters, and the like. Such notice shall contain the referendum date, registration and voting requirements, and other pertinent information.

§ 1260.419 Referendum.

"Referendum" means the initial referendum to be conducted pursuant to the Act by the Secretary not later than 22 months after issuance of an order whereby producers and importers shall be given the opportunity to vote to determine whether the continuance of the order is favored by a majority of producers and importers voting.

§ 1260.420 Registration period.

"Registration period" means a 1-day period to be announced by the Secretary for registration of producers and importers desiring to vote in a referendum. The registration period shall be the same day as the voting period.

§ 1260.421 Representative period.

"Representative period" means the period designated by the Secretary pursuant to section 7(a) of the Act.

§ 1260.422 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in the Secretary's stead.

§ 1260.423 State.

"State" means each of the 50 States.

§ 1260.424 United States.

"United States" means the 50 States and the District of Columbia.

§ 1260.425 Voting period.

"Voting period" means a 1-day period to be announced by the Secretary for voting in a referendum.

Referendum

§ 1260.426 General.

(a) A referendum to determine whether eligible producers and importers favor the continuance of the order shall be conducted in accordance with this subpart.

(b) The order shall continue only if the Secretary determines that the order is approved or favored by a majority of the producers and importers casting valid ballots in a referendum.

(c) The referendum shall be conducted at the county offices of the Extension Service of the Department.

(d) The Agricultural Stabilization and Conservation Service of the Department shall assist in the conduct of the referendum.

§ 1260.427 Supervision of referendum.

The Administrator (AMS) shall be responsible for conducting the referendum in accordance with this subpart.

§ 1260.428 Eligibility.

(a) *Eligible Producers:* Each person who was a producer during the representative period is entitled to register and vote in the referendum. Each producer entity shall be entitled to cast only one ballot in the referendum.

(b) *Eligible Importers:* Each person who was an importer during the representative period is entitled to register and vote in the referendum. Each importer entity shall be entitled to cast only one ballot in the referendum.

(c) *Proxy registration and voting:* Proxy registration and voting is not authorized except that an officer or employee of a corporate producer or corporate importer, or any guardian, administrator, executor, or trustee of a producer's or importer's estate, or an authorized representative of any eligible producer entity or eligible importer entity (other than an individual producer or importer), such as a corporation or partnership, may register and cast a ballot on behalf of such entity. Any individual registering to vote in the referendum on behalf of any producer or importer entity shall certify that he or she is authorized by such entity to take such action.

(d) *Joint and group interest:* A group of individuals, such as members of a family, joint tenants, tenants in common, a partnership, owners of community property, or a corporation, engaged in the production of cattle as a producer entity or in the importation of cattle, beef, or beef products into the U.S. as an importer entity shall be entitled to only one vote; provided, however, that any member of a group may register to vote as a producer or importer if he or she is an eligible producer or importer separate from the group.

§ 1260.429 Time and place of registration and voting.

The referendum shall be held for 1 day on a date to be determined by the Secretary. Eligible persons shall register and vote following the procedures in § 1260.432. Except for absentee ballots, the registration and voting shall take place during the normal business hours of each county ES office.

§ 1260.430 Facilities for registering and voting.

Each county ES office shall provide adequate facilities and space to permit producers and importers to register and to mark their ballots in secret and a sealed box or other suitable receptable for registration forms and ballots which shall be kept under observation during office hours and secured at all times. Copies of the order shall be available for review.

§ 1260.431 Registration form and ballot.

A registration form/envelope marked "Beef Referendum" (Form LS–40–2) and ballot (Form LS–40) shall be used for voting in person. The information required on the registration form, which is printed on an envelope, includes name, address, phone number, and voter status (producer or importer). The registration form/envelope also contains a certification statement, referenced in § 1260.432(a)(1). The ballot requires producers and importers to check a "yes" or a "no." A similar registration form and ballot (Form LS–39) shall be used for absentee voting.

§ 1260.432 Registration and voting procedure.

(a) *Registering and voting in person.* (1) Each producer and importer desiring to vote in the referendum shall register on the day of voting at the county ES office in which the producer's or importer's residence is located or at the county ES office serving the county in which the producer's or importer's residence is located. Producer or importer entities other than individuals shall register at the county ES office in the county in which their headquarters office or business is located or at the county ES office serving the county in which the entities' headquarters office or business is located. Producers and importers will be required to list their names on the voter registration list (Form LS–40–3) prior to receiving a registration form and ballot. To register, each producer or importer shall complete the registration form/envelope and certify that (i) they or the entity they represent were producers or importers during the specified representative period and (ii) if voting on behalf of an entity referred to in § 1260.428 they are authorized to do so.

(2) Each eligible producer or importer who has not voted by means of an absentee ballot may cast a ballot in person at the location and time set forth in § 1260.429 and on a date to be announced by the Secretary. Eligible persons who enter their names on the voter registration list (Form LS–40–3) will receive a registration form/envelope (Form LS–40–2) and a ballot (Form LS–40). Voting shall be by secret ballot under the supervision of the local county ES agent or his designeee. The ballot shall be marked by the voter to indicate "yes" or "no." Voters shall place their marked ballots in an envelope marked "Beef Ballot", seal it and place it in the completed and signed registration form/envelope, seal that envelope and personally place it in a box marked "Ballot Box" or other suitable receptacle.

(b) *Absentee voting.* (1) Eligible producers or importers unable to vote in person may request and obtain a combined absentee registration form and absentee ballot (Form LS–39) and two envelopes—one marked "BEEF BALLOT" and the other marked "BEEF REFERENDUM" by mail from the State ES office of the State in which they reside. Only one absentee registration form and absentee ballot will be provided to each eligible producer or importer. Form LS–39 must be requested in writing during a specified time period which will be announced by the Secretary. The State ES office shall enter on the absentee voter request list (Form LS–39–3) the name and address of each person or entity requesting an absentee ballot and the date the Form LS–39 was mailed. A copy of the applicable absentee voter request list (Form LS–39–3) prepared by the State ES office shall be provided to each ASCS county office for absentee voter verification.

(2) To register, eligible producers or importers must complete and sign the registration form (Form LS–39), and certify that (i) they or the entity they represent were producers or importers during the specified representative period and (ii) if voting on behalf of an entity referred to in subsection 1260.428, they are authorized to do so.

(3) A producer or importer, after completing the registration form and marking the ballot, shall remove the ballot portion of Form LS–39 and seal the completed ballot in a separate envelope marked "BEEF BALLOT" and place it in a second envelope marked "BEEF REFERENDUM" along with the signed registration form. Producers and importers shall print and sign their names on the envelope marked "BEEF REFERENDUM" and mail it to the local county ES office of the county in which they reside or the county ES office serving the county in which they reside. In the case of a partnership, corporation, estate, or other entity, the registration form and ballot must be mailed to the county ES office in the county in which its main office is located or the county ES office in the county serving the county in which its main office is located.

(4) Absentee ballots must be received in the county ES office by the close of business, 5 business days before the date of the referendum. Absentee ballots received after that date shall be counted as invalid ballots. Upon receiving the "BEEF REFERENDUM" envelope containing the registration form and ballot, the county ES agent or his designee shall place it, unopened in a secure ballot box. The county ES agent or his designee shall enter the names of absentee voters on the voter registration list (Form LS–40–3).

§ 1260.433 List of registered producers and importers.

The voter registration list (From LS–40–3) shall be available for inspection on the day of the referendum at the country ES office and subseqently at the ASCS county office. It shall be posted during regular office hours in conspicuous public location at the ASCS county office on the second business day following the date of the referendum.

§ 1260.434 Challenge of eligibility.

(a) *Challenge period.* On the day of the referendum, the names of challenged voters may be reported to the ES county agent who will refer them to the ASCS county office. After that, the names of challenged voters shall be referred directly to the ASCS county office. A challenge of a person's eligibility to vote may be made no later than the close of business on the second business day after the date of the referendum.

(b) *Who may challenge.* A person's eligibility to vote may be challenged by any person.

(c) *Determination of challenges.* The ASC county committee or its representative shall make a determination concerning the eligibility of a producer or importer who has been challenged and notify challenged producers and importers as soon as practicable, but not later than 5 business days after the date of the referendum. If the ASC county committee or its representative is unable to determine whether a person was a producer or

importer during the representative period, it may require the person to submit records such as tax returns, sales documents, purchase documents, or other similar documents to prove that the person was a producer or importer during the representative period.

(d) *Challenged ballot.* The registration form/envelopes (Form LS–40–2) containing the ballots cast by producers and importers voting in person whose eligibility is challenged shall be removed from the ballot box and placed in a separate box until the challenge has been resolved. Envelopes containing absentee voter registration forms and absentee ballots (Form LS–39) of challenged absentee voters also shall be removed from the ballot box and placed in the box containing ballots of challenged producers and importers. A challenged ballot shall be determined to have been resolved if the determination of the ASC county committee or its representative is not appealed within the time allowed for appeal or there has been a determination by the ASC county committee after an appeal.

(e) *Appeal.* A person declared to be ineligible to register and vote by the ASC county committee or its representative may file an appeal at the ASCS county office within 3 business days after notifiction of such decision. Such person may be required to provide documentation such as tax returns, sales documents, or purchase documents in order to demonstrate his or her eligibility. An appeal shall be determined by the ASC county committee as soon as practicable, but in all cases not later than the 9th business day after the date of the referendum. The ASC county committee's determination on an appeal is final.

§ 1260.435 Receiving ballots.

A ballot shall be considered to have been received during the voting period if (a) it was cast in the county ES office prior to the close of business on the day of the referendum or (b) an absentee ballot was received in the county ES office not later than close of business 5 business days before the date of the referendum.

§ 1260.436 Canvassing ballots.

(a) *Counting the ballots.* The county ES agent or designee shall deliver the sealed ballot box, the voter registration list (Form LS–40–3) and the absentee voter request list (Form LS–39–3) to the ASCS county office by the close of business on the first business day following the date of the referendum. ASCS county employees and the county ES agent or designee shall check the registration forms of all voters against the voter registration list (Form LS–40–3) and the absentee voter request list (Form LS–39–3) to determine properly registered voters. The ballots of producers or importers voting in person whose names are not on the voter registration list (Form LS–40–3) shall be declared invalid. Likewise, the ballots of producers or importers voting absentee, whose names are not on the absentee voter request list (Form LS–39–3) shall be declared invalid. Ballots declared invalid and all ballots of challenged voters declared ineligible shall be kept separate from the other ballots and the envelopes containing these ballots shall not be opened. The valid ballots shall be counted on the 10th business day after the referendum date. ASCS county office employees shall remove the sealed "Beef Ballot" envelops from the registration form/envelopes or absentee ballot envelops of all eligible voters and all challenged voters determined to be eligible. When removing the "Beef Ballot" envelopes, steps shall be taken to ensure that the voter's name cannot be identified. After removing all "Beef Ballot" envelopes, ASCS county employees shall open them and count the ballots. The ballots shall be tabulated as follows: (1) Number of eligible producers and importers casting valid ballots, (2) number of producers and importers favoring the order, (3) number of producers and importers not favoring the order, (4) the number of challenged ballots, (5) the number of challenged ballots deemed ineligible, (6) number of invalid ballots, and (7) the number of spoiled ballots.

(b) *Invalid ballots.* Ballots shall be declared invalid if a producer or importer voting in person has failed to sign the voter registration list (Form LS–40–3), or an absentee voter's name is not on the absentee voter request list (Form LS–39–3), or the registration form or ballot was imcomplete or incorrectly completed.

(c) *Spoiled ballots.* Ballots shall be considered as spoiled ballots when they are mutilated or marked in such a way that it cannot be determined whether it is a "yes" or a "no" vote. Spoiled ballots shall not be considered as approving or disapproving the order, or as a ballot cast in the referendum.

(d) *Confidentiality.* All ballots shall be confidential and the contents of the ballots shall not be divulged except as the Secretary may direct. The public may witness the opening of the ballot box and tabulation of the votes but may not interfere with the process.

§ 1260.437 ASCS county office report.

The ASCS county office shall notify the ASCS State office of the results of the referendum. Each ASCS county office shall transmit the results of the referendum in its county to the ASCS State office. Such report shall include the information listed in § 1260.436(a). The results of the referendum in each county may be made available to the public. A copy of the report of results shall be posted for 30 days in the ASCS county office in a conspicuous place accessible to the public, and a copy shall be kept on file in the ASCS county office for a period of at least 12 months.

§ 1260.438 ASCS State office report.

Each ASCS State office shall transmit to the Deputy Administrator, ASCS, a written summary of the results of the referendum received from all the ASCS county offices within the State. The summary shall include the information on the referendum results contained in the reports from all county offices within each State and be certified by the ASCS State executive director. The ASCS State office shall maintain a copy of the summary where it shall be available for public inspection for a period of not less than 12 months.

§ 1260.439 Results of the referendum.

(a) The Deputy Administrator, ASCS, shall submit to the Administrator, AMS the results of the referendum. The Administrator shall prepare and submit to the Secretary a report of the results of the referendum. The results of the referendum shall be issued by the Department in an official press release and published in the **Federal Register.** State reports, and related papers shall be available for public inspection in the office of the Marketing Programs and Procurement Branch, Livestock and Seed Division, Agricultural Marketing Service, USDA, Room 2610 South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC.

(b) If the Secretary deems it necessary, the report of any State or county shall be re-examined and checked by such persons that may be designated by the Deputy Administrator, ASCS, or the Secretary.

§ 1260.440 Disposition of ballots and records.

Each ASCS county executive director shall place in sealed containers marked with the identification of the referendum the voter registration list, absentee voter request list, voted ballots, challenged registration forms/envelopes, challenged absentee voter registration forms, challenged ballots found to be ineligible, invalid ballots, spoiled ballots, and county summaries. Such

records shall be placed under lock in a safe place under the custody of the ASCS county executive director for a period of not less than 12 months after the referendum. If no notice to the contrary is received from the Deputy Administrator, ASCS, by the end of such time, the records shall be destroyed.

§ 1260.441 Instructions and forms.

The Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this subpart to govern the conduct of the referendum.

Done at Washington, DC on: January 4, 1988.

J. Patrick Boyle,

Administrator.

[FR Doc. 88-283 Filed 1-7-88; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-CE-37-AD]

Airworthiness Directives; Beech Models A23-24, A24, A24R, B24R and C24R Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice proposes to adopt a new Airworthiness Directive (AD), applicable to certain Beech Models A23-24, A24, A24R, B24R and C24R airplanes. This AD would require the replacement of the electric fuel boost pump with a pump with improved vane material. Reports have been received of engine power loss which resulted from loss of fuel pressure, caused by broken electric fuel boost pump vane material obstructing fuel flow in the engine driven fuel pump. Incorporation of the replacement fuel pump will preclude breakage of the electric boost pump vanes and thereby eliminate the resultant engine failures.

DATE: Comments must be received on or before March 7, 1988.

ADDRESSES: Send comments on the proposal in triplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 87-CE-37-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. James M. Peterson, Aerospace Engineer, Aircraft Certification Office, ACE-140W, FAA, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209, telephone 316-946-4427.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 87-CE-37-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

There have been six reports of electric boost pump vane failure on Beech Models A23-24, A24, A24R, B24R and C24R airplanes which have resulted in partial or complete loss of engine power. The engine power losses were attributed to blockage of the fuel flow path by broken vane pieces. In all reported cases the pilots were able to either abort take-off or safely make an emergency landing.

These airplanes are prone to fuel system blockage, because they do not employ a screen or filter between the boost pump and the engine driven pump, and because the engine driven pump utilizes reed valves which are susceptible to blockage by contaminants. Installation of an in-line filter between the boost pump and engine driven pump was considered but dropped because of difficulties associated with plumbing changes, pressure drop and possible water entrapment. Also, adding a filter would not resolve the original problem of vane breakage. As a result, Beech has introduced a new fuel boost pump with improved vane material, less susceptible to breakage. The new pump is being incorporated into Beech production type design data.

The FAA has examined the above reports and has determined that an unsafe condition exists or may develop in certain Beech Models A23-24, A24, A24R, B24R and C24R airplanes. The proposed AD would require the replacement of the electric fuel boost pump.

The FAA is conducting a further examination of other possible installations of this particular pump design. Additional separate airworthiness actions may be proposed should this examination uncover other unsafe conditions.

The FAA has determined that there are approximately 1163 airplanes affected by this proposed AD. The cost of modifying these airplanes as required by the proposed AD is estimated to be $220 per airplane. The total cost is estimated to be $255,860 to the private sector. The FAA has determined that this Ad will not have a significant economic impact on a substantial number of small entities.

Therefore, I certify that this action: (1) Is not a major rule under the provisions of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation has been prepared for this action and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the FAR as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

Beech: Applies to Models A23–24 and A24 (Serial Numbers (S/Ns) MA–1 through MA–368); Model A24R (S/Ns MC–2 through MC–95); and Models A24R, B24R and C24R (S/Ns MC–96 through MC–795) airplanes, certified in any category.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD unless already accomplished.

To prevent reduction or loss of engine power due to fuel flow blockage resulting from broken electric fuel boost pump vanes in the engine driven fuel pump, accomplish the following:

(a) For airplanes with 14 volt electrical systems, replace the existing electric fuel boost pump with Beech P/N 1816–00–1 pump, as described in paragraph (c) below.

(b) For airplanes with 28 volt electrical systems, replace the existing electric fuel boost pump with Beech P-N 1817–00–1 pump, as described in paragraph (c) below.

(c) To replace the electric fuel boost pump as referenced in paragraphs (a) or (b) of this AD, accomplish the following:

(1) Gain access to the electric fuel boost pump which is located beneath the forward cabin floorboards.

(2) Remove the existing fuel boost pump and install the applicable new fuel boost pump as referenced in either paragraph (a) or (b) of this AD.

(3) Disconnect the inlet fuel line to the engine driven fuel pump and flush out the fuel line between the boost pump and the engine driven fuel pump.

(4) Reconnect the inlet fuel line to the engine driven fuel pump.

(5) Start the engine and check the operation of the new pump.

(6) Shut the engine off and check for fuel leaks.

(7) Replace any equipment which was removed to facilitate the fuel boost pump replacement.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) An equivalent means of compliance with this AD may be used if approved by the Manager, Aircraft Certification Office, Federal Aviation Administration, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

Issued in Kansas City, Missouri, on December 23, 1987.

Paul K. Bohr,

Director, Central Region.

[FR Doc. 88–251 Filed 1–7–88; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 87–NM–159–AD]

Airworthiness Directives; McDonnell Douglas Models DC–9–30, DC–9–41, DC–9–51, DC–9–81, DC–9–82, and DC–9–83 Series Airplanes, Equipped With Hydro-Aire Auto Brake Control Units Part Numbers 42–409, 42–409–1, 42–639, 42–639–1, 42–809, or 42–839

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD), applicable to certain McDonnell Douglas DC–9–30, DC–9–41, DC–9–51, DC–9–81, DC–9–82, and DC–9–83 series airplanes, which would require modification of the Auto Brake Control Unit. This proposal is prompted by reports of the Auto Brake System (ABS) being inadvertently disarmed due to electrical power interruptions or transients. This condition, if not corrected, could lead to the loss of automatic braking capability and cause the airplane to overrun the runway during a rejected takeoff.

DATE: Comments must be received no later than March 8, 1988.

ADDRESS: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM–103), Attention: Airworthiness Rules Docket No. 87–NM–159–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1–L65 (54–60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Alan T. Shinseki, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514–6323.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM–103), Attention: Airworthiness Rules Docket No. 87–NM–159–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

One operator of a McDonnell Douglas Model DC–9–80 series airplane reported that, after arming the Auto Brake System (ABS) prior to takeoff, the ABS disconnected while performing the AC CROSSTIE preflight check. McDonnell Douglas has confirmed that the ABS may not remain armed after some short duration electrical power interruptions or transients.

The electrical power source for the ABS is the left AC bus; consequently, a failure of the left engine or left engine-driven generator, which would require a crosstie of the electrical system, may cause the ABS to inadvertently disarm. Failure of the left engine during takeoff could result in a high-speed rejected takeoff where rapid and full brake application by the ABS would be expected automatically and immediately after the decision to abort takeoff, but due to the bus transfer, the ABS could disarm and could cause the airplane to overrun the runway. Timely application of manual brakes after ABS disarm would ensure stopping the airplane on the runway.

The FAA has reviewed and approved McDonnell Douglas Service Bulletin 32–216, dated September 24, 1987, which describes the modification instructions to correct a power interruption anomaly existing within the Auto Brake Control Units installed on certain Model DC–9–30, DC–9–41, DC–9–51, DC–9–81, DC–9–82, and DC–9–83 series airplanes.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require modification of the Auto Brake Control Units installed on certain McDonnell Douglas Model DC-9-30, DC-9-41, DC-9-51, DC-9-81, DC-9-82, and DC-9-83 series airplanes in accordance with the service bulletin previously mentioned.

It is estimated that 340 airplanes of U.S. registry would be affected by this AD, that it would take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $27,200.

For these reasons, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, McDonnell Douglas Model DC-9-30, DC-9-41, DC-9-51, DC-9-81, DC-9-82, and DC-9-83 series airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend §39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§39.13 [Amended]

2. By adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9-30, DC-9-41, DC-9-51, DC-9-81, DC-9-82, and DC-9-83 series airplanes; equipped with Hydro-Aire Auto Brake Control Units, Part Numbers 42-409, 42-409-1, 42-639, 42-639-1, 42-809, or 42-839; certificated in any category. Compliance required as indicated, unless previously accomplished.

To eliminate inadvertent disarming of the Auto Brake System following exposure to momentary electrical power interruptions or transients, accomplish the following:

A. Within 12 months after the effective date of this airworthiness directive (AD), modify the Hydro-Aire Auto Brake Control Units, Part Numbers 42-409, 42-409-1, 42-639, 42-639-1, 42-809 or 42-839, in accordance with the Accomplishment Instructions of McDonnell Douglas DC-9 Service Bulletin 32-216, dated September 24, 1987, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-L65) (54-60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

Issued in Seattle, Washington, on December 30, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 88-253 Filed 1-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-ASW-36]

Proposed Revision of Transition Area; Big Sandy, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the transition area located at Big Sandy, TX. The development of a new standard instrument approach procedure (SIAP) to the Ambassador Field Airport, Big Sandy, TX, utilizing the Quitman Very High Frequency Omnidirectional Radio Range/Tactical Air Navigation (VORTAC) has made the proposal of this revision necessary. In addition, a review of the controlled airspace revealed that the SIAP to the Holly Lake Ranch Airport has been canceled, also making this proposed revision to the existing transition area necessary. The intended effect of this proposed revision would provide adequate controlled airspace for aircraft executing the new SIAP to the Ambassador Field Airport, and return that airspace no longer required due to the cancellation of the SIAP to the Holly Lake Ranch Airport. Coincident with this proposed revision would be the changing of the status of the Ambassador Field Airport from visual flight rules (VFR) to instrument flight rules (IFR), and the changing of the status of the Holly Lake Ranch Airport from IFR to VFR.

DATE: Comments must be received on or before February 5, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 87-ASW-36, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530; telephone: (817) 624-5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped

postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ASW-36."

The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM'S

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Section 71.181 of the Federal Aviation Regulations (14 CFR Part 71) by revising the transition area located at Big Sandy, TX. The development of a new SIAP to the Ambassador Field Airport, utilizing the Quitman VORTAC, and the cancellation of the SIAP serving the Holly Lake Ranch Airport have made this proposed revision necessary. The intended effect of this proposed revision would provide adequate controlled airspace for aircraft executing the new SIAP to the Ambassador Field Airport and would return that controlled airspace no longer required due to the cancellation of the SIAP serving the Holly Lake Ranch Airport. Coincident with this proposed revision, the status of the Ambassador Field Airport would change from VFR to IFR, and the status of the Holly Lake Ranch Airport would change from IFR to VFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Big Sandy, TX [Revised]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Ambassador Field Airport (latitude 32°35'03"N., longitude 95°04'03"W.), and within 4.5 miles each side of the 139° radial of the Quitman VORTAC (latitude 32°52'49"N., longitude 95°22'00"W.), extending from the 6.5-mile radius to 15 miles northwest of the Ambassador Field Airport; and within a 5-mile radius of the Gilmer Upshur County Airport (latitude 32°41'47"N., longitude 94°56'55inW.); and within a 5-mile radius of the Gladewater Municipal Airport (latitude 32°31'44"N., longitude 94°58'18"W.).

Issued in Fort Worth, TX, on December 18, 1987.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 88-254 Filed 1-7-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airspace Docket No. 87-ASO-1]

Proposed Alteration of Restricted Areas, Valparaiso, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the restricted airspace in the Eglin AFB, Valparaiso, FL, area to improve the management of these areas and increase the availability of airspace for civil users, while continuing to meet Air Force requirements.

In a sparate but related action, the FAA is considering a petition to expand the Federal Aviation Regulations (FAR) 93.81 Special Air Traffic Rules for the Valparaiso, FL, Terminal Area to include the airspace encompassed by Restricted Areas R-2915B, R-2915C, R-2918, R-2919A, R-2919B, and R-2919C when these areas are not active and are released to the controlling agency.

DATE: Comments must be received on or before February 19, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Southern Region, Attention: Manager, Air Traffic Division, Docket No. 87-ASO-1, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9253.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the proposals. Send comments on evironmental and land use aspects to: Headquarters, AFSC/DEMV, Andrews AFB, MD 20334-5000; telephone: (301) 981-2663. Communications should identify the airspace docket and be submitted in triplicate to the address listed above.

Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ASO-1." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposals

The FAA is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to alter the restricted airspace in the Eglin AFB, Valparaiso, FL, area to enhance traffic flow and more accurately depict actual airspace usage. The proposals contained in this notice were submitted to resolve problems regarding utilization of these restricted areas and aerial access to public use airports in the vicinity. These issues were identified during an FAA conducted on-site review of special use airspace in the Eglin AFB, Valparaiso, FL, area. Under the proposals, the internal boundary between the existing Restricted Areas R-2914A and R-2919A would be realigned to better accommodate TACAN/ILS approaches to Eglin AFB Runway 30 and to better align the boundary for activities conducted within the area. The proposals would also delete the southwest corner of R-2919A from the restricted area to enhance traffic flows to and around the Destin-Fort Walton Beach Airport. Further, the proposals would redesignate portions of the existing R-2914A and R-2919A as Restricted Area R-2914. The remaining sections of the present R-2914A and R-2919A would be incorporated into R-2919A. The existing R-2914B would be redesignated as R-2919C. These changes would enhance charting clarity. In addition, the proposals would reduce the time of designation for all but three restricted areas in Eglin AFB complex from "continuous" to "intermittent" use. Only R-2917, R-2915A and that part of R-2914A to be redesignated as R-2914 would remain designated for "continuous" use. Finally, the using agency title would be updated for all areas and the Continental Control Area would be amended to reflect the appropriate changes. Sections 71.151 and 73.29 of Parts 71 and 73 of the Federal Aviation Regulations were republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 73

Aviation Safety, Continental control area, Restricted Areas.

The Proposed Amendments

Accordingly pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69

§ 71.151 [Amended]

2. Section 71.151 is amended as follows:

R-2914A Valparaiso, FL [Remove]

R-2914B Valparaiso, FL [Remove]

R-2914 Valparaiso, FL [New]

R-2919C Valparaiso, FL [New]

PART 73—[AMENDED]

3. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 73.29 [Amended]

4. Section 73.29 is amended as follows:

R-2914A Valparaiso, FL [Remove]

R-2914B Valparaiso, FL [Remove]

R-2914 Valparaiso, FL [New]

Boundaries. Beginning at lat. 30°43'15" N., long. 86°25'00" W.; to lat. 30°43'45" N., long. 86°10'30" W.; to lat. 30°41'00" N., long. 86°05'10" W.; to lat. 30°28'00" N., long. 85°58'00" W.; to lat. 30°28'00" N., long. 86°23'00" W.; to lat. 30°29'00" N., long. 86°25'00" W.; to the point of beginning.

Designated altitudes. Surface to unlimited, excluding that airspace within R-2917.

Time of designation. Continuous.

Controlling agency. FAA, Jacksonville ARTCC.

Using agency. U.S. Air Force, Commander, Armament Division, Eglin AFB, FL.

R-2915A Valparaiso, FL [Amended]

By removing the present using agency and substituting the following:

Using agency. U.S. Air Force, Commander, Armament Division, Eglin AFB, FL.

R-2915B Valparaiso, FL [Amended]

By removing the present time of designation and using agency and substituting the following:

Time of designation. Intermittent, 0600-0100 local time daily; other times by NOTAM 6 hours in advance.

Using agency. U.S. Air Force, Commander, Armament Division, Eglin AFB, FL.

R-2915C Valparaiso, FL [Amended]

By removing the present time of designation and using agency and substituting the following:

Time of designation. Intermittent, 0600-0100 local time daily; other times by NOTAM 6 hours in advance.

Using agency. U.S. Air Force, Commander, Armament Division, Eglin AFB, FL.

R-2917 DeFuniak Springs, FL [Amended]

By removing the present using agency and substituting the following:

Using agency. U.S. Air Force, Commander, Armament Division, Eglin AFB, FL.

R-2918 Valparaiso, FL [Amended]

By removing the present time of designation and using agency and substituting the following:

Time of designation. Intermittent, 0600–0100 local time daily; other times by NOTAM 6 hours in advance.

Using agency. U.S. Air Force, Commander, Armament Division, Eglin AFB, FL.

R-2919A Valparaiso, FL [Amended]

By removing the current boundaries, time of designation and using agency and substituting the following:

Boundaries. Beginning at lat. 30°28'00" N., long. 86°23'00" W.; to lat. 30°28'00" N., long. 85°58'00" W.; to lat. 30°24'00" N., long. 85°56'00" W.; to lat. 30°19'15" N., long. 85°56'00" W.; to lat. 30°22'00" N., long. 86°08'00" W.; to lat. 30°25'00" N., long. 86°22'26" W.; to the point of beginning.

Time of designation. Intermittent, 0600–0100 local time daily; other times by NOTAM 6 hours in advance.

Using agency. U.S. Air Force, Commander, Armament Division, Eglin AFB, FL.

R-2919B Valparaiso, FL [Amended]

By removing the present time of designation and using agency and substituting the following:

Time of designation. Intermittent, 0600–0100 local time daily; other times by NOTAM 6 hours in advance.

Using agency. U.S. Air Force, Commander, Armament Division, Eglin AFB, FL.

R-2919C Valparaiso, FL [New]

Boundaries. Beginning at lat. 30°22'00" N., long. 86°08'00" W.; to lat. 30°19'15" N., long. 85°56'00" W.; to lat. 30°11'00" N., long. 85°56'00" W.; thence 3 nautical miles from and parallel to the shoreline to lat. 30°15'00" N., long. 86°06'15" W.; to the point of beginning.

Designated altitudes. 8,500 feet MSL to unlimited.

Time of designation. Intermittent, 0600–0100 local time daily; other times by NOTAM 6 hours in advance.

Controlling agency. FAA, Jacksonville ARTCC.

Using agency. U.S. Air Force, Commander, Armament Division, Eglin AFB, FL

Issued in Washington, DC, on December 22, 1987.

Shelomo Wugalter,

Acting Manager, Airspace-Rules and Aeronautical Informaiton Division.

[FR Doc. 88–252 Filed 1–7–88; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

Sale and Disposal of National Forest Timber; Periodic Payments, Downpayments, and Market-Related Contract Term Additions

AGENCY: Forest Service, USDA.

ACTION: Notice; extension of public comment period.

SUMMARY: On November 6, 1987, at 52 FR 43020, the Forest Service published a notice of proposed rulemaking to implement periodic payments required by the Federal Timber Contract Payment Modification Act. Many timber sale purchasers and trade associations have requested additional time to prepare comments on this proposed rule, primarily because of ongoing efforts by the Forest Service and timber industry to develop an updated standard timber sale contract to submit for public comment. Another reason is that they may need additional time to analyze the several other proposed changes to policy and regulations governing Forest Service timber sales open for comment concurrently. The original comment period ended January 5, 1988. To permit these purchasers and the general public a reasonable opportunity to submit their comments, the public comment period is hereby extended by 45 days to February 19, 1988.

DATE: Comments now must be received on or before February 19, 1988.

ADDRESS: Send written comments to F. Dale Robertson, Chief (2400), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090.

FOR FURTHER INFORMATION CONTACT: David M. Spores, Timber Management Staff, (202) 447–4051.

Dated: December 30, 1987.

George M. Leonard,

Associate Chief.

[FR Doc. 88–284 Filed 1–7–88; 8:45 am]

BILLING CODE 3410–11–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH–FRL–3283–4]

Identification and Listing of Hazardous Waste; Amendments to Definition of Solid Waste

AGENCY: Environmental Protection Agency.

ACTION: Proposal Rule and request for comment.

SUMMARY: On July 31, 1987, a panel of the District of Columbia Circuit Court of Appeals ruled 2–1 that the Environmental Protection Agency (EPA) had exceeded its statutory authority by regulating, or claiming authority to regulate, certain recycled hazardous secondary materials. *American Mining Congress* v. *EPA*, 824 F.2d 1177. This notice provides the Agency's interpretation of the court's opinion, and describes the portions of the rules unaffected by the opinion and remaining in force. This notice also proposes amendments to the rules required by the court's opinion. In general, the Agency is proposing to exclude from regulation certain in-process recycled secondary materials in the petroleum refining industry, and certain other sludges, by-products, and spent materials that are reclaimed as part of continuous, on-going manufacturing processes.

DATES: EPA will accept public comments on the proposal until February 22, 1988.

ADDRESSES: The public docket for this rulemaking is located at Room LG–100, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The docket number assigned to this notice is F–87–SWRP–FFFFF. Persons who wish to comment on the notice should place the docket number on their comments, and provide an original and 2 copies. The EPA RCRA docket is open from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. To review docket materials, the public must make an appointment by calling (202) 475–9327. A maximum of 50 pages may be copied from any regulatory docket at no cost. Additional copies cost $0.20 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA/Superfund Hotline toll free at (800) 424–9346 (in Washington, DC, call (202) 382–3000). For information on specific aspects of today's notice, contact Michael Petruska, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 475–8551.

SUPPLEMENTARY INFORMATION:

Outline of Today's Notice

I. Background

On July 31, 1987, a panel of the United States Court of Appeals for the District of Columbia Circuit held in a 2–1 decision that the RCRA statutory definition of solid waste contained in section 1004(27) of RCRA limited the Agency's authority over hazardous secondary materials destined for recycling to materials that are "discarded". *American Mining Congress v. EPA*, 824 F. 2d 1177 (D.C. Cir. 1987). More specifically, the court held that the Agency has exceeded its authority insofar as it classified certain in-process streams in the petroleum refining and primary smelting industries as RCRA solid wastes. Today's notice sets out the Agency's interpretation of the portions of its existing rules requiring modification in light of the court's opinion. The Agency is proposing the changes that are necessary to conform the existing rules to the court's mandate, and is seeking public comment on those changes.

II. Analysis of the Court's Opinion

A. The Agency's Interpretation of the Court's Opinion—General

The Agency views the court's opinion as applying to the "agency's authority to regulate secondary materials reused within an industry's ongoing production process" as solid waste. 824 F. 2d at 1178. *See also id.* at n.3, describing as "the central issue—whether EPA's interpretation that the term 'discarded material' encompasses materials destined for recycling in an on-going production process is contrary to the statute".

The facts described in the opinion involved two particular types of in-house recycling practices in the petroleum refining and mining (primary smelting) industries. Petroleum refineries often take oil-bearing byproducts and sludges from the refining process, and return these materials, either by direct reinsertion into the petroleum refining process or (more normally) return to an oil recovery system ("slop oil") after which recovered oils are returned to the petroleum refining process. These byproducts and sludges are sometimes hazardous (for example, API separator sludge and DAF Float from petroleum refining, both listed hazardous wastes, are sometimes recycled in this way), and, if so, would be classified as hazardous waste under the Agency's existing rules because they are used to produce fuels. The primary smelting industries also frequently recover additional metal values from sludges and byproducts generated in the primary smelting process. This recovery can involve direct return to the smelting process, or recovery in other unit operations. 824 F. 2d at 1181. To the extent these activities involve sludges and byproducts on the lists of hazardous wastes from non-specific and specific sources (§§ 261.31 and 261.32) and the activity occurs outside of a closed-loop reclamation system, they are classified as solid wastes under the existing EPA rules the court considered in its decision.

The court held that "by regulating in-process secondary materials, EPA has acted in contravention of Congress' intent." 824 F. 2d at 1193. *See also id.* at n.26 ("we decide that EPA exceeded its statutory authority in regulating in-process secondary materials"). The court reasoned that by defining solid waste by using the phrase "other discarded material", Congress intended that only secondary materials that were in some sense thrown away, abandoned, or disposed of could be solid wastes. The court acknowledged that certain types of recycling activities remain within the Agency's authority, because they involve a form of discarding. *E.g., Id.* at n.14 (describing used oil recycling activities). *Id.* at 1191 and n.20 (describing a metal reclamation operation storing metal-bearing materials in open piles, and a pesticide drum reused as a trash container).

Consequently, the Agency intends to amend its existing rules to state clearly that the rules do not extend to on-going manufacturing operations, particularly those like the refining and smelting processes that were before the court which are characterized by continuous extraction of material values from an original raw material. 824 F. 2d at 1181. The court's opinion also compels exclusion of certain types of reclamation processes that closely resemble on-going production activities, and the Agency proposes to amend its rules to exclude these activities as well. As will be explained more fully below, secondary materials being recycled in these ways are not being "discarded" under the court's interpretation of the term.

The court's decision does not affect the Agency's authority to regulate as hazardous wastes those secondary materials recycled in ways where the recycling activity itself is characterized by discarding as defined by the court. That is, manufacturing processes (or other types of recycling) involving an element of discard which do not involve secondary materials passing through a continuous, on-going manufacturing process remain within the Agency's jurisdiction. We explain below more specifically how we view these concepts as applying to the present rules.

B. Portions of the Existing Rules Affected by the Court's Opinion

For the most part, EPA's existing rules already distinguish between on-going, in-house types of manufacturing activities and waste management. Indeed, this was the Agency's avowed purpose throughout the involved and protracted series of rulemakings leading to the current solid waste definition. *See, e.g.*, 50 FR at 617 (January 4, 1985). Accordingly, the existing rules specifically exclude the following secondary materials from jurisdiction: hazardous secondary materials that are used directly as ingredients in manufacturing processes to make new products (provided the secondary materials aren't being reclaimed); hazardous secondary materials that are used directly as effective substitutes for commercial products; hazardous secondary materials reclaimed in closed-loop processes; and particular individual types of hazardous secondary materials involved in on-going types of recycling activities—black liquor from the paper industry, spent sulfuric acid used to produce virgin sulfuric acid, and certain closed processes characterized by reclamation followed by return of the reclaimed feedstock to a manufacturing process. See 40 CFR 261.2(e) and 261.4(a)(6)–(8).

In addition, and significantly, the current rules state that byproducts and sludges being reclaimed are not solid wastes unless specifically listed. The

listing process designates these secondary materials as solid wastes after considering specific factors bearing expressly on the question of whether the reclamation activity involves a continuous, on-going process. See § 261.2(c)(3) and 50 FR a 640–41 (January 4, 1985).

The Agency's current rules, however, state that when hazardous secondary materials are used to produce fuels or are contained in fuels, both the secondary materials and the resulting fuels are solid wastes. The court held that true in-process oil-bearing materials in the petroleum refining industry were not solid wastes when continuously reused in the refining process. Such activity, in the court's view, involves continued recovery of hydrocarbon values from crude oil, and the oil-bearing residuals, therefore, are not discarded materials. Consequently, the Agency proposes to change its existing rules to state that oil-bearing secondary materials from the petroleum refining process so recycled are not solid wastes, provided there is no other element of discard or disposal characterizing the recycling activity.

The opinion also dealt with recycling operations in the primary smelting industry. The existing rules classify these recycling activities as reclamation processes because they involve recovery of material values contained in the secondary materials as end products (for example, the recovery of lead from primary lead emission control dusts). These reclamation processes may or may not involve solid waste. Thus, in promulgating the existing rules, the Agency noted that many of these reclamation operations would not involve RCRA solid wastes as they could be considered on-going processing of the original ore concentrate. 50 FR at 640–41. Yet the Agency also indicated that certain other reclamation operations involving sludges and byproducts are not part of an on-going production process and involve elements of discard. Such operations could involve, for example, discontinuous and unrelated processes, infrequent reclamation, or disposal through storage on the land. *Id.*

Because the Agency was unable to develop a self-implementing narrative standard accounting for all of these relevant factors, the final rules state that hazardous sludges and byproducts are solid wastes when they are to be reclaimed *only* if the sludges and byproducts are listed by the Agency in 40 CFR 261.31. and 261.32 on a case-by-case basis. See § 261.2(c)(3). The existing rules direct the listing determination to be based on a consideration of the factors contained in the preamble to the final rules relating to whether the sludges and byproducts are utilized in on-going, continuous manufacturing processes. *Id.*

To bring the Agency's rules on reclamation into conformance with the court's opinion, EPA is proposing to amend the rules to indicate with more particularity the bases for designating sludges and byproducts as solid wastes, and to ensure that materials reclaimed in true on-going manufacturing processes without any element of discard are not considered to be solid wastes. To make this change, the Agency is proposing to list by rule rather than by explanatory preamble the relevant factors for determining whether to designate these materials as solid wastes when they are to be reclaimed, and to indicate in the rule that the ultimate jurisdictional test is whether these materials are being utilized in an on-going continuous manufacturing process.

The court did not overturn the Agency's jurisdiction over material recovery when not characterized by on-going, continuous production processes. For example, the Agency believes that the following recovery situations could involve the disposal of byproducts and sludges in operations that are not on-going, continuous production processes. In such circumstances, the Agency could retain jurisdiction under the court's opinion:

1. Spent potliners, containing high concentrations of cyanide, could be disposed of through storage prior to potential recovery of cryolite values (as fluoride) but not for any recycling of the cyanide. This reclamation step is ancillary to the main process (aluminum production), since fluoride is not returned to the process to be recovered as a product (rather, it is a component in the potliner), and the potliners themselves are dissimilar to raw materials used originally. The lack of cyanide recycling indicates a waste treatment objective.

2. A wastewater treatment sludge is generated in an impoundment. It is unfit for recovery until it is dewatered. It can be eventually recycled to the smelting process. The sludge must be reclaimed before it can be returned to the process, and is accumulated initially in a manner unlike normal raw materials (raw materials are not customarily stored underwater), and in a manner tantamount to land disposal (see RCRA section 3004(k)). The court's opinion indicates such circumstances may involve RCRA solid wastes. The court specifically refers to similar recovery scenarios as involving solid wastes at 824 F.2d n. 20.

3. Wastewater treatment sludges from a non-smelting process, containing high concentrations of toxic constituents that are not found in ore concentrates and that are not destined for recovery, are disposed of by transfer to a primary smelter for metal recovery. It is possible for such circumstances to give EPA jurisdiction given the element of discard and the lack of an on-going, continuous production process. Moreover, toxic constituents would be discarded because they are not recycled.

C. Other Regulations Dealing With Recycling Activities

EPA's remaining regulations dealing with recycling activities clearly involve elements of discard as construed by the court. None of these activities consist of on-going manufacturing involving continuous extraction of material values. The court's opinion, therefore, does not require modification of these provisions in the solid waste rules. Thus, the Agency expects the regulated community to continue to comply with the applicable regulations. We explain below the relationship of the court's decision to each class of activity.

1. *Use Constituting Disposal.* Current EPA regulations state that secondary materials applied to the land or used to produce products that are placed on the land are solid wastes (products produced therefrom are also solid wastes). If the solid wastes are listed, or exhibit a hazardous waste characteristic, they are hazardous wastes. See 40 CFR 261.2(c)(1). Examples of uses that constitute disposal include the use of hazardous sludges as road-base material or as dust suppressants and the use of a waste-derived fertilizer placed on the land. These recycling activities meet the court's definition of discard because the use activity is also land disposal.

Hazardous wastes disposed of through uses constituting disposal invariably contain toxic constituents which do not further the use and which are discarded by disposal when the wastes are placed on the land. For example, the dioxin found in Times Beach, Missouri was from used oil mixed with a dioxin-containing byproduct disposed of on the land through use as a dust suppressant. Another example is the disposal of cadmium through the use of the waste-derived fertilizers produced from waste K061.

These recycling activities are not on-going manufacturing processes. When

solid wastes are placed on the land, there is no continuous stream of manufacturing process, but rather there is final disposal of the wastes. Accordingly, the Agency believes that this class of activity is properly within its authority and is unaffected by the court's opinion. Therefore, no rule change is necessary, and the Agency is not reopening this portion of the rule to public comment.

2. *Burning for Energy Recovery and Use of Hazardous Secondary Materials to Produce Fuels.* Current EPA rules state that when hazardous secondary materials are used directly as fuels or used to produce fuels, both the hazardous secondary material and any fuel produced from these materials are solid wastes, and, if hazardous, hazardous wastes. See 40 CFR 261.2(c)(2). As indicated above, the court held that these provisions could not lawfully apply to conventional in-process petroleum refining activities occurring at petroleum refineries characterized by continued extraction of material values from crude oil. Thus, secondary hazardous materials from petroleum refining that are used to produce fuels by introducing them into the petroleum refining process would no longer be classified as solid wastes (assuming there is no element of discard relating to this type of recycling as explained in section III.A. below).

The Agency does not view the opinion as affecting any other aspect of the rules relating to burning. As with the use constituting disposal provisions, burning processes for energy recovery often involve disposal of waste through incineration, a classic form of waste management activity. In these processes, hazardous secondary materials are disposed of by burning and releasing the constituents (potentially indiscriminately) into the air. Congress equated burning for energy recovery and incineration when promulgating section 3004(q) of RCRA as part of the 1984 amendments. (See H.R. Rep. No. 198, 98th Cong. 1st Sess. 39–40.) The court did not overturn regulation of such burning activities but only on-going manufacturing activities. When a generator takes its spent sovlent from a degreasing operation and burns it in its boiler, for example, it is not engaged in an on-going manufacturing process, but rather is disposing of a waste from one process (e.g., solvent from degreasing) by burning it in a second unrelated process. Similarly, when a plant takes hazardous still bottoms that are unsuitable for direct use as a chemical intermediate and burns them to recover residual energy, the hazardous constitutents are disposed of as wastes by destruction, just as if they were incinerated. Moreover, the manufacturing utility of the material has come to an end, and the manufacturing activity has concluded. In sum, an energy recovery step is not typically an integral part of the basic manufacturing process, but rather is ancillary and involves disposal of solid waste.

Accordingly, with the exception of in-house recycling activities in petroleum refining, the Agency does not view any of its rules related to burning for energy recovery and the use of hazardous secondary materials to produce fuels as being affected by the court's opinion. The Agency therefore only proposes to amend the rules insofar as they affect the petroleum refining industry.

One further issue involving burning merits discussion. Under the Agency's current rules, some forms of burning do not involve recycling at all. When burning occurs in a boiler or industrial furnace for the dominant purpose of destruction, the activity is classified as incineration. Not only are these incinerated materials solid wastes, but the act of incineration is presently subject to regulation under Subpart O of Parts 264 and 265. See 40 CFR 264.340(a)(2) and 265.340(a)(2). Obvious factors bearing on whether burning is for the purpose of destruction, and so is presently subject to regulation as incineration are: (a) Whether the operator of the device is paid to burn wastes and the percentage of income derived from burning wastes as opposed to producing a product; (b) whether the wastes are selected to meet specifications related to a recycling purpose or rather are simply solicited and accepted indiscriminately; (c) the energy value of the wastes (if burning is for energy recovery); (d) how much energy or material value each waste contributes to the recycling purpose; (e) whether each waste burned is as effective for the claimed recycling purpose as the raw materials normally processed in the device; and (f) whether the toxic constituents in the waste contribute to the recycling objective or are simply being destroyed. Other factors are discussed at 50 FR 638 (January 4, 1985) and 52 FR 17013 (May 6, 1987). Persons burning the waste have the burden of showing that each waste burned is burned for a legitimate recycling purpose and not for destruction. 40 CFR 261.2(f).

3. *Reclamation.* (a) Reclamation Involving Spent Materials. Reclamation activities under the Agency's rules are of two types: regeneration of materials or materials recovery therefrom. See 40 CFR 261.1(c)(4) and 261.2(c)(3). As discussed earlier, this has always been the area of recycling most difficult to classify because certain reclamation activities involve on-going production activities, while others are forms of waste management.

The Agency's rules deal with the problem of classification by differentiating among the types of materials being reclaimed. (See Table 1 in § 261.2(c)(3).) The exact classification is between secondary materials which are previously used, and are used up and no longer usable ("spent materials"), and previously unused residual materials ("sludges and byproducts"). As explained in section II.B. above, sludges and byproducts are more likely than spent materials to be involved in on-going manufacturing operations. The existing rules thus classify sludges and byproducts as solid wastes on a case-by-case basis based on factors which distinguish on-going manufacturing from waste management. Spent materials requiring reclamation, on the other hand, are not directly usable in on-going manufacturing processes, because, by definition, they are no longer usable and must first be restored to a usable condition. There is no continued utilization of material values, though there may be potential for recovery of something usable from a used up or spent material. Thus by definition, these materials are no longer available for use in continuous, on-going manufacturing processes, and as such, are disposed of from these processes even if the reclamation activity occurs at the site of generation (with one exception discussed below).

Of course, when a generator actually disposes of a spent material by sending it to an unrelated reclaimer, the spent material is a solid waste. See 824 F. 2d at n. 14. Examples of waste disposal activities for spent materials include spent solvent reclamation, used oil re-refining, or recovery of spent catalyst.

The only exception to this principle is where the reclamation operation involves closed, continuous processes where reclaimed materials are returned directly to the initial manufacturing process and the entire operation is connected with pipes or other comparable means of conveyance, and there is no element of disposal involved (such as storage in an impoundment). The Court's opinion requires exclusion from regulation in this situation because there is no removal from an on-going process and the court's decision holds that no materials can be considered to be discarded. The Agency proposes to

change its existing rules to exclude such situations.

(b) Reclamation Involving Sludges and Byproducts. As discussed in section II.B. above, the current EPA rules indicate that listed sludges and byproducts are solid wastes when they are reclaimed (in other than closed-loop systems as defined in the rules). This listing determination is based on consideration of a range of factors which evaluate the question of whether the materials remain in an on-going, continuous manufacturing process.

As noted previously the Agency proposes to amend these rules to indicate that the Agency lacks authority to regulate secondary materials reclaimed in this manner, and to indicate explicitly what the relevant factors are in making this determination.

4. *Speculative Accumulation.* The Agency's rules state that hazardous secondary materials that are not solid wastes for any other reason become solid wastes when they are accumulated without being recycled for one year without 75 percent of the material being recycled during the one year period. See 40 CFR 261.2(c)(4). Petitioners did not challenge this provision in the *American Mining Congress* litigation. The Agency has concluded that situations satisfying the speculative accumulation criteria involve elements of discard since the materials have been disposed of, are not part of an on-going production process, and are not being (and are unlikely to be) recycled. Secondary materials disposed of through storage for this length of time without recycling simply cannot be characterized as in-process materials. The Agency does not believe this provision requires alteration, but requests comment on this interpretation.

It should be noted that the rules provide a variance allowing persons accumulating speculatively to demonstrate that they are not storing solid waste. 40 CFR 260.31(a). This provision accommodates those unusual situations where there is prolonged storage without recycling but the material being stored might legitimately be considered not a solid waste. 50 FR 652–54 (January 4, 1985). There have been no applications for a variance under this provision since the rule was adopted, supporting the soundness of the existing one year 75 percent test.

5. *Inherently Waste-like Materials.* Section 261.2(d) states that those types of secondary materials listed by EPA after consideration of specified criteria are solid wastes regardless of how they are recycled. The only wastes that the Agency has so designated are the listed dioxin-containing wastes (F020–F023, F026, and F028). The factors the Agency is required to consider in designating secondary materials as solid wastes under this section address the element of discard necessarily involved in recycling these materials (*e.g.*, whether the material is typically discarded, or whether it contains unusual hazardous constituents not found in corresponding virgin material for which the secondary material substitutes which do not contribute to the recycling process, and whether the recycling process may pose a hazard to human health and the environment).

The court's opinion does not affect this provision. The factors upon which the Agency would base a decision are directly related to whether materials are being disposed of, thrown away or abandoned, *i.e.*, discarded. Materials must either be typically disposed of, or contain hazardous constituents which are disposed of by virtue of not contributing to the recycling process. The dioxins in the dioxin-containing wastes serve as an example. Accordingly, the Agency is not proposing to amend this provision and is not soliciting any comment on it.

D. The Opinion's Effect on Specific Issues

1. *Secondary Materials Discarded by Means Other Than Final Commitment to a RCRA Disposal Unit.* The court did not equate discard with final disposition in a RCRA disposal unit. Rather, the court held the term "discarded materials" includes materials abandoned, thrown away, or disposed of, and does not include secondary materials recycled in on-going, continuous manufacturing operations. Indeed, some of the court's definitional examples of discarded materials are secondary materials disposed of by means other than final commitment to RCRA disposal units—namely, used oil destined for recycling, waste piles involved in reclamation placed directly on the land, and recycled pesticide drums placed on the land. 824 F.2d n. 14 & 20.

Equating discard with final disposition in a RCRA disposal unit would not accord with industrial disposal practices and would be contrary to RCRA's purposes. Hazardous secondary materials are rarely, if ever, committed for final disposition to a RCRA disposal unit and then retrieved for recycling. Thus, to the extent the court identified specific discarded materials in certain recycling processes and uses, the court could not have intended discard to mean final disposition in a RCRA disposal unit.

RCRA's definition of the term "disposal" includes a broader range of activities with the potential for environmental releases than final commitment to RCRA disposal units. RCRA section 1004(3). Moreover, RCRA emphasizes the Agency's duty to regulate solid wastes involved in recycling activities by requiring the Agency to control the burning of hazardous wastes, the recycling of used oil, the use of waste as dust suppressants, the recycling and reuse of wastes by small quantity generators, and generally, any recycling involving placement of hazardous waste on the land. *Id.* at section 3004(g), 3014, 3004(l), 3001(d), and H. Rept. No. 198, 98th Cong. 2d Sess. 46.[1] Equating discard with final disposition in an RCRA disposal unit would render these specific congressional directives meaningless.[2]

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[1] The estimated volume of such hazardous wastes underscores the importance of distinguishing between discard and final disposition in a RCRA disposal unit. For example, EPA has estimated that over 2.5 million tons of used oil are recycled annually of which virtually none was previously committed for final disposal. (A few Superfund remedial actions resulted in small volumes of previously disposed used oil being recycled.) The Agency has also estimated that 440 million gallons of spent solvents are reclaimed annually (52 FR at 3756 (February 5, 1987)) none of which, to the Agency's knowledge, was previously thrown away in RCRA disposal units. An estimated one million tons of hazardous secondary material residues are burned annually or incorporated into fuels. 52 FR. 17,023 (May 6, 1987). EPA is unaware that any of this material was previously committed for final disposal in RCRA disposal units. In addition, the Fertilizer Institute indicated in public comments to the Agency's 1985 rulemaking on recycling that its members use upwards of 41,000 tons of byproducts and sludges as ingredients in fertilizers annually, many of which are hazardous wastes and none of which are first landfilled or otherwise committed for final disposition in RCRA disposal units.

[2] More specifically, the statute and its legislative history mandate regulation of secondary materials not first committed for final disposal. Section 3004(q) commands explicitly that the Agency regulate burning of commercial chemical products which are not themselves fuels and which are not previously used, much less used and committed for final disposition. Section 3014(c) requires EPA to create an elaborate regulatory structure to prevent used oil which is a hazardous waste from being thrown away and to regulate recycled used oil, including in-house generator recycling. See section 3014(c) (B) (i) (II) ("recycles such used oil at one or more facilities of the generator * * * "). Section 3004(h) (2) indicates that the Agency may establish a different effective date for a prohibition from land disposal of a hazardous waste on the date when alternative protective *recovery* technology is available. This land ban applies to hazardous wastes not yet committed to final disposition in RCRA disposal units.

The legislative history to the waste as fuel provisions (section 3004 (q)) also states Congress intended to close "a major deficiency in the present Subtitle C regulations" which allows "10 to 20 million tons of * * * hazardous waste" to be burned annually. S. Rep. No. 284 at 36; H.R. Rep. No. 198 at 39 (using the figure 10 to 15 million tons). These directives, volume estimates, and enunciations of determination to close off regulatory loopholes would have no meaning if applied solely to the

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Accordingly, EPA does not read the opinion to indicate that secondary materials must first be committed for final disposition in RCRA disposal units before they can be solid wastes. Thus, aside from the types of closed processes discussed below, recycling activities involving the discarding of secondary materials may remain within the Agency's RCRA Subtitle C jurisdiction.

2. *On-Site Recycling Activities Involving Solid Wastes.* The court's opinion does not materially distinguish off-site from on-site recycling. As noted previously, on-site recycling activities may involve solid wastes under certain circumstances. The court found that materials remaining in a continuous on-going manufacturing operation are not discarded. The mere fact that recycling occurs on-site, however, or for that matter is conducted by the initial generator of a secondary material, does not necessarily mean that the activity is part of one on-going manufacturing operation. On-site or single generator recycling activities can continue to be characterized by elements of discard and so remain within the Agency's Subtitle C jurisdiction. The following examples make this point:

a. A degreasing operation disposes of a spent degreasing solvent, which is removed from the production process (*i.e.*, not in a closed process), taken to an on-site distillation unit, and regenerated. Here, not only is the spent solvent being disposed from the operation in which it is generated, but it is not part of a manufacturing process at all. There is no continued extraction of material values from a raw material, but rather it is a useless waste until restored through treatment to a usable condition.

b. A generator generates an ignitable byproduct which it blends with fuel oil and disposes of through burning in an on-site boiler. This activity does not involve materials passing through a continuous on-going manufacturing process. Rather, a byproduct of a waste generating process is being disposed of by burning.

c. A generator generates a hazardous wastewater treatment sludge which is eventually returned to the manufacturing process for metal recovery. The sludge is disposed of through storage in a surface impoundment prior to its return. The storage in a surface impoundment is disposal of solid waste because it involves placement on land with potential entry into the environment. Processes where such materials are generated and stored in underwater ponds or lagoons are not part of continuous on-going manufacturing processes and may involve disposal. Such sludges also must normally be reclaimed before they are reusable, a further indication of lack of process continuity. Impoundments, moreover, are not process devices, but rather function as wastewater treatment units.

The court's decision allowing for regulation of on-site recycling processes that involve discarding accords with the statute and its legislative history which likewise make clear that Congress contemplated and directly commanded the Agency to regulate many on-site recycling activities. For instance, the legislative history with respect to burning hazardous waste-derived fuels indicates that Congress intended that "the Administrator, in controlling the burning of waste and the emissions from facilities that burn such wastes, may not make distinctions solely on the basis of whether the facility is on the site of the generator or is an off-site facility." S. Rep. No. 284 at 38; the same language is in H.R. Rep. No. 198 at 41–42. The text of the statute itself refers (in the context of authorizing certain exemptions for facilities burning de minimis quantities of hazardous waste fuels) to regulation of "wastes * * * burned at the same facility at which such wastes are generated." RCRA section 3004(q)(2)(B).

The following provisions likewise indicate specifically that on-site recycling activities can involve hazardous wastes: section 3004(r)(2) (A) and (C) (generation and reinsertion on-site of oil-bearing wastes into the petroleum refining process at petroleum refineries classified as SIC 2911: a facility that refines crude oil); section 3014(c)(2)(B)(i)(II) (controlling used oil recycling activities at a used oil generator's facility); section 3004(q)(2)(A) (use of oil-bearing wastes "at petroleum facility at which such wastes were generated").

The Agency believes these provisions make clear that there is no automatic on-site/off-site distinction. The Agency notes, however, that the existence of on-site recycling is a relevant element in assessing whether a recycling process is really an on-going manufacturing activity or otherwise involves discarded materials. The Agency accordingly does not propose incorporating any such automatic distinction in its rules.

3. *Precious Metal Reclamation.* Under the Agency's rules, secondary materials being reclaimed for their precious metal content are classified as solid wastes in the same way as other secondary materials being reclaimed: spent materials so reclaimed are always wastes, and sludges and byproducts so reclaimed must be specifically designated as such (by listing) to be wastes. The court's ruling does not change this classification system. The opinion did not refer specifically to precious metal reclamation, and normal precious metal recycling operations are not characterized by continuous on-going manufacturing processes, but rather involve elements of discard in the sense that materials are disposed of from an industrial process. These operations involve an independent reclaimer procuring waste materials generated by another person from another industry and recovering metal values therefrom. An example is recovery of precious metals from electroplating wastes. This is not one continuous process, but two unrelated ones, with the electroplater disposing of his wastes. This type of operation is analogous to used oil recycling operations described in n.14 of the court's opinion. Specifically, the court noted that when a generator sends used oil to be recycled at a different facility, the generator is discarding the oil by sending it to be recycled by a different party. The generator was disposing of the material by giving up control over it. Similarly, when precious metals in wastes from one industry are eventually recovered by another industry's process, the generator is also discarding these materials.

Accordingly, the Agency does not propose to amend the existing rules relating to classification of secondary materials destined for precious metal reclamation. The Agency notes that precious metals reclamation is subject to a set of special, reduced standards at 40 CFR Part 266, Subpart F. Further, EPA has received a petition from the International Precious Metals Institute (IPMI) requesting an exemption from the manifest requirements. EPA requests comment on this petition from any interested party.

4. *Scope of Closed-Loop Exclusion.* The Agency's existing rules provide that hazardous secondary materials that are reclaimed in closed-loop systems are excluded from being solid wastes. (See 40 CFR 261.2(e)(1)(iii).) A closed-loop system is one where secondary materials are returned for reclamation (i.e., for contained material values to be recovered from them) as feestock to the primary process which generated them without first being reclaimed. Secondary materials reclaimed in tanks and then returned to the original process as feedstock are also excluded when the system is connected entirely by pipe.

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nearly non-existent practice of buring hazardous secondary materials that are committed to final disposition in RCRA disposal units.

(See 40 CFR 261.4(a)(3).) The court's opinion does not affect these provisions. Accordingly the Agency proposes no changes to this Section.

III. Amendments to Conform to the Court Decision

A. Amendments Concerning Petroleum Refining

1. *Use of Oil-Bearing Residuals from Petroleum Refining in the Refining Process.* The court held that the Agency had exceeded its authority in regulating on-going fuel production activities in the petroleum refining industry. These activities involve situations where crude oil is refined, and oil-bearing residues from that refining process are returned for further refining as part of one continuous and on-going process. The oil-bearing residues are sometimes reinserted directly into the petroleum refining process, but more often are placed in a centralized recovery system ("slop oil system") where oil is recovered and returned to the petroleum refining process. Materials so recycled, the court held, are not discarded and so cannot be solid wastes.

In light of this holding, EPA is proposing to exclude from jurisdiction petroleum refining residues that are recycled in this manner. The salient elements of the exclusion are:

- The oil-bearing residue must be generated and reinserted onsite;
- It must be inserted into the petroleum refining process; and
- The process must be on-going and continuous, and not be characterized by any elements of discard.

We believe these conditions accurately reflect the Court's holding for the following reasons.

a. *On-site.* The Agency is proposing to limit this amendment to situations where the oil-bearing residue is generated and reinserted onsite because interpreting the court's holding as excluding from the solid waste definition all hazardous oil-bearing secondary materials brought to a petroleum refinery from off-site would have the unintended and improper effect of rendering a statutory provision, RCRA section 3004(r)(3), without meaning. This provision exempts from the hazardous waste fuel warning label requirement "fuels produced from oily materials resulting from normal petroleum refining, production, and transportation practices" where the oily materials are reintroduced into the petroleum refining process under enumerated circumstances. This provision differs from section 3004(r)(2) as it applies to oily materials brought to a refinery from off-site. 50 FR 28715 (July 15, 1985). Since Congress refers, in section 3004(r)(1), to such materials as potential "hazardous wastes identified or listed under section 3001" (*i.e.*, a subset of solid waste), the Agency must include such materials within the solid waste definition. The Agency also notes this reading does not suffer from the problem of circularity that concerned the court in that the provision applies to "oily materials", not to wastes. Applying the court's reasoning, these materials are not part of an on-going, continuous petroleum manufacturing process, but rather have been disposed of, 824 F.2d at n.14. These materials are, therefore, solid wastes.

Finally, with respect to section 3004(r)(3), under the Agency's current rules, solid wastes that are indigenous to a manufacturing process cease to be solid wastes when they are returned to that process for recycling. 50 FR 600 (January 4, 1985); 50 FR 49167 (Nov. 29, 1985); 52 FR 16989–99 (May 6, 1987). This would also be the case for the oil-bearing materials mentioned in section 3004(r)(3). Consequently, when such materials are reinserted into the petroleum refining process, they would cease to be solid wastes.

b. *Reinsertion Must be Into a Refining Process.* The court directed the Agency to exclude from the solid waste definition those secondary materials passing through a continuous petroleum refining process. Petroleum refining processes are those primarily producing gasoline, kerosene, lubricants and fuel oils from crude petroleum through distillation of crude oil or intermediates (gas oils, naptha, etc.), cracking and other processes (this description paraphrases the SIC 2911 definition). Accordingly, the Agency proposes to exclude secondary materials reinserted into these ongoing refining processes.

However, use of oil-bearing hazardous residues in a non-refining process does not fit the court's description of an on-going manufacturing process. Rather, such operations resemble the activities involving used oil mentioned in footnote 14 of the opinion, which the court indicated were examples of discarding. There, used oils were taken, reclaimed (i.e., some contaminants were removed) in a process different than the one that generated them, and used as fuels. Similarly, when oil-bearing hazardous residues are taken to a non-refining process—for example a process that uses simple settling to remove bulk solids and water—the process is exactly analogous to the one involving used oil except that a different type of oil-bearing material is involved.

c. *There Must Be No Element of Discard Involved.* The Agency also proposes that to be excluded from jurisdiction, hazardous secondary materials from petroleum refining must be returned to the refining process in a way that involves no element of discard as the court construed the term. For example, secondary materials stored in a surface impoundment would be within the solid waste definition because they have been disposed of. By placing the material on the land in a way that contaminants can be released into the environment, the practice meets the definitions of disposal in RCRA sections 1004 and 3004(k). The court also characterized such recycling practices involving placement on the land (whether for storage or end disposition) as disposal and indicated that the materials so managed were solid wastes. 824 F.2d at n.20. And as discussed earlier, recycling activities may involve disposal through storage. Thus, if secondary materials are stored underwater in lagoons or ponds, such materials have been disposed of and are RCRA solid wastes. Indeed, the impoundments themselves are wastewater treatment units, not steps in a manufacturing process. Under today's proposal, petroleum refining oil-bearing hazardous secondary materials are solid wastes if they are disposed of through storage before recycling. Units in which the materials are stored consequently would continue to be regulated units. However, as stated earlier, when such materials are removed from such units and reinserted into the petroleum refining process, they would cease to be solid wastes.

2. *Petroleum Coke Produced With Oil-Bearing Hazardous Secondary Materials From Refining.* The Agency proposes to exclude from the solid waste definition oil-bearing secondary materials from petroleum refining used to produce petroleum coke at a refinery, provided there is no element of discard involved in the recycling practice as explained above. This activity is also characterized by on-going utilization of hydrocarbons contained in the original crude oil and so comes within the scope of the court's opinion.

Such secondary materials are not excluded if they are disposed of through storage preceding reintroduction to the coking process. The Agency also notes that failure to exclude secondary materials so disposed of would render RCRA section 3004(q)(2)(A) meaningless. This provision applies only when petroleum refinery wastes are converted into coke at the facility at which they are generated, i.e., a petroleum refinery. If the Agency were to exclude from jurisdiction secondary

materials disposed of through storage, there would be no materials to which this provision would apply. In addition, the legislative history to this provision indicates special concern for, and directs regulation of petroleum refining wastes stored in impoundments before being used in the coking process. S. Rep. No. 284 at 39.

3. *Changes in Regulations.* The Agency is thus proposing two regulatory exclusions from the solid waste definition. The first exclusion is for secondary materials which are generated on-site and reinserted into the petroleum refining process (which language should be understood to include initial reinsertion to the slop oil system followed by reinsertion into actual refining processes) at conventional petroleum refineries provided the materials are not disposed of through storage in a manner involving placement on the land before being so recycled (or are not disposed by being accumulated speculatively before eventually being recycled). As noted previously, such storage is disposal (a type of discard), and the impoundment is a regulated unit. Indigenous oil-bearing sludges removed from the impoundment and reinserted in the process would, however, cease being solid wastes upon reinsertion.

The second proposed regulatory change involves oil-bearing hazardous secondary materials from petroleum refining which are used to produce petroleum coke at the refinery generating the material. This exclusion likewise would not apply when disposal through storage (involving placement on the land), precedes recycling or when the secondary materials are accumulated speculatively.

B. Proposed Changes in Scope of Reclamation Provisions

As previously discussed, the Agency's existing rules indicate that hazardous spent materials being reclaimed are always solid wastes. But sludges and byproducts are only solid wastes if they are specifically and affirmatively designated as solid and hazardous wastes through the listing process. 40 CFR 261.2(c)(3). The factors used by EPA to justify listing a sludge or byproduct destined for reclamation as solid wastes are currently not set forth in the rule, but rather in the explanatory preamble. These factors are:

> How frequently the material is recycled on an industry-wide basis, whether the material is replacing a raw material and the degree to which it is similar in composition to the raw material, the relation of the recovery practice to the principal activity of the facility, and whether the secondary material is managed in a way designed to minimize loss—all of which show that the material is handled as a commodity. (See 50 FR at 641; Janaury 4, 1985.)

Consideration of the factors is for the purpose of determining whether the normal means of reclaiming the sludge or byproduct resembles a continuous, on-going production process. *Id.*

The rules for spent materials, in the Agency's view, are for the most part unaffected by the opinion because spent materials are no longer useful, and so, by definition, are not involved in a continous production process and are disposed of. These discarded wastes must be treated before they can be put back to use. (section III. C. of this preamble describes one exception to this general principle.)

With regard to sludges and byproducts, the Agency's existing rules for reclaimed sludges and byproducts already resemble the standard set out in the court's opinion. Yet to make the rules more clearly consistent with the court's opinion, the Agency proposes to amend the rules to indicate that the object in designating sludges and byproducts as solid wastes via listing is to distinguish true on-going manufacturing processes from discontinous waste management activities characterized by elements of discard.

To do so, we are proposing to make two changes in the existing rules. The proposal makes explicit in the regulation itself the factors used to designate reclaimed sludges and byproducts as solid wastes, and the proposal indicates that the ultimate standard in making a decision is whether reclamation of the material is part of a continous on-going manufacturing process. The factors the Agency would consider in making this determination are the same as those described in the preamble to the final regulation.

Since the Agency fully explained its rationale for this choice of factors when it promulgated the final rule in 1985, only a short additional explanation is required here. These factors all bear on a regulatory determination of whether a particular material is discarded. The fact that the sludge or byproduct at issue is typically disposed of rather than recycled bears on whether a material is discarded or intended for discard. The second factor—whether the material is replacing a raw material—indicates that the material would be utilized further in a primary process, an indication of process continuity.

The third factor, the relation of the recovery practice to the principal activity of the facility, is also relevant. Where sludges and byproducts are returned not to the principal manufacturing process at a facility, but rather to an ancillary recovery step, there is a potential element of discard about the activity. The material is no longer suitable for continued use in the manufacturing process, but must set aside for some other purpose. As previously discussed, an example is cryolite recovery from spent potliners in the primary aluminum industry, an activity similar to the recycling activities described as involving waste management in footnote 14 of the court's opinion in that a material taken from a process is no longer used in the process, and so is discarded when sent to a different recovery operation. (Other factors, perhaps more important, also indicate that this activity could involve a solid waste. That is, spent potliners contain high concentrations of cyanide which is not recycled—indicating a waste treatment objective—and potliners are typically piled in the open before being recycled.)

The final factor involves the means of handling sludges and byproducts before they are to be reclaimed. If these materials are stored securely so that hazardous constitutents are not likely to be released to land, air or water, their status as valuable, in-process materials is confirmed in an objective way. On the other hand, if the manner if storage meets the RCRA definition of disposal *i.e.*, placed on the land as in an impoundment or an unenclosed pile—the activity involves discard (see RCRA section 3004(k)). Consequently, this factor is certainly relevant in determining whether sludges and by-products are wastes when reclaimed. As noted earlier, the opinion supports this position. 824 F.2d at n.20.

In addition to the factors discussed above relating to whether reclamation occurs as part of a continuous manufacturing process, the proposed rule also contains an important consideration to be used to distinguish reclamation activities from waste treatment. This is the secondary material's similarity to the raw material it is replacing, both in terms of material value to be recovered and concentration of toxic constituents. For example, an emission control dust from primary lead production sent to a different lead smelter but containing as much lead, and the same toxic constituents, as ore concentrate, is much more likely to be involved in a single, continuous production process than a sludge from an unrelated industry (for example, electroplating) which contains less recoverable metal than the virgin ore concentrate and (more importantly)

significant concentrations of toxic constituents not normally found in the ore concentrate. Most importantly, these other hazardous constituents are normally not recovered, and so are typically discarded by the process. These materials are not only discarded, but their presence often indicates that the recycling activity is largely a waste treatment process.

Finally, there may be situations where the Agency has designated a sludge or byproduct as a solid waste via listing but the material at a particular facility is acutally being reclaimed in a manner resembling on-going production without discard. For example, if the Agency were to list a particular slag from primary lead smelting because it is typically disposed of, is normally stored in open piles for long periods before recovery, and contains low amounts of lead compared to normal ore concentrate, but at a particular facility the slag is stored in storage bins, is typically shipped to another lead smelter within a short time of generation, and is unusually lead rich, the particular slag would not be deemed to be discarded. This possibility is remote, given that the existing closed-loop exclusion will already exclude most or all of the situations where listed sludges and byproducts are truly involved in on-going production. To allow for the possibility, however, we are also proposing to amend the rules today to indicate that any person with a listed sludge or byproduct destined for reclamation in a primary process not already excluded under the closed-loop provision can show that the sludge or byproduct is not discarded because it is involved in a continuous manufacturing process. This provision would be self-executing, and so does not require prior petition to the Agency. However, the burden of proof is on the person making this claim (§ 261.2(f)), and the demonstration would have to be based on the same factors the Agency would consider. In this regard, we note that the factor to be given principal weight in evaluating such a claim is how the materials are stored before being reclaimed. If the manner of storage involves disposal (i.e., involving placement on the land) it would be ineligible for exclusion under this provision. Only in unusual circumstances (storage in an enclosed pile for example) might the Agency accept such a claim. A demonstration would also have to address whether there are toxic constituents present which are not normally found in the corresponding virgin material and whether such toxic constituents are reclaimed or are discarded.

C. Exclusion of Spent Materials Reclaimed in Closed Systems and Returned to the Original Process

The final exclusion we are proposing in today's rules is for hazardous secondary materials that are reclaimed in closed systems followed by return of the reclaimed material to the original process. An example would be spent solvents that are stored and reclaimed in devices that are connected by pipes followed by return of the reclaimed solvent to the original process for further use. Another example is the regeneration of spent acid at steel plants which is sent to the original process for further use, where the entire operation occurs in tanks and/or industrial furnaces and the operation is connected by pipes. Under these circumstances, the spent material is not discarded. There is no element of discard perceptible when materials are reclaimed in these closed systems; there is just one continuous process.

The Agency indeed has already excluded a subset of these situations. See § 261.4(a)(8) (July 14, 1986), excluding from jurisdiction secondary materials which are reclaimed and returned for reuse in a production process and the reclamation system is closed in the sense of only tank storage being involved, the system is connected with pipes or other enclosed means of conveyance, the reclamation does not involve controlled flame combustion, accumulation time never exceeds 12 months, and the reclaimed material is not used to produce a fuel or a material that is recycled by being placed on the land. The exclusion proposed today would slightly extend this principle to cover situations where the reclaimed material is returned to the original process not as a feedstock but for some other purpose such as a degreasing agent. (The Agency suggested that such a change might be appropriate in the rulemaking on hazardous waste tanks. 51 FR 25442 (July 14, 1986).)

Although the court's opinion did not deal explicitly with this type of reclamation, we have concluded that the court's rationale applies to these closed reclamation systems. The reclamation of spent materials is not precisely like the petroleum refining and mining (smelting) processes discussed in the opinion because the latter processes involve continued extraction of hydrocarbon or metal values from secondary materials as part of on-going manufacturing processes, while reclamation of spent materials involves recovery of the same material (e.g., a solvent). However, EPA notes that in some cases, spent materials (or other hazardous secondary materials) are reclaimed continuously (or nearly so), and the reclamation process is an integral part of the manufacturing process. In these cases, provided there is no element of discard, EPA has concluded that the secondary material being so reclaimed is not a solid waste. We are therefore proposing to amend § 261.4 to exclude spent materials being reclaimed in closed systems, subject to certain conditions specifying the nature of the closed system.

Today's rule thus proposes to exclude from jurisdiction hazardous secondary materials that are reclaimed and returned to the original process (as these terms are explained in 51 FR 25442 and 50 FR 640 (July 14, 1986 and January 4, 1985) provided that only tank storage is involved and the entire process through completion of reclamation is closed by being entirely connected with pipes or similar enclosed conveying devices. Like the existing exclusion in § 261.4(a)(8), today's proposal does not apply when there are elements of discard involved in the recycling process. Thus, if secondary materials accumulate for extended periods without being reclaimed, the process is not continuous because recycling is not occurring and the materials have been disposed of through storage. The 12-month period specified in existing rules, which proved non-controversial when adopted for other types of tank systems, appears to be an appropriate time period to gauge overlong accumulation. (Note that an owner or operator claiming this exclusion must keep sufficient documentation to show that his operation meets the conditions of the exclusion—in this case that his storage does not exceed 12 months.) See § 261.2(f)

Second, the rule proposed today would not exclude situations when the reclaimed material is to be burned for energy recovery or placed on the land. Processes where secondary materials are burned for energy recovery or are used to produce fuels, or materials that are applied directly to the land are not within the court's view of in-process, on-going manufacturing. (The condition in existing § 261.4(a)(8)(ii) likewise is intended to retain jurisdiction over recycling activities involving burning for energy recovery. 51 FR 25442 Col. 3.) These provisions would have little meaning if they could be avoided by the simple expedient of connecting a unit burning wastes for energy recovery to a tank via piping. Not only are these

burning or land placement activities themselves disposal, but the statute specifically addresses on-site waste burning activities and commands their regulation. See section 3004(q)(2)(B); see also sections 3004(q)(2)(A), 3004(r)(2), and 3014(2)(B)(i)(II). Similarly, if the materials are being incinerated, they are not being recycled at all and so would be disposed of via destruction. The proposed rule consequently also indicates that the exclusion does not apply when hazardous secondary materials are piped to incinerators.

IV. State Authority

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. (See 40 CFR Part 271 for the standards and requirements for authorization.) Following authorization, EPA retains enforcement authority under sections 3008, 7003 and 3013 of RCRA, although authorized States have primary enforcement responsibility.

Prior to the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), a State with final authorization administered its hazardous waste program entirely in lieu of EPA administering the Federal program in that State. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities in the State which the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obliged to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by HSWA take effect in authorized States at the same time that they take effect in nonauthorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, the HSWA applies in authorized States in the interim.

Today's proposed amendments are *not* imposed pursuant to HSWA. The rule changes, therefore, will become effective immediately only in those States without interim or final authorization, not in authorized States. The effect of the rule changes on State authorization is discussed next.

B. Effect on State Authorizations

Today's rule, if adopted as final, will not be effective in authorized States since the requirements are not being imposed pursuant to HSWA. Thus, the requirements will be applicable only in those States that do not have interim or final authorization. In authorized States, the requirements will not be applicable until the State revises its program to adopt equivalent requirements under State laws.

40 CFR 271.21(e)(2) requires that States that have final authorization must modify their programs to reflect Federal program changes and must subsequently submit the modifications to EPA for approval. However, it should be noted that authorized States are only required to modify their programs when EPA promulgates Federal standards that are more stringent or broader in scope than the existing Federal standards. Section 3009 of RCRA allows States to impose standards more stringent than those in the Federal program. For those Federal program changes that are less stringent or reduce the scope of the Federal program, States are not required to modify their programs. See 40 CFR 271.1(k). The amendments proposed today reduce the scope of the existing Federal requirements. Those provisions appear in 40 CFR 261.2 and 261.4. Therefore, authorized States will not be required to modify their programs to adopt requirements equivalent or substantially equivalent to the provisions proposed today.

However, as noted above, States are required by § 271.21 (51 FR 33722) to revise their programs to reflect Federal program changes. A number of States qualified for final authorization prior to being required to adopt the redefinition of solid waste rulemaking of January 4, 1985 (50 FR 614). Since the January 4, 1985 rule is more stringent than the rule under which such States were authorized, such States were required to revise their programs in accordance with § 271.21. Today's proposed changes, if promulgated, will not preclude EPA's ability to authorize States which have subsequently adopted the January 4 rule since it would reduce the scope of the Federal requirements. However, certain aspects of the State's regulation will be broader in scope than the Federal program and therefore not part of the authorized State program. This means that while they are enforceable under State law, they are not subject to Federal enforcement.

40 CFR 271.21(e) (51 FR 33722, September 22, 1986) provides for extensions of time at the discretion of the Regional Administrator for States to adopt changes to their regulations and/or statutes to conform to change in the Federal program. The question arises, however, of whether States which have not yet adopted the January 4 rule must adhere to EPA's published compliance schedules for such adoption. Where States have delayed rulemaking pending today's proposal clarifying the impact of the court's decision, the Regional Administrators may be flexible in further extending the modification deadlines. The Regional Administrators should take into account the States' regulatory and/or legislative procedures in deciding what further extensions may be warranted. However, any States which have delayed rulemaking should now proceed to expeditiously adopt the January 4, 1985, rules as amended by today's notice, when rule changes resulting from today's proposal are finalized.

V. Executive Order No. 12291—Regulatory Impacts

Under Executive Order No. 12291, EPA must determine whether a regulation is "major" and thus subject to the requirement to prepare a regulatory impact analysis. A rule is major if it will: (1) Have an effect on the economy of $100 million or more; (2) significantly increase costs or prices to industry; or (3) diminish the ability of the U.S.-based companies to compete in domestic or export markets. The Administrator has determined that today's proposed amendments do not constitute a major rule because the amendments will decrease the scope of the Subtitle C regulatory program. This proposed rule has been submitted to OMB for review under E.O. No. 12291.

VI. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 et. seq., EPA must consider the paperwork burden imposed by any information collection request in a proposed or final fule. This rule will not impose any new information collection requirements.

VII. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et. seq., EPA must prepare a regulatory flexibility analysis for all proposed rules unless the Administrator certifies that the rule will not have a significant impact on a substantial number of small entities. Accordingly, I hereby certify, pursuant to 5 U.S.C. 601(b), that this rule will not have a

significant impact on a substantial number of small entities because today's proposed amendments reduce the scope of the Subtitle C regulatory program.

VIII. Supporting Documents

The documents used in developing this notice are available in the EPA RCRA Docket at Room LG–100, 401 M Street SW., Washington, DC 20460. Persons who wish to view docket materials must make an appointment by calling (202) 475–9327. The docket code number is F–87–SWRP–FFFFF.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Dated: December 31, 1987.

Lee M. Thomas

Administrator.

For the reasons set out in the preamble, it is proposed to amend Title 40 of the Code of Federal Regulations as follows:

PART 261—IDENTIFICATION AND LIST OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6922.

2. Section 261.2 is amended by revising paragraph (c)(3) to read as follows:

§ 261.2 Definition of solid waste.

* * * * *

(c) * * *

(3) *Reclaimed.* (i) Materials noted with a "*" in column 3 of Table 1 are solid wastes when reclaimed. Sludges and byproducts will be designated by EPA as solid wastes by listing in § 261.31 or § 261.32 of this part based on consideration of the following factors, no one of which shall be determinative:

(A) Whether the sludge or byproduct, on an industry-wide basis, is typically recycled rather than disposed of;

(B) Whether the sludge or byproduct is replacing a raw material when it is reclaimed (i.e., whether it is reclaimed in a primary rather than a secondary process);

(C) Whether the reclamation practice is closely related to the principal activity of the reclamation facility;

(D) Whether the sludge or byproduct is stored before being reclaimed in a manner designed to minimize loss (for example, by utilizing storage practices that do not involve placement on the land); and

(E) Other appropriate factors.

(ii) The ultimate object in applying these factors is to determine whether the sludges or byproducts are being utilized in on-going, continuous manufacturing processes. However, when the sludges or byproducts contain significant concentrations of toxic constituents not normally found in the raw materials they are replacing, which toxic constituents are not reclaimed by the process, the process may be waste treatment rather than reclamation. In addition, if a byproduct or sludge actually has been designated as a solid waste pursuant to this provision, an individual generator may nevertheless demonstrate that his sludge or byproduct is being reclaimed in an on-going continuous manufacturing process based on the factors used by the Agency. This demonstration is self-implementing; but under paragraph (f) of this section, the burden of proof is on the generator making the demonstration. The Agency will not accept demonstrations where there is storage involving placement on the land.

* * * * *

2. Section 261.4 is amended by revising paragraph (a)(8) and by adding paragraphs (a)(9) and (a)(10) to read as follows:

§ 261.4 Exclusions.

* * * * *

(a) * * *

(8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated provided:

(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) Reclamation does not also involve controlled flame combustion for energy recovery (such as could occur in boilers or industrial furnaces) or incineration (by burning in an incinerator);

(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and

(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

(9) Oil-bearing hazardous secondary materials from petroleum refining which are converted into petroleum coke at the same facility at which such materials are generated, provided the materials are not stored in a manner involving placement on the land, or accumulated speculatively, before being so recycled. (However, coke produced from such recycling is not a solid waste.)

(10) Oil-bearing hazardous secondary materials from petroleum refining that are generated onsite and reinserted into the petroleum refining process along with normal process, streams, provided that the materials are not stored in a manner involving placement on the land, or accumulated speculatively, before being so recycled. (Fuels produced from such recycling activities are not solid wastes.)

* * * * *

[FR Doc. 88–310 Filed 1–7–88; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 74 and 78

[MM Docket No. 86–405; FCC 87–390]

Broadcast Services; Flexible Operational and Licensing Procedures for the Broadcast Auxiliary Services and the Cable Television Relay Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action terminates a proceeding that was initiated by a *Notice of Inquiry* (*NOI*), FCC 86–453, released November 4, 1986 (51 FR 40990, November 12, 1986) to gather information related to frequency coordination and the feasibility of relaxing licensing for portable and mobile stations in the broadcast auxiliary and the cable television relay services. The record lacks specific proposals and suggestions that could provide guidance to implement required participation in local frequency coordination, a necessary prerequisite to relaxing present licensing procedures.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Hank VanDeursen, Mass Media Bureau, (202) 632–9660.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order in MM Docket No. 86–405, adopted December 15, 1987, and released December 30, 1987.

This full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Memorandum Opinion and Order

1. The NOI suggested that broadcast and cable entities might be granted blanket authorization to operate portable and mobile stations on any frequencies in bands that they are permitted to use rather than being licensed for specific frequencies. This blanket license concept is predicated and critically dependent upon the existence of highly developed local frequency coordination and a minimum of Commission involvement. The proceeding, therefore, focuses on frequency coordination issues.

2. The comments received raised concerns about issues such as uniform quality of coordination service, limited time and resources available to coordinators, and the authority and selection of coordinators. Although most commenters urged required local coordination by all licensees, the concerns raised in the NOI were not addressed and no guidance was offered to aid in formulating a proposal in this area. However, comments indicate that there is an active effort by an industry-wide group, the National Frequency Coordinating Council, which is making progress toward formulating mutually beneficial solutions to frequency coordination problems.

3. Therefore, the Commission will not now propose rule changes to mandate aspects of the coordination program. The industry is invited to develop a viable, comprehensive plan that resolves the concerns uncovered in this proceeding and to submit its proposal in an appropriate petition for rulemaking. This will afford industry the opportunity to set its own priorities and timetable in this matter.

B. Walker Feaster III,

Acting Secretary, Federal Communications Commission.

[FR Doc. 88-341 Filed 1-7-88; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 70639-7206]

Critical Habitat for Hawaiian Monk Seals; Endangered Species Act

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

ACTION: Notice of proposed rulemaking.

SUMMARY: NMFS proposes to extend critical habital for Hawaiian monk seals beyond 10 fathoms in areas designated as critical on April 30, 1986. NMFS believes the designation of critical habitat to 20 fathoms would benefit the species because it will include additional areas that may require special management consideration or protection. Also, NMFS proposes to add Maro Reef to the areas designated as critical in the Northwestern Hawaiian Islands (NWHI).

DATE: Comments should be received by February 8, 1988.

ADDRESS: Dr. Nancy Foster, Director, Office of Protected Resources and Habitat Programs, NMFS, Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: James H. Lecky, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, CA 90731, 213-548-2518; or Margaret Lorenz, Protected Species Management Division, NMFS, Washington, DC 20235, 202-673-5349. Copies of the final environmental impact statement are also available from these offices.

SUPPLEMENTARY INFORMATION:

Background

Since the final rule designating critical habitat out to 10 fathoms was issued (April 30, 1986, 51 FR 16047), NMFS has continued to examine the basis for its decision. Of particular concern is whether areas beyond 10 fathoms may be in need of special management considerations or protection either now or in the reasonably forseeable future. To provide the agency with the best available information on this issue and to assist it in determining whether a reconsideration of the current designation is appropriate, NMFS solicited public comments on this matter.

Comments were invited on whether the areas between 10 to 20 fathoms around the islands that are included in the current designation of critical habitat "may require special management considerations or protection." The phrase "special management considerations or protection" has been defined by regulation at 50 CFR 424.02(j) as "any methods or procedures useful in protecting physical and biological features of the environment for the conservation of listed species." Commenters were asked to address activities that may occur within the range of the Hawaiian monk seal which would require special management measures. Also, comments were requested on whether Maro Reef should be included in any revision to the designation of critical habitat that may result from this consideration.

Comments were received from the State of Hawaii, Marine Mammal Commission, Greenpeace, Sierra Club Legal Defense Fund, American Cetacean Society, New England aquarium, Conservation Council for Hawaii, American Society of Mammalogists, Humane Society of the U.S. and eight individuals during the public comment period on the advance notice of proposed rulemaking.

All commenters, except the State of Hawaii, favored extending critical habitat out to 20 fathoms and including Maro Reef in the areas designated as critical. The State believes there is insufficient evidence to show that waters from 10 to 20 fathoms deep, or around Maro Reef, are particularly critical, and they believe there is no legal basis for the proposed rulemaking. The State did not agree with the original designation of critical habitat in the NWHI. In this case, the State believes that NMFS does not have data on what proportion of their time monk seals spend in this range, how much food or other requirements they derive from it, and how the designation of critical habitat out to 20 fathoms would provide significantly greater protection for the seals than existing critical habitat.

The comments submitted by the Marine Mammal Commission were representative of the other commenters. Their recommendations are based on the conclusion that available data and information clearly indicate that essential feeding occurs out to and beyond the 20 fathom contour. Depth-of-dive studies, indicating that monk seals spend a substantial amount of time diving and presumably feeding in waters deeper than 10 fathoms, suggest that monk seals cannot sustain themselves exclusively in depths of less than 10 fathoms and that waters deeper than 10 fathoms provide necessary space for normal behavior. The Commission believes that areas within and beyond the 20 fathom isobath need special management considerations or protection because of commercial fishing, marine debris, and increasing ship traffic associated with fishing operations, potential offshore mining, research and management activities and other activities. Entanglement has occured in active fishing gear and recently caused the death of one Hawaiian monk seal. In the Hawaiian Island National Wildlife Refuge, the Fish and Wildlife Service has identified provisions in its Master Plan/Environmental Impact Statement for the Refuge to prohibit the transit of vessels

in waters shallower than 100 fathoms around Refuge Islands and to regulate and monitor nearshore vessel traffic.

The Commission believes that areas leased off the NWHI for deep seabed mining could threaten monk seals by disrupting behavioral patterns, by introducting contaminants that could adversely affect monk seals or their prey, or by modifying habitat features that support essential prey species.

Also, the Commission states that Maro Reef should be included in the designation of critical habitat because monk seals are frequently observed around the reef even though the nearest regularly used hauling ground is located at Laysan Island, about 70 nautical miles away. The fact that seals are sighted frequently at this reef confirms regular use of the area, and it is reasonable to conclude that Maro Reef constitutes important feeding habitat and/or space for at least part of the population.

After reviewing the comments of the Marine Mammal Commission and others as well as our earlier decision regarding critical habitat for the Hawaiian monk seal, NMFS believes it is prudent to extend the designation of critical habitat out to 20 fathoms in all areas currently designated as critical habitat and to include Maro Reef. This action is described in Alternative One of the Final Environmental Impact Statement—Proposed Designation of Critical Habitat for the Hawaiian Monk Seal in the Northwestern Hawaiian Islands (May 1986). NMFS especially focused on the extensive comments regarding the areas that may need special management consideration or protection. The designation of critical habitat to 20 fathoms affords substantial protection for the Hawaiian monk seal and includes areas that are both essential and in need of special management consideration or protection. The additional areas incorporated in this designation consist primarily of foraging habitat.

Critical Habitat

The Endangered Species Act defines critical habitat as "* * * (i) the specific areas within the geographical area occupied by the species, at the time it is listed * * * on which are found those physical or biological features (I) essential to the conservation of the species, and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed * * * upon a determination by the Secretary that such areas are essential for the conservation of the species" (16 U.S.C. 1532(5)(A)). "Except in those circumstances determined by the Secretary, critical habitat shall not include the entire geographical area which can be occupied" by the species (16 U.S.C. 1532(5)(C).

The criteria to be considered in making a critical habitat designation are included in 50 CFR 424.12. The following biological requirements must be considered in designating critical habitat:

(1) Space for individual and population growth, and for normal behavior;

(2) Food, water, air, light, minerals, or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, rearing of offshpring, germination, or seed dispersal; and generally,

(5) Habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of listed species.

Regulations designating critical habitat must be based on the best available scientific data and must be accompanied by a brief description and evaluation of those activities that may adversely modify the habitat or may be affected by designation. Economic and other relevant impacts of specifying critical habitat must also be considered when designating habitat, and any area may be excluded from a critical habitat designation if a determination is made that the benefits of the exclusion outweigh the benefits of designation. The only exception to this provision is if the failure to designate critical habitat will result in the extinction of the species.

To determine what portion of the monk seal's range contains habitat that is consistent with the definition of "critical habitat," NMFS reviewed the available biological information, comments on the Supplemental Environmental Impact Statement, the management recommendations made by the Recovery Team and the Marine Mammal Commission, the comments received in response to the advance notice and the record of Endangered Species Act Section 7 consultations on Federal activities in the NWHI.

There are no inherent restrictions on human activities in an area designated as critical habitat. A critical habitat designation directly applies to those actions authorized, funded, or carried out by Federal agencies. It notifies Federal agencies that a listed species depends on a particular area for its continued existence and that any Federal action that may affect that area is subject to the consultation requirements of section 7 of the ESA. Any Federally regulated activities may be conducted in an area designated as critical habitat if the authorizing Federal agency determines through the Section 7 consultation process that the activity is not likely to jeopardize the continued existence of the species or result in the destruction or adverse modification of critical habitat. Activities that are conducted by state agencies or the private sector without Federal involvement may be carried out without regard to Section 7 although other provisions of the ESA and other Federal and State laws may impose prohibitions on activities resulting in the taking of endangered or threatened species.

Hawaiian Monk Seal Biology

The biology of the Hawaiian monk seal is discussed in the Supplemental and Final Environmental Impact Statements. The discussion includes the history of exploitation, trends in population size, current status of the population, life history parameters, habitat requirements, and biological problems confronting the species. Further information is available from the Draft Environmental Statement, the Recovery Plan, and the 5-year Status Review for the Hawaiian monk seal.

Habitat Requirements

A summary of research studies concerning habitat requirements of the Hawaiian Monk Seal is provided here. References to the original studies are provided in the FEIS.

Existing data indicate that all beach areas used by the Hawaiian monk seal for pupping, nursing, and rearing pups and some haul-out areas where pupping is imminent (e.g. Tern Island, French Frigate Shoals) are essential for the continued existence of the species. Because of the limited terrestrial habitat available to the Hawaiian monk seal, any loss of pupping, nursing, and major haul-out areas could affect the conservation of the species adversely. Shallow, protected water immediately adjacent to beaches is also an important factor for a successful pupping area.

Observations show that adult female monk seals leave the islands for about two to three weeks after weaning their pups. They leave in an emaciated condition, return in relatively good condition, remain for a few days on the islands, then depart for an additional period of a few weeks before reappearing well nourished. Since they apparently do not haul out during these protracted periods away, it is assumed that they are feeding at least beyond the

inner reef and probably at a considerable distance from shore.

Information on foraging habitat is available from studies on food habits and surveys of nearshore fish resources. Hard parts recovered from scats and spewings were analyzed to identify the prey base exploited by monk seals. The analyses indicate that monk seals feed on octopus, squid, and a variety of fishes. Lobster was not reported as a prey species although it has been reported elsewhere.

Information on foraging behavior is also available from observations of monk seals and depth of dive studies. Researchers observed 301 dives in the channel off the western end of Tern Island, French Frigate Shoals. They did not observe consumption of prey but concluded from the regularity of the dives that the seals were foraging. Water depths in the area of observation varied from less than one fathom to five fathoms. Studies of depth of dives for the seals were conducted at Lisianski Island in 1980 and 1982 to provide additional information on habitat use. In 1980, depth-of-dive recorders were attached to seven adult male monk seals. Over 4,800 dives by six animals (one recorder failed) were recorded. Fifty-nine percent of the dives were in the range of 5.5 to 21.9 fathoms (10-40 meters). No information was collected on diving in water less than 5.5 fathoms, and maximum dives ranged beyond 66.2 fathoms (121 meters). In 1982, recorders were placed on five adult males, one subadult female, one juvenile male, and one juvenile female. The dive recorders malfunctioned, so that the dive profiles recorded may not be a true reflection of habitat use. However, the data generally are consistent with those collected earlier for adult males. The subadult and juvenile females made dives in excess of 80 fathoms (150 meters) extending the known diving depth of monk seals.

Thus, the biological information shows that monk seals forage from near shore waters (<0.5 fathoms) to depths down the reef slope beyond 80 fathoms.

Based on available information, habitat requirements for the health, well being, and continued viability of the Hawaiian monk seal population, listed in decreasing order of probable importance, include the following:

1. Pupping and major hauling beaches including the vegetation immediately backing the beaches (coral sand beaches and lava benches).

2. Shallow protected water adjacent to the above (tide pools, inner reef waters, shoal areas, and near shore shallows).

3. Deeper inner reef areas and lagoon waters.

4. Other waters surrounding the NWHI to at least 80 fathoms.

5. Banks and shoals without emergent lands and pelagic waters.

The recommended management measures in the Recovery Plan and the biological opinions resulting from formal section 7 consultations, and information on trends in abundance indicate that the habitat which may be in need of special management considerations or protection is that habitat used by monk seals for pupping and nursing, where weaned pups learn to swim and forage, and major hauling out areas where growth has been substantial and pupping is imminent and a substantial portion of the forage area around feeding islands. A precise boundary to the area in need of special management considerations or protection is difficult to draw, but extending the designation of critical habitat out to 20 fathoms is expected to include essential areas.

Therefore, NMFS proposes to designate as critical habitat for the Hawaiian monk seal all beach areas, including all beach crest vegetation to its deepest extent inland, lagoon waters, and ocean waters out to a depth of 20 fathoms, around Kure Atoll, Midway Islands (except Sand Island and its harbor), Pearl and Hermes Reef, Maro Reef, Lisianski Island, Laysan Island, Gardner Pinnacles, French Frigate Shoals, Necker Island, and Nihoa Island. References to beaches or beach areas include all sand spits and islets.

Effect of the Rulemaking

This action would directly affect only Federal agencies and those acting under Federal authority. It would not affect State and local government activities or private actions which are not dependent on or limited by Federal authority, permits, or funds. However, many of the activities in the NWHI are subject to some Federal control and could be affected. Section 7 of the ESA requires Federal agencies to consult with NMFS to ensure that any activity funded, authorized, or undertaken by them is not likely to jeopardize the continued existence of endangered species or result in the destruction of adverse modification of critical habitat.

Currently, Federal agencies are required to consult on actions that may affect Hawaiian monk seals. The extension of designated critical habitat would require Federal agencies to evaluate their activities with respect to critical habitat and consult with NMFS on any action that may affect critical habitat to ensure that it is not likely to result in the destruction or adverse modification of the critical habitat. In most situations, consultation would be required even without a critical habitat designation because actions that affect critical habitat are also likely to affect the monk seal. Therefore, expanding the designation of critical habitat would not substantially add to the Federal agencies' responsibilities and thus would not have any significant adverse economic impacts on State or private entities including small businesses. Extending the designation of critical habitat would assist Federal agencies in evaluating the potential effects of their activities on monk seals and in determining when consultation with NMFS would be appropriate. The Federal agencies most likely to be affected by this designation include the U.S. Coast Guard, U.S. Navy, U.S. Fish and Wildlife Service, Minerals Management Service, Western Pacific Regional Fishery Management Council, and NMFS.

The proposed rule is not expected to have any direct impact on fisheries in the NWHI. The only direct economic costs would be those associated with more extensive monitoring of Federal activities by NMFS and those from administrative actions by Federal activities resulting from reviews of thier activities in the NWHI. Since Federal agencies are already required to conduct section 7 consultations for activities that may affect Hawaiian monk seals or conform to National Environmental Policy Act (NEPA) requirements for actions that significantly affect the quality of the human environment, any additional costs are expected to be minimal.

Classification

For reasons discussed in *Effects of the Rulemaking*, the NOAA Administrator has determined that this is not a major rule requiring a regulatory impact analysis under Executive Order 12291. The regulations are 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) a significant adverse effect 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.

Further, the General Counsel of the Department of Commerce has certified to the Small Business Administration

that the proposed rule will not have a significant economic impact on a substantial number of small entities as described in the Regulatory Flexibility Act. Therefore, a regulatory flexibility analysis is not required. This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980.

National Environmental Policy Act

Draft, supplemental, and final environmental impact statements were prepared on the action to designate critical habitat out to 10 fathoms. This proposed action to extend critical habitat to 20 fathoms is analyzed as Alternative One in the FEIS. Copies of the FEIS are available on request. (see "For Further Information Contact" section for address).

List of Subjects in 50 CFR Part 226

Endangered and threatened wildlife, Marine mammals.

Dated: December 30, 1987.

William E. Evans,

Assistant Administrator for Fisheries.

Accordingly, Part 226 of Chapter II of Title 50 of the Code of Federal Regulations is proposed to be amended as follows.

PART 226—[AMENDED]

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

Authority: 16 U.S.C. 1533.

2. Section 226.11 under Subpart B is revised to read as follows:

§ 226.11 Northwestern Hawaiian Islands.

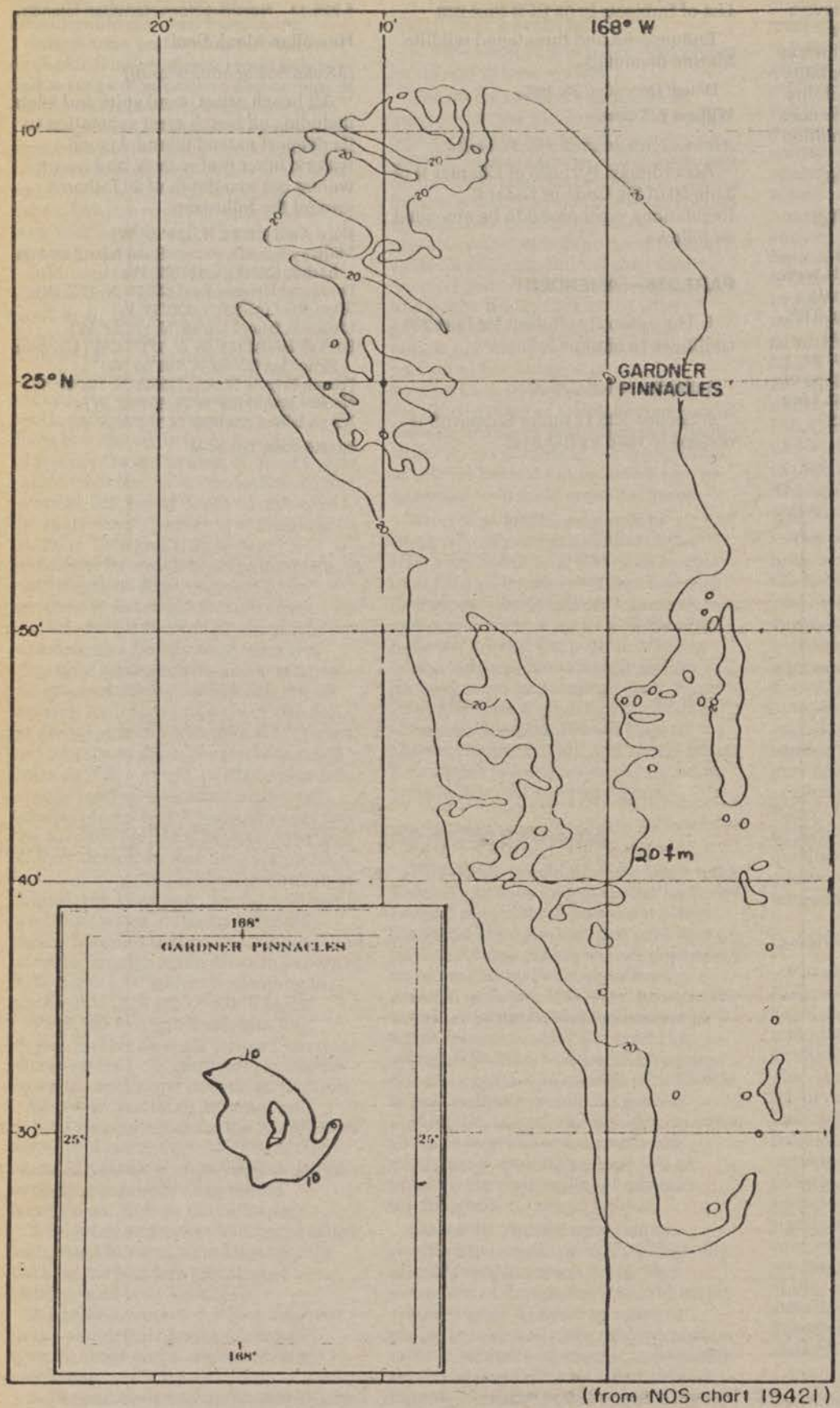
Hawaiian Monk Seal

(Monachus schauinslandi)

All beach areas, sand spits and islets, including all beach crest vegetation to its deepest extend inland, lagoon waters, inner reef waters, and ocean waters out to a depth of 20 fathoms around the following:

Kure Atoll (28°24′ N, 178°20′ W)
Midway Islands, except Sand Island and its harbor (28°14′ N, 177°22′ W)
Pearl and Hermes Reef (27°55′ N, 175° W)
Maro Reef (25°25′ N, 170°35′ W)
Lisianski Island (26°46′ N, 173°58′ W)
Laysan Island (25°46′ N, 171°44′ W) Gardner Pinnacles (25°00′ N, 168°00′ W)
French Frigate Shoals (23°45′ N, 166°00′ W)
Necker Island (23°34′ N, 164°42′ W)
Nihoa Island (23°03.5′ N, 161°55.5′ W)

BILLING CODE 3510-22-M



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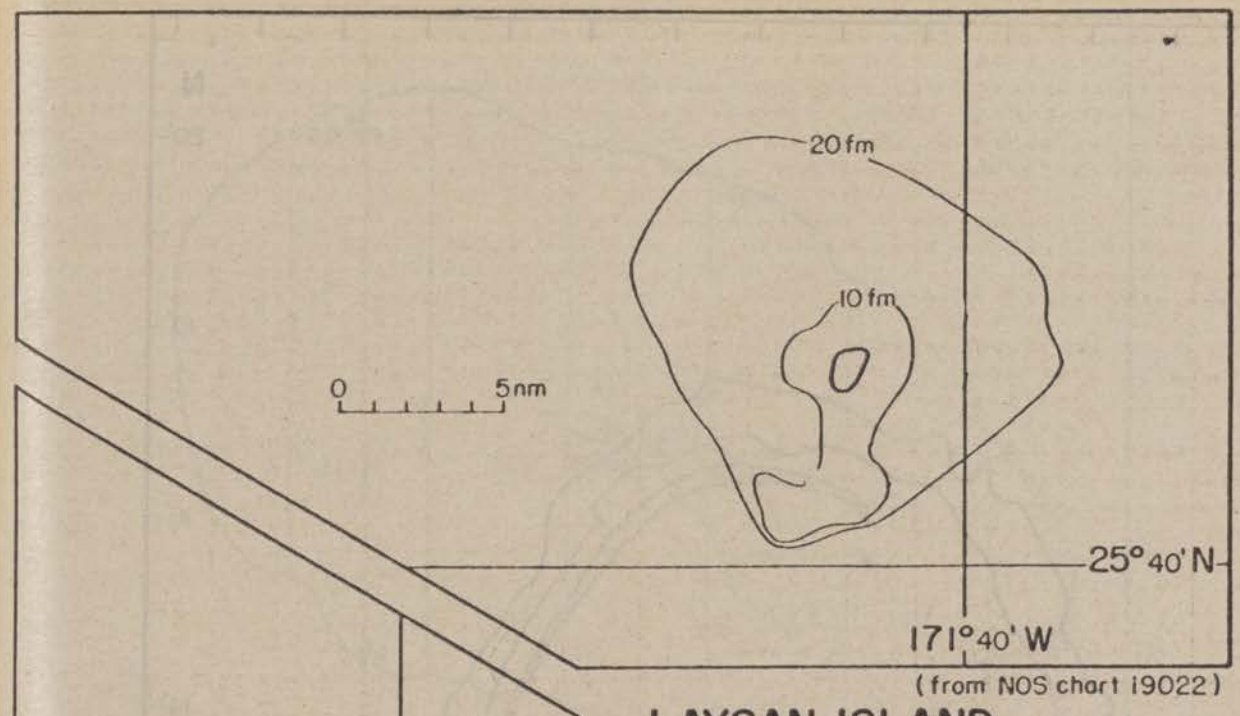
GARDNER PINNACLES



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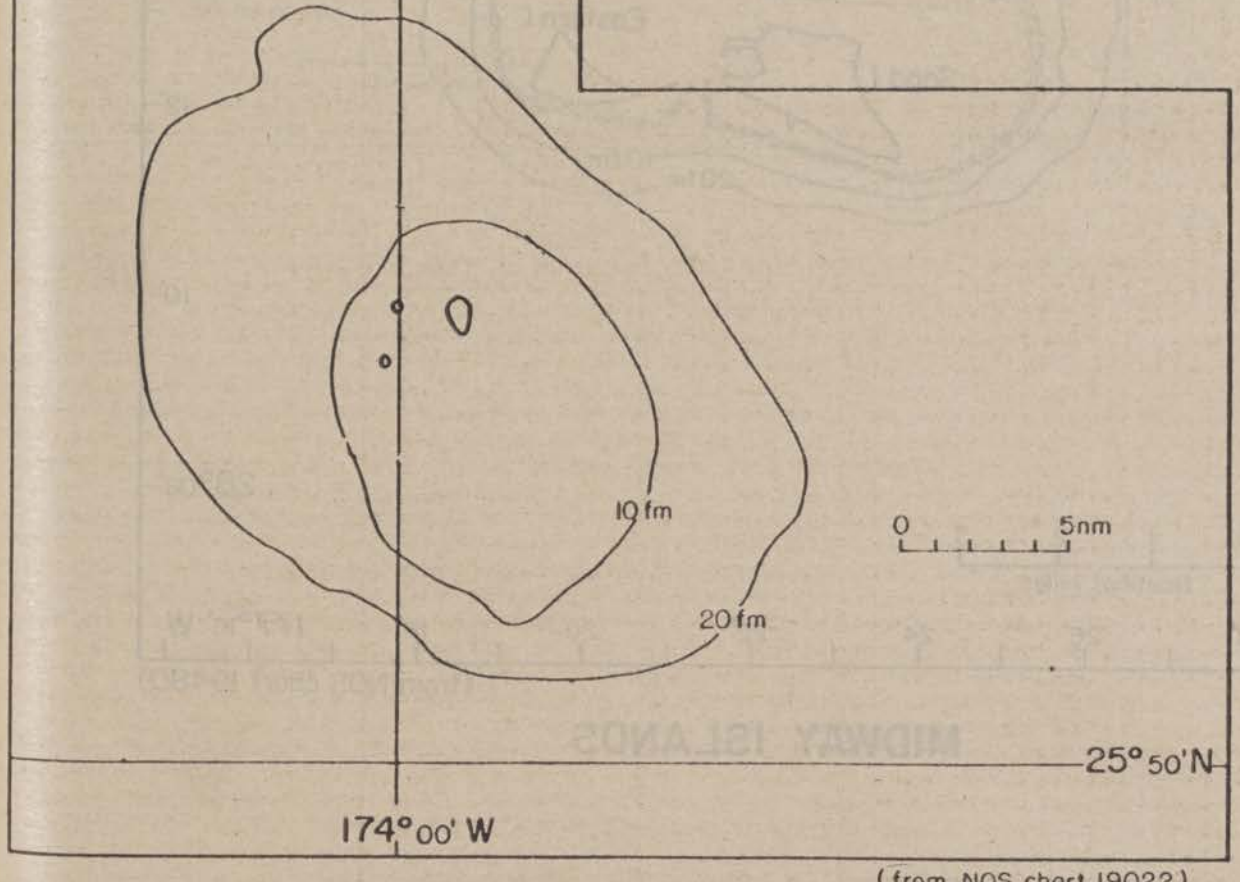
LAYSAN ISLAND



(from NOS chart 19022)

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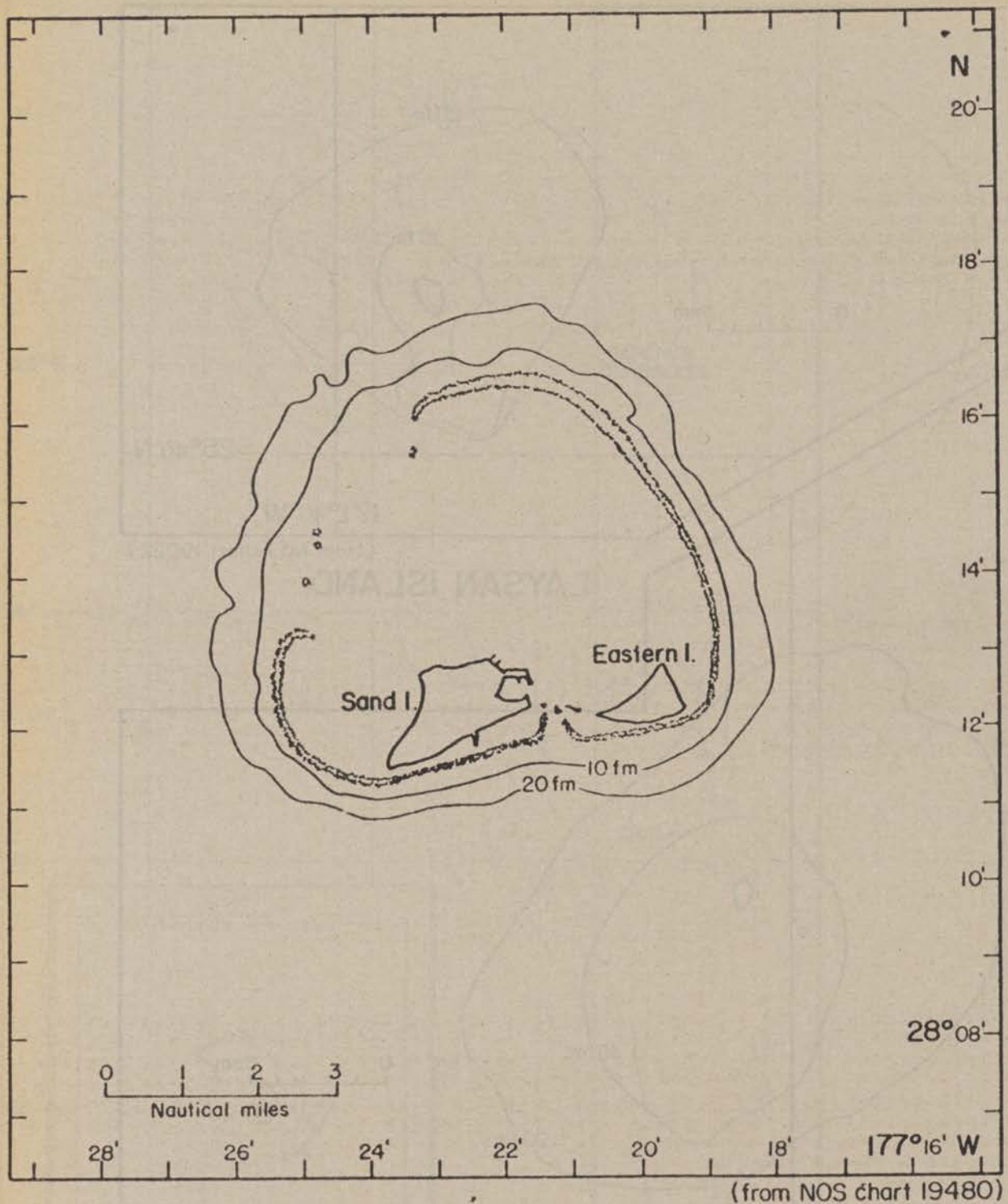
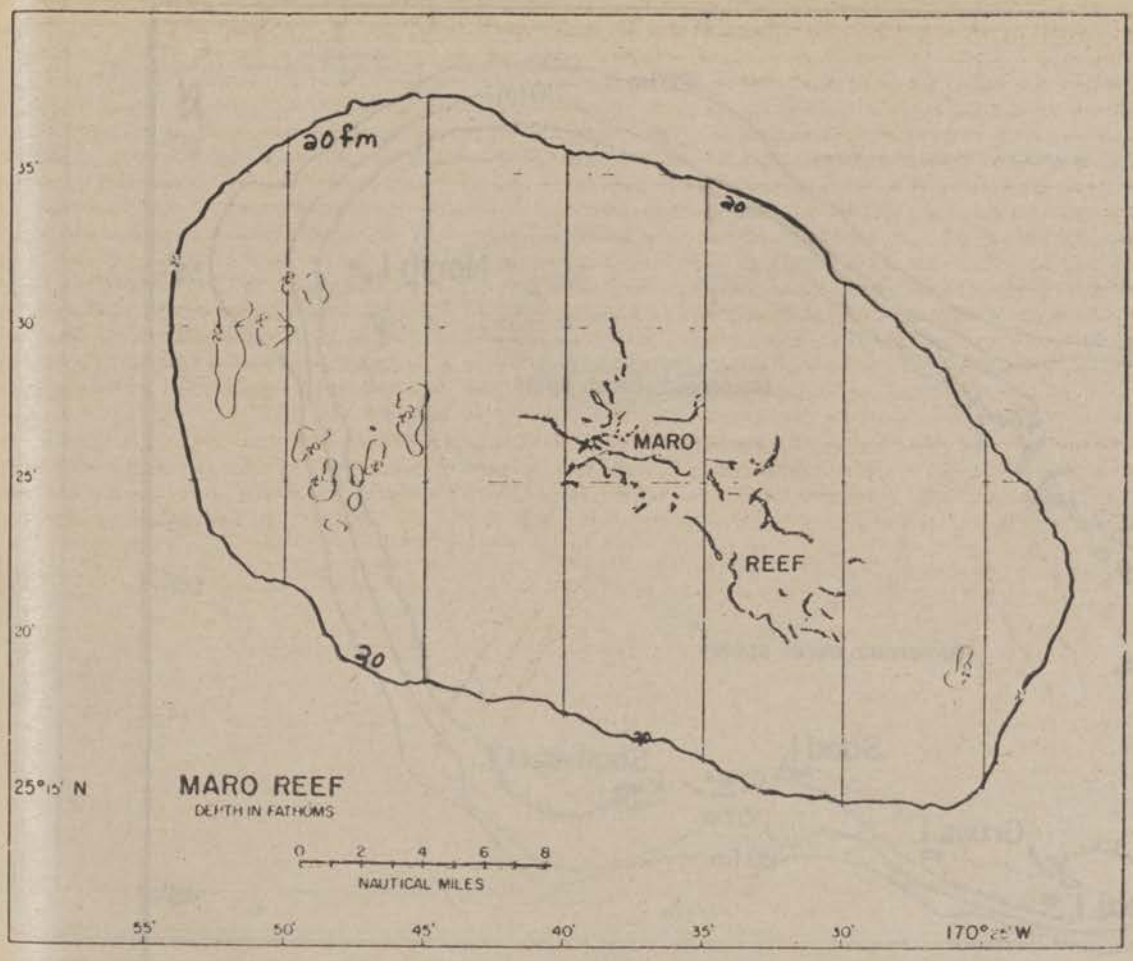


MIDWAY ISLANDS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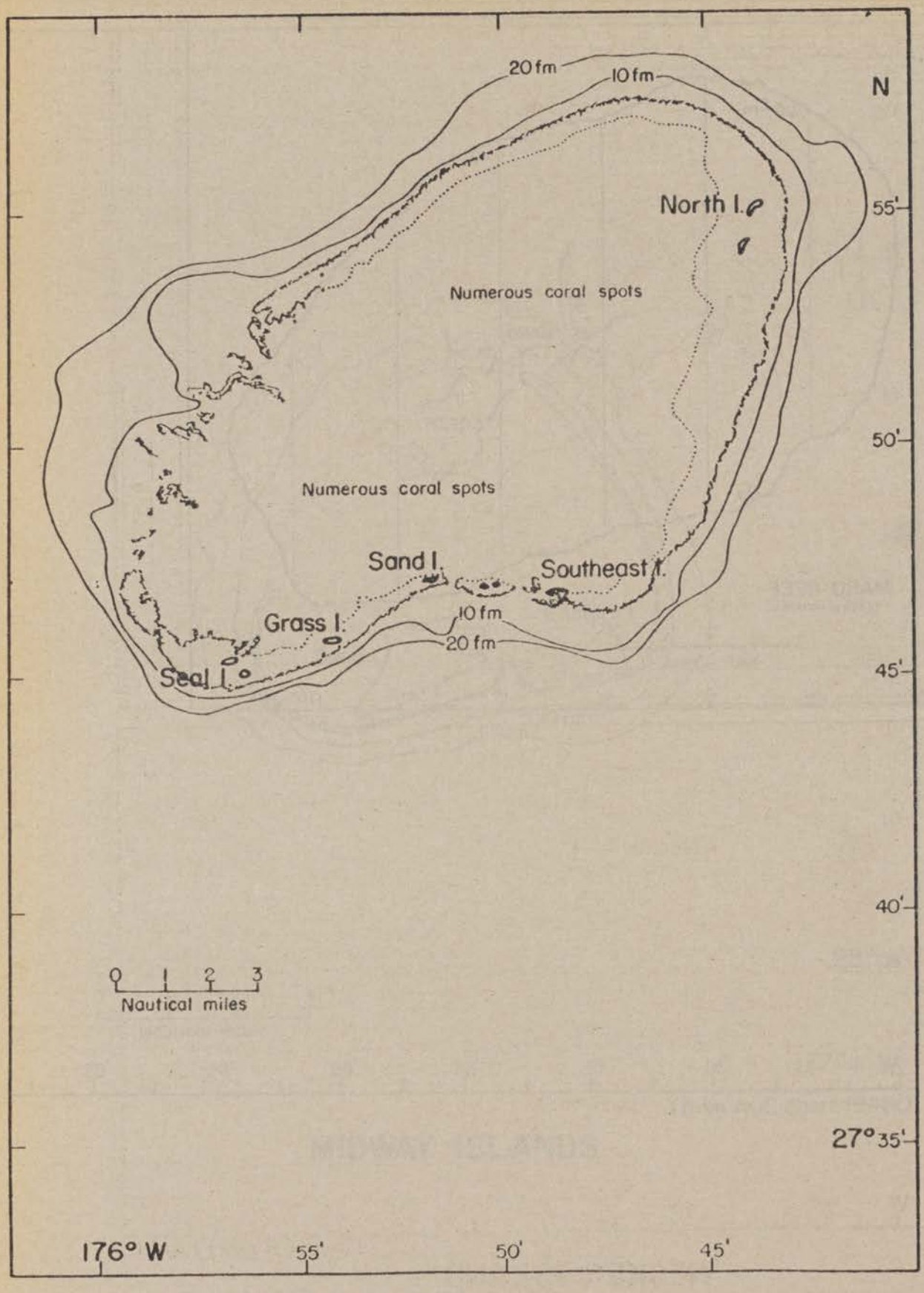

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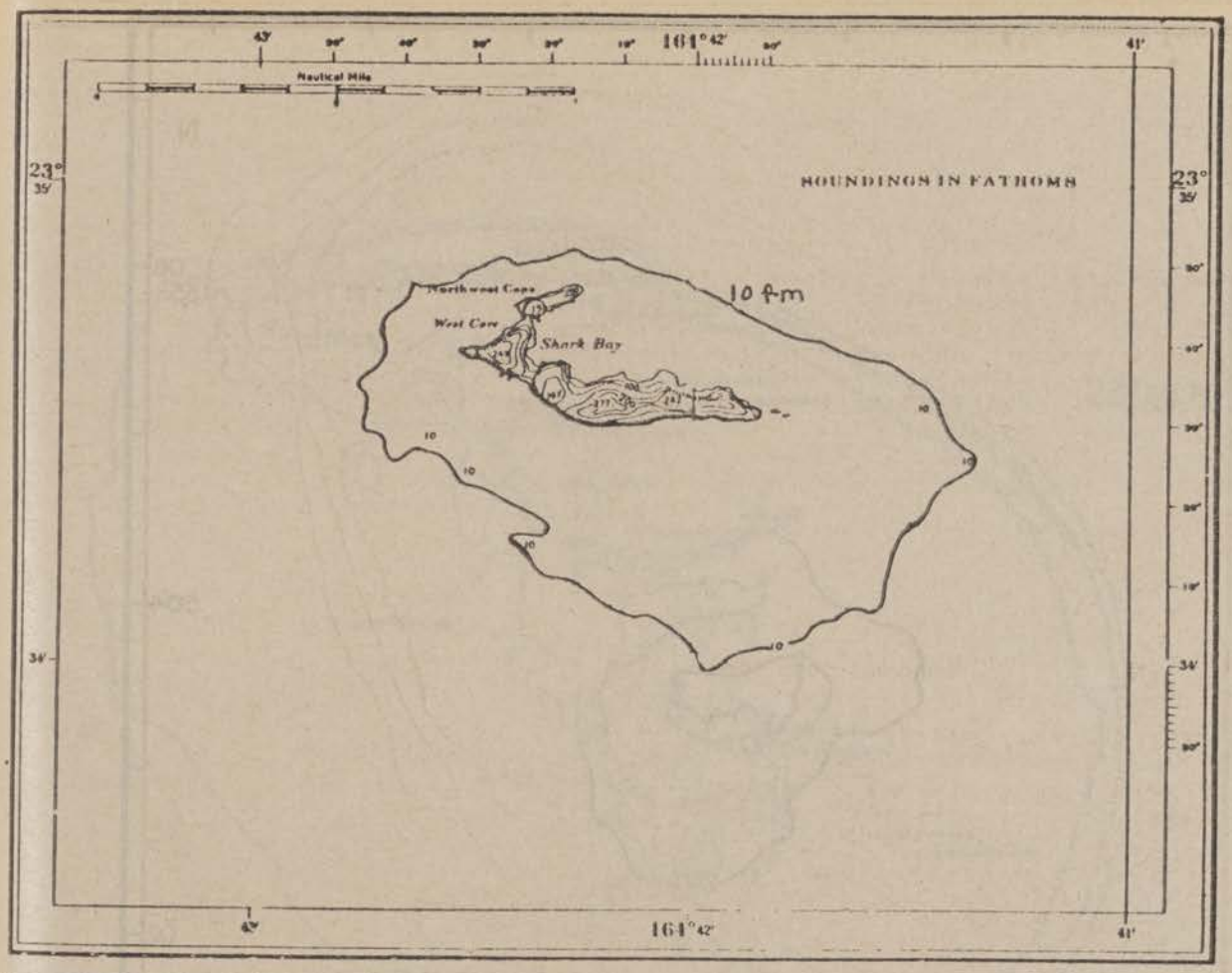
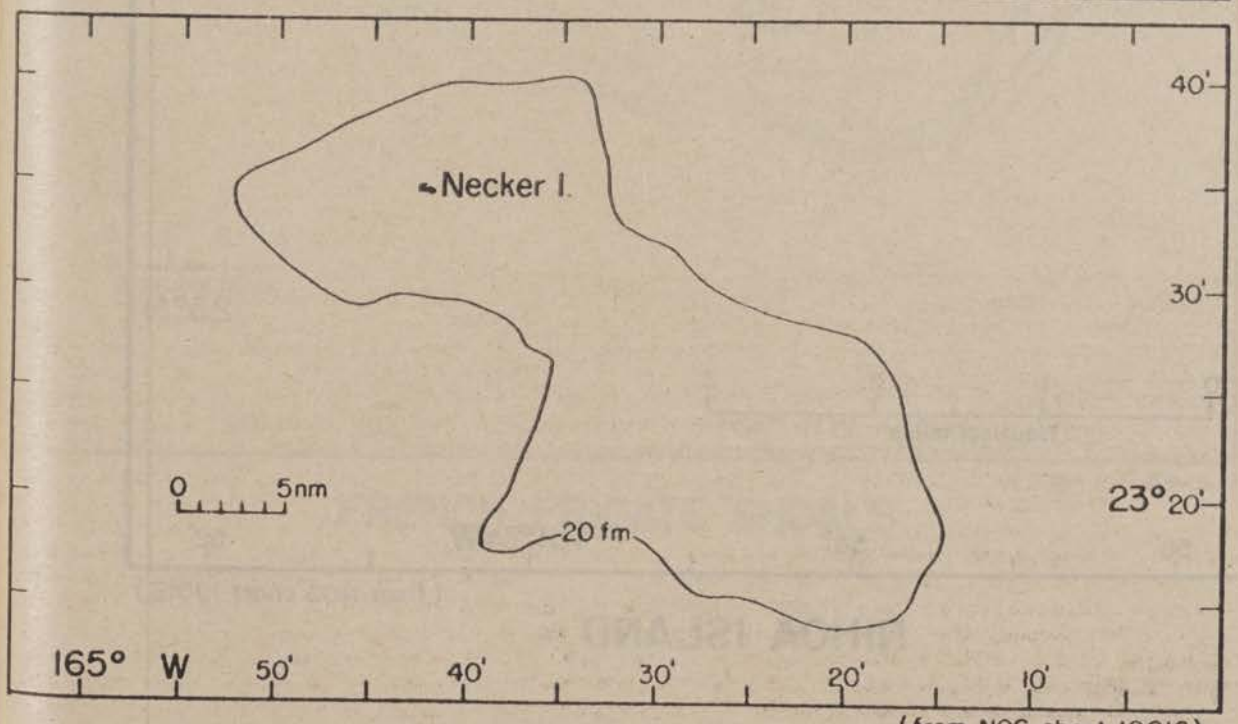
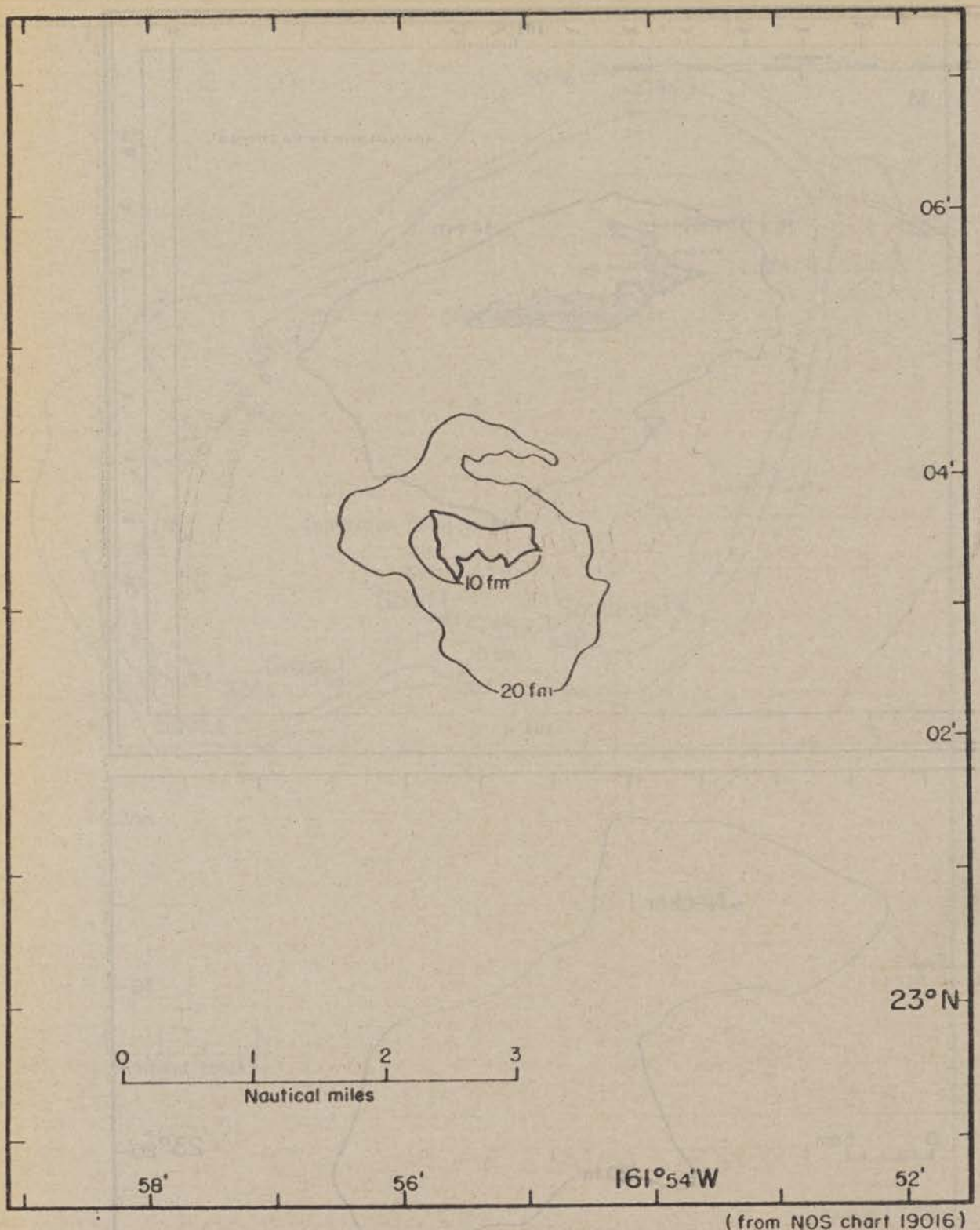




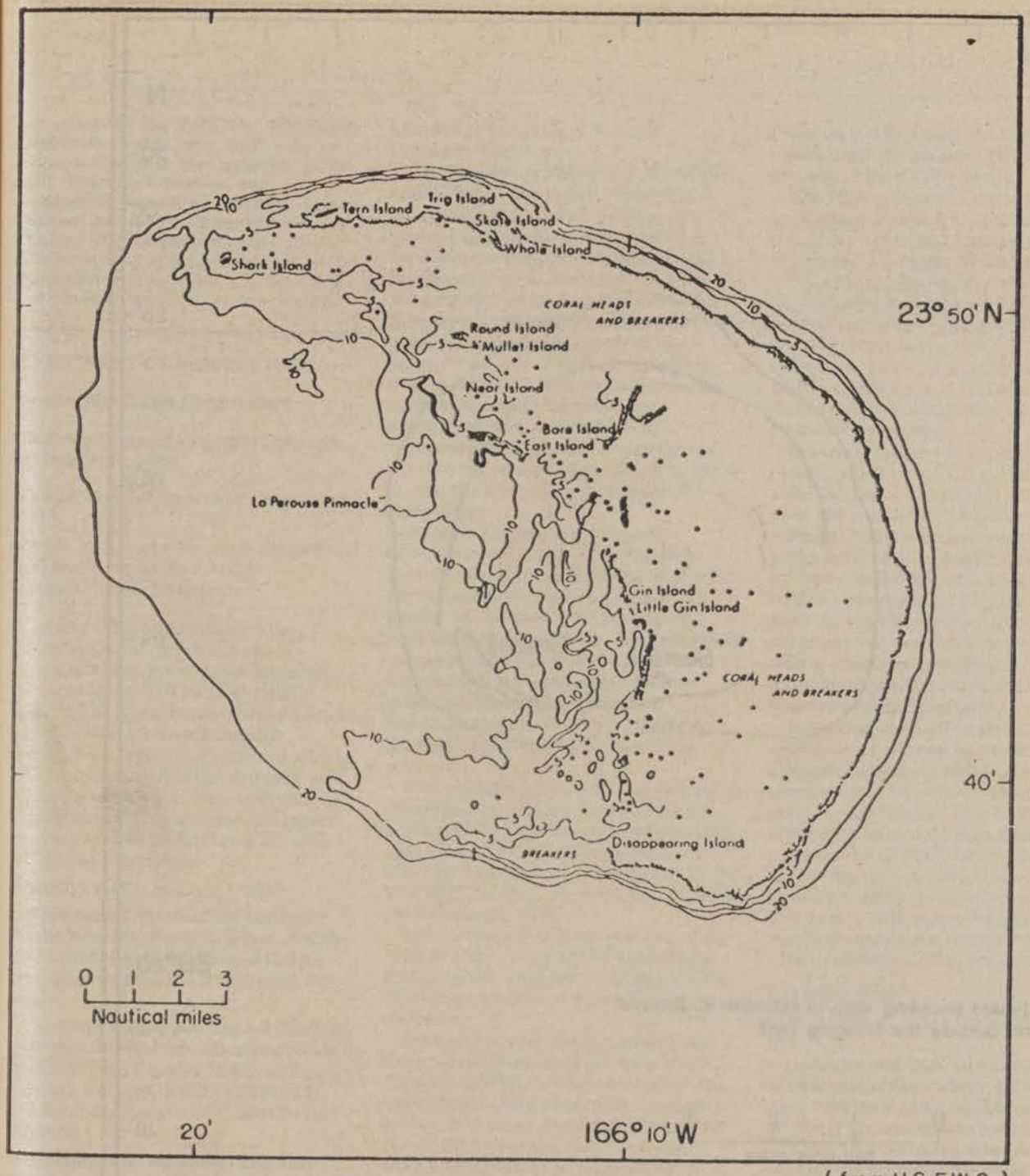
(from NOS chart 19016)

NECKER ISLAND



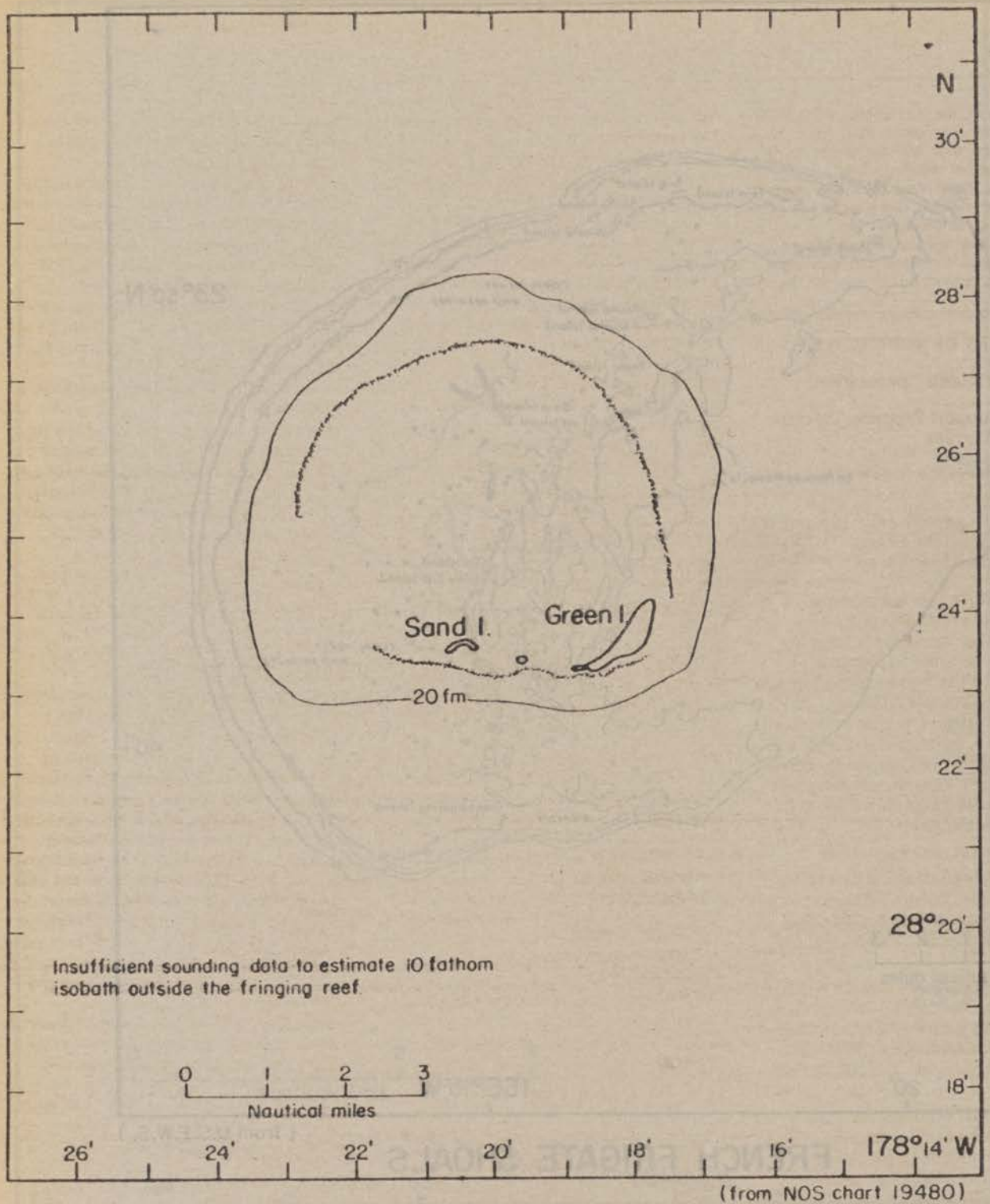
(from NOS chart 19016)

NIHOA ISLAND



(from U.S.F.W.S.)

FRENCH FRIGATE SHOALS



KURE ATOLL

[FR Doc. 88-86 Filed 1-7-88; 8:45 am]
BILLING CODE 3510-22-C

Notices

Federal Register
Vol. 53, No. 5
Friday, January 8, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Milk Price Support Program Through December 31, 1988

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of milk price support level and Commodity Credit Corporation purchase prices.

SUMMARY: This notice affirms the determination of the Secretary of Agriculture that the support price for milk containing 3.67 percent milkfat shall be $10.60 per hundredweight (cwt.) for the period January 1 through December 31, 1988. The prices at which butter, cheese and nonfat dry milk will be purchased by the Commodity Credit Corporation (CCC) in order to support the price of milk at that level are also set forth in this notice.

EFFECTIVE DATE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Indulis Kancitis, Dairy Division, ASCS–USDA, 5747 South Building, P.O. Box 2415, Washington, DC 20013, (202) 447–3385.

The Final Regulatory Impact Analysis regarding this Notice of Determination is available from Charles N. Shaw, Dairy/Sweetners Group, ASCS–USDA, P.O. Box 2415, Washington, DC 20013: (202)–447–7601.

SUPPLEMENTARY INFORMATION: This Notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "major" since the provisions of this notice will have an effect on the economy exceeding $100 million.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loans and Purchases; Number—10.051 as found in the Catalog of Federal Domestic Assistance.

The Regulatory Flexibility Act is not applicable to this notice since CCC is not required to publish a notice of proposed rulemaking with respect to level of price support and prices paid to producers of milk. Pursuant to sections 102 and 1017 of the Food Security Act of 1985 (Pub. L. 99–198) (the "1985 Act") the provisions of section 201(d) of the Agricultural Act of 1949, as amended (the "1949 Act"), may be implemented without regard to the provisions requiring notice and other public procedures for public participation in rulemaking as set forth in 5 U.S.C. 553 or in any directive of the Secretary of Agriculture.

It has been determined by an Environmental Evaluation that the determination set forth in this notice is not expected to have any significant impact on the quality of the human environment. In addition, this action will not adversely affect environmental factors such as water quality or air quality. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is required.

This program/activity is not subject to the provisions of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

In accordance with section 201 of the 1949 Act, the Secretary of Agriculture, through CCC, supports the price of milk through purchases of milk and milk products.

Section 201 provides, generally, that the price support level for the period October 1, 1987, through December 31, 1990, shall be $11.10 per cwt. for milk having 3.67 percent milkfat. However, Section 201 provides that the level of price support shall be reduced by 50 cents per cwt. if, as of January 1, 1988, the Secretary estimates that, for calendar year 1988, CCC milk price support purchases (less CCC sales for unrestricted use pursuant to section 407 of the 1949 Act) will exceed 5 billion pounds milk equivalent. Such a reduction is contingent upon the Secretary having achieved, or made reasonable offers to achieve, a 12-billion pound reduction in milk production by participants in the Dairy Termination Program (DTP) during the 18 months in which participants were required to dispose of their dairy herds.

The DTP achieved a reduction in the production of milk by participants in the program of at least 12 billion pounds during the 18 months of the program. CCC entered into contracts with DTP participants, having a total 1985 production of 12.3 billion pounds, under which participants agreed to dispose of their dairy herds during the 18-month DTP herd disposal period and discontinue the production of milk for a period of five years.

Based on January 1, 1988, data, it is estimated that net CCC purchases of milk and milk products for calendar year 1988 would be 7.3 billion pounds without the 50 cents per cwt. reduction in the level of price support and 6.0 billion with the 50 cents per cwt. reduction in the level of price support. Both estimates take into account the 2.5 cents per cwt. reduction in producers milk proceeds required by the 1949 Act, as amended by the Omnibus Budget Reconciliation Act of 1987.

In accordance with section 201 of the 1949 Act, it has been determined that, effective January 1, 1988, the price support level for milk containing 3.67 percent milkfat shall be $10.60 per cwt. It has also been determined that the purchase by CCC of butter, cheese and nonfat dry milk produced on or after January 1, 1988, at the prices set forth in this notice, will support the price of milk at a rate equivalent to $10.60 per cwt. for milk containing 3.67 percent milkfat.

Determinations

Accordingly, it has been determined that:

(1) Estimated CCC support purchases of milk and milk products for calendar year 1988 (less sales of milk and milk products for unrestricted use by the CCC for that period in accordance with section 407 of the 1949 Act) will exceed 5 billion pounds milk equivalent.

(2) The level of price support for the period January 1 through December 31, 1988, shall be $10.60 per cwt. for milk containing 3.67 percent milkfat.

(3) The purchase of butter, cheese and nonfat dry milk produced on or after January 1, 1988, at the prices set forth below will support the price of milk at a rate equivalent to $10.60 per cwt. for milk containing 3.67 percent milkfat. Therefore, effective January 1 through

December 31, 1988, CCC purchase prices for butter, cheese and nonfat dry milk shall be as follows:

	Dollars per pound	
	Products produced before Jan. 1, 1988, *and* graded and offered by Jan. 15, 1988	Products produced on or after Jan. 1, 1988, or not graded and offered by Jan. 15, 1988
Butter, 64- & 68-lb. blocks (U.S. Grade A or higher)	1.3575	1.3200
Nonfat dry milk (spray), 50-lb. bags (U.S. Extra Grade, but not more than 3.5 percent moisture):		
Nonfortified	0.7675	0.7275
Fortified (Vitamins A and D)	0.7775	0.7375
Cheddar cheese, standard moisture basis: [1]		
40- & 60-pound blocks, U.S. Grade A or higher (No vat shall contain more than 38.5 percent moisture)	1.2000	1.1525
500 lb. in fiber barrels, U.S. Extra Grade (No vat shall contain more than 36.5 percent moisture)	1.1575	1.1125

[1] The cheese price will be adjusted for moisture content as shown in the Moisture Adjustment Cheese Price Chart (Form ASCS-150).

(4) Further terms and conditions for CCC price-support purchases of butter, cheese, and nonfat dry milk will be set forth in CCC purchase announcements for such purchases.

Authority: Sec. 201(d) of the Agricultural Act of 1949, as amended, 63 Stat. 1042, as amended (7 U.S.C. 1446(d)); and secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended, 62 Stat. 1070, as amended, 62 Stat. 1072 (15 U.S.C. 714b and 714c).

Signed at Washington, DC, on December 31, 1987.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 88-359 Filed 1-7-88; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Modification of Timber Sale Policy

AGENCY: Forest Service, USDA.

ACTION: Notice; extension of public comment period.

SUMMARY: On November 6, 1987, at 52 FR 43028, the Forest Service published a notice of proposed policy to modify or eliminate certain downpayment and periodic payment requirements made superfluous by the implementation of the Federal Timber Contract Payment Modification Act. Many timber sale purchasers and trade associations have requested additional time to prepare comments on this proposed policy, primarily because of ongoing efforts by the Forest Service and timber industry to develop an undated standard timber sale contract to submit for public comment. Another reason is that they may need additional time to analyze the several other proposed changes to policy and regulations governing Forest Service timber sales open for comment concurrently. The original comment period ended January 5, 1987. To permit these purchasers and the general public a reasonable opportunity to submit their comments, the public comment period is hereby extended by 45 days to February 19, 1988.

DATE: Comments now must be received on or before February 19, 1988.

ADDRESSES: Send written comments to F. Dale Robertson, Chief (2400), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.

FOR FURTHER INFORMATION CONTACT: David M. Spores, Timber Management Staff (202) 447-4051.

Date: December 30, 1987.

George M. Leonard,

Associate Chief.

[FR Doc. 88-286 Filed 1-7-88; 8:45 am]

BILLING CODE 3410-11-M

National Forest Timber Sales; Control of Skewed Bidding

AGENCY: Forest Service, USDA.

ACTION: Notice; extension of public comment period.

SUMMARY: On November 6, 1987, at 52 FR 43028, the Forest Service published a notice of proposed policy to modify to control skewed bidding on National Forest System timber sales. Many timber sale purchasers and trade associations have requested additional time to prepare comments on this proposed policy, primarily because of ongoing efforts by the Forest Service and timber industry to develop an updated standard timber sale contract to submit for public comment. Another reason is that they may need additional time to analyze the several other proposed changes to policy and regulations governing Forest Service timber sales open for comment concurrently. The original comment period ended January 5, 1987. To permit these purchasers and the general public a reasonable opportunity to submit their comments, the public comment period is hereby extended by 45 days to February 19, 1988.

DATE: Comments now must be received on or before February 19, 1988.

ADDRESSES: Send written comments to F. Dale Robertson, Chief (2400), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.

FOR FURTHER INFORMATION CONTACT: David M. Spores, Timber Management Staff, (202) 447-4051.

Date: December 30, 1987.

George M. Leonard,

Associate Chief.

[FR Doc. 88-285 Filed 1-7-88; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Western Farmers Electric Cooperative; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Finding of no significant impact relating to the construction of 138 kV transmission facilities in Pottawatomie, Lincoln and Seminole Counties, Oklahoma.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and REA Environmental Policies and Procedures (7 CFR Part 1794), has made a Finding of No Significant Impact (FONIS) with respect to construction of a 69 mile, 138 kV transmission line on wood H-frame support structures and a new 138 kV switching station. Western Farmers Electric Cooperative (Western Farmers), of Anadarko, Oklahoma, has requested approval of financing assistance from REA.

FOR FURTHER INFORMATION CONTACT: Alex M. Cockey, Director, Southeast Area—Electric, Room 0256, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382-8434.

SUPPLEMENTARY INFORMATION: REA, in conjunction with a request from Western Farmers of approval of financing assistance to enable Western Farmers to construct the project, required that Western Farmers develop a Borrower's Environmental Report (BER) reflecting the potential impacts of the project. The BER, which includes input from certain state and Federal agencies, has been adopted by REA as its Environmental Assessment (EA). REA has concluded that the BER represents an accurate assessment of the environmental impacts of the proposed project. The project will allow Western Farmers to continue to meet its responsibilities to serve its load in a reliable and economical manner.

The length of the proposed transmission line is approximately 69 miles. It originates at an existing substation near Shawnee in Pottawatomie County, crosses Lincoln County, and terminates at the proposed switching station near Nobletown in Seminole County. The single circuit 138 kV line will require new right-of-way, 100 feet in width. The Wewoka Switching Station will require less than 5 acres of area that will be cleared and fenced to accommodate the facility.

REA has concluded that the proposed project will have no significant impact on wetlands, prime farmland, floodplains, threatened or endangered species or critical habitat, property listed or eligible for listing in the National Register of Historic Places, air quality, water quality and the health of humans or animals. Floodplains of numerous streams, wetlands, and prime farmlands are located in the preferred line ROW. Some transmission line support structures may be located within these areas; however, neither the substation expansion or new substation construction will be located in the 100-year floodplain, wetlands or prime farmland. There is no practicable alternative action that would eliminate crossing the 100-year floodplain, wetlands or prime farmland. Certain other impacts resulting from the proposed project are unavoidable such as the cutting of trees and vegetation for the right-of-way clearing and the aesthetic impact on the visual quality of the area.

Alternatives examined for the proposed project included no action and alternative line routes. REA determined that there is a demonstrated need for the project and constructing it within the preferred ROW will have no significant impact to the environment.

REA has reviewed the BER and believes it represents a fair and accurate evaluation of the proposed project and its potential impacts. As a result of its independent evaluation, REA has adopted Western Farmers' BER as its Environmental Assessment (EA) and has concluded that REA approval of financing assistance to Western Farmers to enable it to construct the proposed project would not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, REA has reached a FONSI with respect to the proposed project.

Copies of the EA and FONSI can be obtained from the offices of REA in the South Agriculture Building, Room 0256, 14th Street and Independence Avenue SW., Washington, DC 20250 or at the office of Western Farmers, P.O. Box 429, Anadarko, Oklahoma 73005.

In accordance with REA Environmental Policies and Procedures, 7 CFR Part 1794, Western Farmers had notices published in newspapers with a general circulation in the 3 counties where the project will be located. The notices described the project, announced the availability of the BER and gave information where the BER could be obtained for review and where comments could be sent. The public was given at least 30 days to respond to the notice. No responses to the notices were received by Western Farmers or REA.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.8509-Rural Electrification Loans and Loan Guarantees. For the reasons set forth in the final rule related Notice to 7 CFR Part 3015, Subpart V, this program is excluded from the scope of Executive Order 312372 which requires intergovernmental consultation with state and local officials.

Date: December 31, 1987.

Harold V. Hunter,

Administrator.

[FR Doc. 88-287 Filed 1-7-88 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. 35).

Agency: National Oceanic and Atomspheric Administration

Title: Application for Fishing Vessel Guarantee

Form Number: Agency—NOAA 88-1; OMB—0648-0012

Type of Request: Extension of the expiration date of a currently approved collection

Burden: 1,510 respondents; 12,080 reporting hours

Needs and Uses: Title XI of the Merchant Marine Act authorizes the Fisheries Obligation Guarantee program to assist small businessmen in financing commercial fishing vessels and shoreside facilities. The information provided is used to determine the risk to the Federal government of guaranteeing a loan to the applicant, and to determine eligibility for the program.

Affected Public: Businessess or other for-profit institutions; small businesses or organizations

Frequency: On occasion; annually

Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: John Griffen 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Griffen OMB Desk Officer, Room 3228, New Executive Office Building, Washington, DC 20503.

Dated: January 4, 1988.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 88-272 Filed 1-7-88 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

The MCTL Implementation Technical Advisory Committee; Partially Closed Meeting

A meeting of the MCTL Implementation Technical Advisory Committee will be held January 27, 1988, 9:30 a.m., Herbert C. Hoover Building, Room B-841, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises and assists the Office of Technology and Policy Analysis in the implementation of the Militarily Critical Technologies List (MCTL) into the Export Administration Regulations and provides for continuing review to update the Regulations as needed.

Agenda

Open Session

1. Opening remarks by the Chairman.
2. Introduction of Public Attendees.
3. Introduction of Invited Guests.
4. Presentation of Papers or Comments by the Public.
5. Review of EAR section 379 Technical Data Regulations.
6. Application of EAR section 379 on security controls to University Research.
7. Election of Chairman.

Executive Session

8. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 30, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: (202) 377–4217. For further information or copies of the minutes contact Ruth D. Fitts, 202–377–2583.

Date: January 4, 1988.

Betty A. Ferrell,

Acting Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 88–273 Filed 1–7–88; 8:45 am]

BILLING CODE 3510-DT-M

Transportation and Related Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Transportation and Related Equipment Technical Advisory Committee will be held February 2, 1988 at 9:30 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to transportation and related equipment or technology.

Agenda

General Session

1. Opening Remarks by the Chairman.
2. Introduction of Members and Visitors.
3. Presentation of Papers or Comments by the Public.
4. New Business.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 30, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, call Ruth D. Fitts, 202–377–4959.

Date: January 4, 1988.

Betty Anne Ferrell,

Acting Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 88–274 Filed 1–7–88; 8:45 am]

BILLING CODE 3510-DT-M

[A-428-062]

Animal Glue and Inedible Gelatin From West Germany; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

On July 16, 1987, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke in part the antidumping findings on animal glue and inedible gelatin from West Germany. The review covers one exporter of this merchandise and the period December 1, 1985 through November 30, 1986.

We gave interested parties an opportunity to comment on the preliminary results and tentative determinations to revoke in part. We received no comments. The final results are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: January 8, 1988.

FOR FURTHER INFORMATION CONTACT: Dennis U. Askey or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2923/3601.

SUPPLEMENTARY INFORMATION:

Background

On July 16, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 26711) the preliminary results of its antidumping duty administrative review and a tentative determination to revoke in part the antidumping finding on animal glue and unedible gelatin from West Germany (42 FR 64115, December 22, 1977). We have now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of animal glue and inedible gelatin, of which there are two principal types, hide glue and bone glue. Animal glue is an organic colloid of protein derivation. There is no significant difference between animal glue and inedible gelatin. Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasives, paper containers, book and magazine bindings, and leather goods.

They are also used as sizing agents and as colloids in emulsions and cleaning compounds. Animal glue and inedible gelatin are currently classifiable under item numbers 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated and Harmonized System item numbers 3503.00.20 and 3506.10.10

The review covers one exporter of West German animal glue and inedible gelatin, G. Conradt & Sohn ("Conradt"), and the period December 1, 1985 through November 30, 1986. There were no known shipments of this merchandise by Conradt to the United States during the period and there are no known unliquidated entries.

Final Results of the Review

We invited interested parties to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are the same a those presented in the preliminary results of review, and we determined that the following margin exists during the period:

Manufacturer/ exporter	Time period	Margin (percent)
Conradt	12/85 to 11/86.	[1] 67.0

[1] No shipments during the period.

As provided for in section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties of 67 percent shall be required for Conradt. For any shipments from the six remaining known manufacturers and/or exporters and the one known third-country reseller not covered in this review, the cash deposit will continue to be at the rates published in the final results of the last adminstrative review for each of these firms (49 FR 13565, April 5, 1984). For any future entries of this merchandise from a new exporter, not covered in this or prior administrative reviews, whose first shipments occurred after November 30, 1986 and who is unrelated to the reviewed firm or any previously reviewed firm, no cash deposit shall be required.

These cash deposit requirements are effective for all shipments of West German animal glue and inedible gelatin entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

This review and notice are in accordarce with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)), and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Date: January 4, 1988.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 88-349 Filed 1-7-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-067]

Carbon Steel Plant From Japan; Preliminary Results of Antidumping Duty Administrative Review and Intent to Revoke in Part

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review and intent to revoke in part.

SUMMARY: In response to requests by two importers and three respondents, the Department of Commerce has conducted an adminstrative review of the antidumping finding on carbon steel plate from Japan. The review covers one manufacturer and five third-country resellers of this merchandise to the United States and various periods from July 1977 through September 1984. The review indicates the existence of dumping margins for certain firms during certain periods.

Where we received no company-supplied information or that information was inadequate, we used the best information available for assessment purposes.

On April 17, 1986, the Department of Commerce published in the **Federal Register** (51 FR 13039) the revocation of the antidumping finding on carbon steel plate from Japan, effective October 1, 1984. Therefore, no antidumping duties case deposits are required on this merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 1984. However, as a result of the review, the Department intends to revoke in part the antidumping finding with respect to A.J. Forsyth effective September 15, 1983.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 8, 1988.

FOR FURTHER INFORMATION CONTACT: Phyllis Derrick or David Mueller, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255/2923.

SUPPLEMENTARY INFORMATION:

Background

On September 30, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 47804) the final results of the last administrative review of the antidumping finding on carbon steel plate from Japan (43 FR 22937, May 30, 1978). On April 17, 1986, the Department published a revocation of the antidumping finding effective October 1, 1984 (51 FR 13939). We began this review under our old regulations.

On September 15, 1983, the Department published the preliminary results of administrative review and tentative determinations to revoke in part (48 FR 41472); this notice confirms the results of that review. After the promulgation of our interim final regulations, one importer of carbon steel plate in coil, one importer of carbon steel plate, and three respondents requested in accordance with § 353.53a(a) of the Commerce Regulations that we complete an administrative review. We published a notice of initiation of the review on October 3, 1986 (51 FR 35384). The substantive provisions of the Antidumping Act of 1921 ("the 1921 Act") and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980. The provisions of the Tariff Act of 1930, as amended, and the current Commerce regulations apply to all subsequent entries.

One respondent, Kansai Steel Ltd., withdrew its request for an administrative review after the notice of initiation. We have now determined that Coeur d'Alenes, an importer of carbon steel plate in coil, which requested a review of certain companies, does not have standing to request a review. The reason is that Coeur d'Alenes is not a manufacturer or an importer of the merchandise subject to review, nor do we have any evidence that it is a wholesaler of this merchandise. Therefore, we are not completing the review insofar as three exporters, Drummond McCall, Kobe Steel Ltd., and Nippon Steel Corporation are concerned, because only Coeur d'Alenes requested that we review these companies.

Three other firms failed to respond to our questionnaire or provided inadequate responses for various periods. For the non-responsive firms we used the best information available. Since there are no previous rates for these firms, the best information available is the highest rate determined

during the original fair value investigation.

Scope of the Review

Imports covered by the review are shipments of hot-rolled carbon steel plate, 0.1875 inch or more in thickness, over 8 inches in width, not in coils, not pickled, not coated or plated with metal, not clad and not pressed or stamped to non-rectangular shape. Carbon steel plate is currently classifiable under items 607.6620 and 607.6625 of the Tariff Schedules of the United States Annotated.

This review covers one manufacturer and five third-country (Canada) resellers of Japanese carbon steel plate and various periods from July 1, 1977 through September 30, 1984.

United States Price

In calculating United States price, the Department used purchase price, as defined in section 772 of the Tariff Act of 1930 ("the Tariff Act") or section 203 of the 1921 Act, as appropriate.

For sales made by the Japanese manufacturer, Sumitomo Metal Industries, to an unrelated trading company in Japan for export to the United States, purchase price was based on the packed, f.o.b. price to the trading company, because the manufacturer knew at the time of the sale the merchandise was destined for the United States. As for the third-country resellers, there is no evidence that the Japanese manufacturers were aware that the merchandise was destined for the United States. Therefore, for these sales, purchase price was based on the Canadian ex-factory, f.o.b., or delivered price to the first unrelated customer in the United States. We made adjustments, where applicable, for foreign inland and U.S. freight, insurance, U.S. duty, brokerage and handling, and duty drawback. No other adjustment were claimed or allowed.

Foreign Market Value

We investigated allegations of sales below the cost of production for Sumitomo Metal Industries. We found no such sales.

In calculating foreign market value for sales made by the Japanese manufacturer through the unrelated trading company in Japan, the Department used home market price, as defined in section 773 of the Tariff Act or section 205 of the 1921 Act, as appropriate, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison.

For sales made by third-country (Canada) resellers, foreign market value was based on the resellers' home market prices for such or similar merchandise. Home market price was based on the packed, delivered or f.o.b. price to unrelated purchasers in the home market. We made adjustments, where applicable, for inland freight, insurance, and discounts. We also adjusted for differences in commissions to unrelated parties, credit expenses, and packing between the home and U.S. markets. No other adjustments where claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily detemine that the following weighted-average margins exists:

Manufacturer/third-country resellers	Period	Margin (percent)
A.J. Forsyth & Co., Ltd.	7/77 to 9/15/83	0
Balfour Guthrie (Canada), Ltd.	7/77 to 3/81	13.0
Calkins & Burke Ltd.	7/77 to 3/83	13.0
Lambton Steel Ltd.	7/77 to 9/84	0
Sumitomo Metal Industries	4/81 to 6/82	0
Tideco Industries	7/77 to 3/82	13.0
	4/82 to 9/84	0.29

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice, may request disclosure and/or release of business proprietary information under administrative protective order within five days of the date of publication, and may request a hearing within eight working days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

A.J. Forsyth requested revocation of the finding and, as provided for in § 353.54(e) of the Commerce Regulations, agreed in writing to an immediate suspension of liquidation and reinstatement of the finding, under circumstances as specified in the written agreement. If this partial revocation is made final, it will apply to all entries of this merchandise exported by A.J. Forsyth and entered, or withdrawn from warehouse, for consumption on or after September 15, 1983, the date of our tentative determination to revoke.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each manufacturer or third-country reseller directly to the Customs Service.

The Department revoked the antidumping finding on carbon steel plate from Japan, effective October 1, 1984 (51 FR 13039, April 17, 1986). This administrative review, covering various periods from July 1977 through September 1984, does not affect the revocation of the antidumping finding. Therefore, we will instruct the Customs Service to continue to liquidate all entries of this merchandise entered, or withdrawn for consumption on or after October 1, 1984, without regard to antidumping duties.

This administrative review, intent to revoke in part, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53a and 353.54 of the Commerce Regulations (19 CFR 353.53a, 353.54).

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

Date: December 2, 1987.

[FR Doc. 88-350 Filed 1-7-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-016]

Choline Chloride From Canada; Preliminary Results of Antidumping Duty Administrative Review and Tentative Determination to Revoke

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review and tentative determination to revoke.

SUMMARY: In response to requests by the petitioner and Chinook Chemicals Co., Ltd., the Department of Commerce has conducted an administrative review of the antidumping duty order on choline chloride from Canada. The review covers Chinook Chemicals Co., Ltd., the only known manufacturer and/or exporter of Canadian choline chloride to the United States, and the period November 1, 1985 through November 16, 1986. The review indicates the existence of *de minimis* dumping margins during the period

As a result of the review, the Department has tentatively determined to revoke the antidumping duty order.

Interested parties are invited to comment on these preliminary results and tentative determination to revoke.

EFFECTIVE DATE: January 8, 1988.

FOR FURTHER INFORMATION CONTACT: Edward F. Haley or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377–5255.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 46888) the final results of its last administrative review of the antidumping duty order on choline chloride from Canada (49 FR 45469, November 16, 1984).

On November 20 and November 26, 1986, the petitioner and Chinook Chemicals Co., Ltd, respectively, requested in accordance with § 353.53a(a) of the Commerce Regulations that we conduct an administrative review. We published a notice of initiation of review on December 18, 1986 (51 FR 45364). As required by section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has now conducted that administrative review.

Scope of the Review

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to this Harmonized System ("HS").

In view of this, we will be providing both the appropriate *Tariff Schedules of the United States Annotated* ("TSUSA") item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the TSUSA number(s) in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule is available for consultation at the Central Records Unit, Room B–099, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact Import Specialists at their local Customs offices to consult the schedule.

Imports covered by the review are shipments of choline chloride, currently classifiable under TSUSA item 439.5055 and HS item number 2923.10.00. Choline chloride is marketed in several forms including, but not limited to, a solution of 70 percent choline chloride in water (aqueous choline chloride) or in potencies of 50 to 60 percent dried on a cereal carrier.

The review covers Chinook Chemicals Co., Ltd., the only known manufacturer and/or exporter of Canadian choline chloride to the United States and the period November 1, 1985 through November 16, 1986.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the packed or unpacked, duty-paid, delivered price to unrelated purchasers in the United States. Where applicable, we made adjustments for U.S. and foreign inland freight, impost duties, brokerage and handling charges, discounts, and rebates. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on the packed or unpacked, ex-factory or delivered price to unrelated purchasers in Canada. We made adjustments, where applicable, for inland freight, credit, and indirect selling expenses when a commission was paid in one market and not the other. In accordance with § 353.14(a) of the Commerce Regulations, we did not include sales of small quantities of aqueous choline chloride in drums in calculating home market price. No other adjustments were claimed or allowed.

Preliminary Results of Review and Tentative Determination to Revoke

As a result of our comparison of United States price to foreign market value we preliminarily determine that a weighted-average margin of 0.06 percent exists for Chinook Chemicals Co., Ltd. for the period November 1, 1985 through November 16, 1986.

Interested parties may request disclosure and/or an administrative protective order within 5 days of the date of publication of this notice and may request a hearing within 8 days of publication. Any hearing, if requested, will be held 35 days after the date of publication, or the first workday thereafter. Pre-hearing briefs and/or written comments from interested parties may be submitted not later than 25 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 32 days after the date of publication.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by section 751(a)(1) of the Tariff Act, since the margin for Chinook is 0.06 percent and therefore *de minimis* for cash deposit purposes, the Department shall not require a cash deposit of estimated antidumping duties for Chinook. For any future entries of this merchandise from a new exporter, not covered in this or prior administrative reviews, whose first shipments occurred after November 16, 1986 and who is unrelated to the reviewed firm, no cash deposit shall be required. These cash deposit requirements are effective for all shipments of Canadian choline chloride entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Chinook has requested revocation of the order and, as provided for in § 353.54(e) of the Commerce Regulations, has agreed in writing to an immediate suspension of liquidation and reinstatement of the order under circumstances specified in the written agreement. Chinook has had no sales at less than fair value for two years and is the only known manufacturer and/or exporter of Canadian choline chloride to the United States. Therefore, we tentatively determine to revoke the finding on choline chloride from Canada. If this revocation is made final, it will apply to all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

This administrative review, tentative determination to revoke and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53a and 353.54

of the Commerce Regulations (19 CFR 353.53a and 353.54).

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

Date: January 4, 1988.

[FR Doc. 88-351 Filed 1-7-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-059]

Pressure Sensitive Plastic Tape From Italy; Preliminary Results of Antidumping Duty Administrative Review and Intent to Revoke in Part

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review and intent to revoke in part.

SUMMARY: In response to a request by the petitioner, the Department of Commerce has conducted an administrative review of the antidumping finding on pressure sensitive plastic tape from Italy. The review covers three manufacturers and/or exporters of this merchandise to the United States and the period October 1, 1985 through September 30, 1986. The review indicates the existence of dumping margins for one firm during the period.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value. We also intend to revoke one firm, Autoadesivitalia.

Interested parties are invited to comment on these preliminary results and intent to revoke in part.

EFFECTIVE DATE: January 8, 1988.

FOR FURTHER INFORMATION CONTACT: Eugenio Parisi or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2923/3601.

SUPPLEMENTARY INFORMATION:

Background

On October 5, 1982 the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 43993) a tentative determination to revoke in part the antidumping finding on pressure sensitive plastic tape from Italy (42 FR 56110, October 21, 1977) for one firm, Autoadesivitalia. On December 5, 1986, the Department published in the **Federal Register** (51 FR 43955) the final results of its last administrative review of the antidumping finding on pressure sensitive plastic tape from Italy. The petitioner requested in accordance with § 353.53a(a) of the Commerce Regulations that we conduct an administrative review. We published a notice of initiation of the antidumping duty administrative review on November 18, 1986 (51 FR 41649). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to this Harmonized System ("HS"). In view of this, we will be providing both the appropriate *Tariff Schedules of the United States Annotated* ("TSUSA") item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item numbers as well as the TSUSA item numbers in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule is available for consultation in the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Consitution Avenue, NW., Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact the Import Specialist at their local Customs office to consult the schedule.

Imports covered by this review are shipments of pressure sensitive plastic tape measuring over 1⅜ inches in width and not exceeding 4 mils in thickness, currently classifiable under TSUSA items 790.5530, 790.5545, and 790.5555 and HS item numbers 3919.90.20, 3919.90.50, 4811.21.00, 4821.90.20, 4823.11.00, and 5906.10.00.

The review covers three manufacturers and/or exporters of Italian pressure sensitive plastic tape and the period October 1, 1985 through September 30, 1986.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the packed c.i.f. price to unrelated purchasers in the United States. We made adjustments, where applicable, for brokerage fees, ocean freight, foreign inland freight, marine insurance, and discounts. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, because sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on the packed, ex-factory or delivered price to unrelated purchasers in the home market. Where applicable, we made adjustments for inland freight, rebates, differences in credit expenses, discounts, and differences in packing. No other adjustments were claimed or allowed.

Preliminary Results of the Review and Intent to Revoke in Part

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer/ exporter	Time period	Margin (percent)
NAR	10/85 to 9/86	2.06
Manuli	10/85 to 9/86	[1]0

[1] No shipments during the period; margin from last review in which there were shipments.

Interested parties may submit written comments on these preliminary results within 21 days of the date of publication of this notice and may request an administrative protective order, disclosure, and/or a hearing within 5 days of the date of publication. Any hearing, if requested, will be held 21 days after the date of publication or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required for these firms. For any shipments of this merchandise

manufactured or exported by the remaining known manufacturers and/or exporters not covered in this review, the cash deposit will continue to be at the rate published in the final results of the last administrative review for these firms (51 FR 43955, December 5, 1986).

For any future entries of this merchandise from a new exporter, not covered in this or prior reviews, whose first shipments occurred after September 30, 1986 and who is unrelated to either reviewed firm or any previously reviewed firm, a cash deposit of 2.06 percent shall be required. These deposit requirements are effective for all shipments of Italian pressure sensitive plastic tape entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

We intend to revoke the antidumping finding with respect to Italian pressure sensitive plastic tape manufactured by Autoadesivitalia. Autoadesivitalia had *de minimis* dumping margins (52 FR 7288) during the period October 1, 1980 through October 5, 1982, the date of our tentative determination to revoke in part. We are not reviewing Autoadesivitalia for more recent periods because no one requested such a review. As provided for in § 353.54(e) of the Commerce Regulations, Autoadesivitalia has agreed in writing to an immediate suspension of liquidation and reinstatement in the finding under circumstances specified in the written agreement. If this partial revocation is made final, it will apply to all unliquidated entries of this merchandise by Autoadesivitalia entered, or withdrawn from warehouse, from consumption on or after October 5, 1982.

This administrative review, intent to revoke in part, and notice are in accordance with sections 751 (a)(1) and (c) of the Tariff Act (19 U.S.C. 1675 (a)(1), (c)) and 19 CFR 353.53a and 353.54.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

Date: January 4, 1988.

[FR Doc. 88-352 Filed 1-7-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-068]

Steel Wire Strand for Prestressed Concrete From Japan; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests by two petitioners, the Department of Commerce has conducted an administrative review of the antidumping finding on steel wire strand for prestressed concrete from Japan. The review covers seven manufacturers and/or exporters of this merchandise to the United States and the period December 1, 1985 through November 30, 1986. There were no known shipments of this merchandise to the United States during the period, and there are no known unliquidated entries.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 8, 1988.

FOR FURTHER INFORMATION CONTACT: Edward Haley or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On February 11, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 4373) the final results of its last administrative review of the antidumping finding on steel wire strand for prestressed concrete from Japan (43 FR 57599, December 8, 1978). We published a correction of that notice on October 13, 1987 (52 FR 37997). On December 11, 1986 and December 30, 1986, two petitioners requested in accordance with § 353.53a(a) of the Commerce Regulations that we conduct an administrative review. We published a notice of initiation on January 20, 1987 (52 FR 2123). As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to this Harmonized System ("HS") by January 1, 1988. In view of this, we will be providing both the appropriate *Tariff Schedules of the United States Annotated* ("TSUSA") item number(s) and the HS item number(s) with our product descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the TSUSA item number(s) in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule is available for consultation at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact Import Specialists at their local Customs office to consult the schedule.

Imports covered by the review are shipments of steel wire strand, other than alloy steel, not galvanized, stress-relieved and suitable for use in prestressed concrete. Steel wire strand for prestressed concrete is currently classifiable under TSUSA item 642.1120 and HS item number 7312.10.30.15.

The review covers seven manufacturers and/or exporters of Japanese steel wire strand for prestressed concrete to the United States and the period December 1, 1985 through November 30, 1986. We are deferring review of Mitsui & Co., Ltd. We will cover that firm in a separate review. We could not locate Freyssinet International, and we have no record of shipments from that firm; therefore, we have not included Freyssinet in this administrative review. This is not a proposal to revoke the finding with respect to this firm. Should Freyssinet begin exporting the covered merchandise to the United States we shall treat that company as a new exporter.

There were no known shipments of this merchandise to the United States during the period, and there are no known unliquidated entries.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist for the period December 1, 1985 through November 30, 1986:

Manufacturer/exporter	Margin (percent)
Kokoku Steel Wire, Ltd.	[1] 0
Mitsubishi Corp.	[1] 0
Nissho Iwai Co., Ltd.	[1] 0
Shinko Wire Co., Ltd.	[1] 0
Suzuki Metal Industry Co., Ltd.	[1] 0
Teikoku Sangyo Co., Ltd.	[1] 0
Tokyo Rope Mfg. Co., Ltd.	[1] 4.5

[1] No shipments during the period—Margins were obtained from the last review where there were shipments.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice, and may request a hearing within 8 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. The Department will publish the final results of the administrative review, including the results of its analysis of issues raised in any such comments or hearing.

As provided for by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required for these firms. For any future shipments from the remaining known manufactures and/or exporters not covered in this review, a cash deposit shall be required at the rates published in the final results of the last administrative review for each of those firms. For any entries of this merchandise from a new exporter, whose first shipments occurred after November 30, 1986 and who is unrelated to any reviewed firm or previously reviewed firm, the Department waives the cash deposit requirement. These deposit requirements and waiver are effective for all shipments of Japanese steel wire strand for prestressed concrete entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Gilbert B. Kaplan,

Acting Assistant Secretary, Import Administration.

Date: January 4, 1988.

[FR Doc. 88-353 Filed 1-7-88; 8:45 am]

BILLING CODE 3510-DS-M

[C-507-701]

Termination of Countervailing Duty Investigation; Certain Circular Welded Carbon Steel Pipes and Tubes From Iran

AGENCY: International Trade Administration, Import Administration, Commerce.

SUMMARY: In a letter dated December 15, 1987, petitioners withdrew their countervailing duty petition filed on July 29, 1987, on certain circular welded carbon steel pipes and tubes (hereinafter referred to as "standard pipe") from Iran. Based on the withdrawl, we are terminating this investigation.

EFFECTIVE DATE: January 8, 1988.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman, Mary Martin, or Jessica Wasserman of the Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2438, 377-2830, or 377-1442.

SUPPLEMENTARY INFORMATION:

Scope of Investigation

The products covered by this investigation are certain circular welded carbon steel pipes and tubes, 0.375 inch or more, but not over 16 inches in outside diameter, as currently classifiable in the *Tariff Schedules of the United States (TSUSA)* under item numbers 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 610.4925. These prducts, commonly referred to in the industry as standard pipe or structural tubing, are produced to various ASTM specifications, most notably A-120, A-53, and A-153. These products are currently classifiable under the Harmonized System (HS) item numbers 7306.30.1000, 7306.30.5025, 7306.30.5030, 7306.30.5040, 7306.30.5045, 7306.30.5050, 7306.30.5060, 7306.30.5065, 7306.30.5070, and 7306.30.5075.

Withdrawal of Petition

In a letter dated December 15, 1987, petitioners, the Subcommittee on Standard Pipe of the Committee on Pipe and Tube Imports and each of the individual manufacturers of standard pipe that are members of the subcommittee, notified the Department that they are withdrawing their July 29, 1987 petition. Under section 704(a) of the Tariff Act of 1930, as amended by section 604 of the Trade and Tariff Act of 1984 (the Act), upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation and after assessing the public interest. We have determined that termination would be in the public interest.

We have notified all parties to the investigation of petitioners' withdrawal and our intention to terminate. For these reasons, we are terminating our investigation.

This notice is published pursuant to section 704(a) of the Act (19 U.S.C. 1671c(a)).

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

December 29, 1987.

[FR Doc. 88-354 Filed 1-7-88; 8:45 am]

BILLING CODE 3510-DS-M

Short-Supply Review on Certain Semi-Finished Steel Slabs; Request for Comments

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short-supply determination under Article 8 of the U.S.-EC Arrangement Concerning Trade in Certain Steel Products, the U.S.-Brazil Arrangement Concerning Trade in Certain Steel Products, and Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products, with respect to certain carbon and alloy semi-finished steel slabs.

DATE: Comments must be submitted no later than January 19, 1988.

ADDRESS: Send all comments to Nicholas C. Tolerico, Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230, (202) 377-0159.

SUPPLEMENTARY INFORMATION: Article 8 of the U.S.-EC and the U.S.-Brazil steel arrangements, and Paragraph 8 of the U.S.-Japan steel arrangement provide that if the U.S. determines that because of abnormal supply or demand factors, the United States steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such product.

We have received a short-supply request for continuously cast carbon and alloy steel slabs, in widths of 24.0, 33.5, 36.5, 45.0 and 53.5 inches, with a carbon content ranging between 0.24 and 0.36 percent and a manganese content ranging between 1.25 and 1.50 percent, calcium treated, which will be used in the manufacture of oil country tubular goods.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than January 19, 1988. Comments should focus on the economic factors

involved in granting or denying this request.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly so label the business proprietary portion of the submission and also provide a non-proprietary submission which can be placed in the public file. The public file will be maintained in the Central Records Unit, Room B-099, Import Administration, U.S. Department of Commerce, at the above address.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

January 4, 1988.

[FR Doc. 88-355 Filed 1-7-88; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF EDUCATION

National Advisory Council on Adult Education; Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATE: January 25-26, 1988, 8:30 a.m. to 5:00 p.m., Full Council Meeting.

ADDRESS: TradeWinds, 5500 Gulf Boulevard, St. Petersburg Beach, Florida.

FOR FURTHER INFORMATION CONTACT: Karen S. Saunders, National Advisory Council on Adult Education, 330 C Street SW., Room 4060, Mary E. Switzer Building, Washington, DC 20202-2421, (202) 732-3896.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under section 313 of the Adult Education Act (20 U.S.C. 1209). The Council is established to:

Advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council is open to the public. The proposed agenda includes:

Fiscal Year 1987 Annual Report
U.S. Department of Education Library Grant Program
Program Visitations
Standing Committee Meetings and Reports
Proposed Publication

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Adult Education, 330 C Street SW., Room 4060, Mary E. Switzer Building, Washington, DC 20202-2421, from the hours of 8:30 a.m. to 5:30 p.m.

Signed at Washington, DC, on January 5, 1988.

Lynn Ross Wood,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 88-362 Filed 1-7-88; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER88-163-000 et al.]

Cliffs Electric Service Co., et al.; Electric Rate and Corporate Regulation Filings

January 5, 1988.

Take notice that the following filings have been made with the Commission:

1. Cliffs Electric Service Company

[Docket No. ER88-163-000]

Take notice that on December 24, 1987, Cliffs Electric Service Company (CESCO) tendered for filing a letter agreement dated December 8, 1987, between CESCO and Upper Peninsula Power Company (UPPCO) which sets forth the terms and conditions pursuant to which it will sell for an approximate three-month period power and energy to UPPCO from CESCO's four hydroelectric plants. The rate for the sale of the power during this period will be 21 mils per kilowatt hour.

CESCO requests an effective date concurrent with the closing of a related transaction between Upper Peninsula Generating Company and Wisconsin Electric Power Company which is now expected to occur on December 31, 1988. CESCO and UPPCO have entered into an agreement pursuant to which UPPCO will acquire the four hydroelectric plants of CESCO on or before March 31, 1988.

Comment date: January 19, 1988, in accordance with Standard Paragraph E at the end of this document.

2. American Electric Power Service Corporation

[Docket No. ER88-164-000]

Take notice that on December 24, 1987, American Electric Power Service Corporation (AEP) tendered for filing on behalf of Indiana Michigan Power Company (I&M), which formerly has been known as Indiana & Michigan Electric Company, a contract change on I&M's Interconnection Agreement with Northern Indiana Public Service Company (NIPSCO).

The contract change adds "Service Schedule I—Power Transfer and Reactive Supply Service". This service schedule provides for the transfer of power from NIPSCO's main service area to its northeastern service area. AEP has requested an effective date of January 1, 1988.

AEP states that Northern Indiana Public Service Company has filed a Certificate of Concurrence.

Copies of this filing were served upon the Public Service Commission of Indiana, Michigan Public Service Commission, and Northern Indiana Public Service Company.

Comment date: January 19, 1988, in accordance with Standard Paragraph E at the end of this notice.

3. Commonwealth Edison Company

[Docket No. ER88-159-000]

Take notice that on December 23, 1987, Commonwealth Edison Company (Edison) tendered for filing on behalf of itself, Illinois Power Company, Iowa-Illinois Gas and Electric Company, Commonwealth Edison Company of Indiana, Northern Indiana Public Service Company and Wisconsin Power and Light Company, Addenda to the Interconnection Agreements between Edison and the five other electric utility companies. In addition, Edison filed Addenda to Interconnection Agreements between Edison and Central Illinois Light Company and Interstate Power Company, respectively. The Addenda amend Short-Term Power Schedules and General Purpose Energy Schedules (or other similar excess energy rate schedules) in various Agreements.

The filing utilities request expedited consideration of the filing and an effective date coincident with the Commission's order accepting the rate for filing. Accordingly, the filing utilities request waiver of the Commission's

notice requirements, to the extent necessary.

Edison states that Illinois Power Company, Interstate Power Company, Iowa-Illinois Gas and Electric Company, Northern Indiana Public Service Company, Commonwealth Edison Company of Indiana and Wisconsin Power and Light Company have filed Certificates of Concurrence.

Copies of this filing were served upon the Illinois Commerce Commission, the Public Service Commission of Indiana, the Michigan Public Service Commission, the Public Service Commission of Wisconsin, the Iowa State Commerce Commission, the Minnesota Public Utilities Commission and all parties to the six Interconnection Agreements.

Comment date: January 19, 1988, in accordance with Standard Paragraph E at the end of this notice.

4. Portland General Electric Company

[Docket No. ER88-166-000]

Take notice that on December 28, 1987, Portland General Electric Company (PGE) tendered for filing its revised Average System Cost (ASC) which reflects PGE's Power Cost Adjustment (PCA) rate change which became effective with meter readings on and after May 1, 1987. This filing includes a revised Schedule 4 to Appendix 1, Exhibit C of the Residential Purchase and Sale Agreement along with the authorization to implement this rate change from the Public Utility Commission of Oregon.

PGE states that the filing shows that the second quarter PCA adjustment to the current base ASC is 1.53 mills/kWh credit, which when added with the base ASC results in a net ASC rate effective for this period.

Comment date: January 19, 1988, in accordance with Standard Paragraph E at the end of this notice.

5. Cliffs Electric Service Company, Upper Peninsula Power Company, Upper Peninsula Generating Company

[Docket No. ER88-162-000]

Take notice that on December 24, 1987, Cliffs Electric Service Company (CESCO), Upper Peninsula Power Company (UPPCO), and Upper Peninsula Generating Company (GENCO) tendered for filing Notices of Cancellation with respect to the following FERC Rate Schedules:

Cliffs Electric Service Company—No. 15
(Nordic/Plains-Forsyth Transmission Agreement)
Cliffs Electric Service Company—No. 13
(Short Term Agreement/Upper Peninsula Power Co.)
Cliffs Electric Service Company—No. 7
(Interconnection Agreement/ Wisconsin Electric Power Co.)
Upper Peninsula Generating Company—No. 6
(1982 Transmission Line Agreement)
Upper Peninsula Generating Company—No. 22
(1978 Basic Agreement)
Upper Peninsula Generating Company—No. 4
(1978 Power Contract)

These schedules provide for the sale of power generated by GENCO, and transmitted over various facilities owned or controlled by UPPCO, CESCO, and GENCO.

These Schedules are being cancelled to reflect the fact that GENCO is selling its generating station and transmission facilities to Wisconsin Electric Power Company (WEPCO) and that WEPCO has entered into various agreements pursuant to which it will, for all practical purposes, provide the same services which were being provided under the rate schedules being cancelled.

The parties request that the cancellations become effective as of the end of the day (expected to be December 31, 1987) on which the sale of the facilities in question has been completed.

Comment date: January 19, 1988, in accordance with Standard Paragraph E at the end of this notice.

6. Pacific Gas and Electric Company

[Docket No. ER88-168-000]

Take notice that on December 29, 1987, Pacific Gas and Electric Company (PG&E) tendered for filing, a negotiated four-party, three-month extension (Extension Agreement) of Rate Schedule FERC No. 53 and the Interim Rate Schedule that extended FERC No. 53 until midnight, December 31, 1987. The Parties, City and County of San Francisco (CCSF), Turlock Irrigation District (Turlock), Modesto Irrigation District (Modesto) and Pacific Gas and Electric Company (PG&E) have agreed to continue the current arrangement where PG&E provides certain services to CCSF which then provides, under separate agreement, certain services to Modesto and Turlock.

PG&E has negotiated separate interconnection agreements with CCSF and Turlock, each of which is fully executed and will be filed with the Commission in January, 1988. However, PG&E's negotiations with Modesto and CCSF's separate agreements with both Turlock and Modesto have yet to be concluded. All Parties anticipate such completion before March 31, 1988, and PG&E intends to file its new interconnection agreement with Modesto (assuming the Parties actually have executed such an agreement) on or before that date.

The purpose of the proposed Extension Agreement is to continue the current arrangement, especially the accounting for power sales, and rates under the Interim Rate Schedule until March 31, 1988, only, to be superseded by the separate agreements discussed above. Each of PG&E's new agreements will supersede the services and rates provided for in this Extension Agreement. The Extension Agreement also contains provisions which would provide Turlock with transmission service for Turlock's coordination purchases from the California Department of Water Resources (CDWR). PG&E requests that any cost support requirement of Section 35 be waived and that transmission rate calculations based on previously filed rate and cost information be used to determine acceptance of the transmission rates for interim service to Turlock. Changes in revenues during the Extension Agreement are not possible to forecast, but the proposed extension could result in a revenue decrease to PG&E. CCSF purchases from PG&E may decrease because CCSF is selling less power to Turlock as a result to Turlock's coordination purchases from CDWR. PG&E has also included a Notice of Cancellation pursuant to § 131.53 of the Commission's regulations.

The Parties have agreed to an effective date of January 1, 1988.

Copies of this filing were served upon CCSF, Modesto, Turlock and the Public Utilities Commission of the State of California.

Comment date: January 19, 1988, in accordance with Standard Paragraph E at the end of this notice.

7. Southern California Edison Company

[Docket No. ER88-165-000]

Take notice that on December 28, 1987, Southern California Edison Company (Edison) tendered for filing a notice of extension of rates for the purchase of Replacement Capacity by the cities of Anaheim, Azusa, Banning, Colton, Riverside, and Vernon, California (Cities) from Edison under the provision of the following rate schedules:

Entity	Rate schedule FERC No.
1. City of Anaheim	95
2. City of Azusa	144
3. City of Banning	145
4. City of Colton	146
5. City of Riverside	94

Entity	Rate schedule FERC No.
6. City of Vernon	154

Copies of this filing were served upon the Public Utilities Commission of the State of California and the cities of Anaheim, Azusa, Banning, Colton, Riverside, and Vernon, California.

Comment date: January 19, 1988, in accordance with Standard Paragraph E at the end of this notice.

8. Tucson Electric Power Company

[Docket No. ER88-161-000]

Take notice that on December 23, 1987, Tucson Electric Power Company (Tucson) tendered for filing a Short-term Energy Sale and Purchase Agreement (Agreement) between Tucson and Southern California Edison Company. The primary purpose of the Agreement is to provide the terms and conditions relating to the sale of energy by Tucson and the purchase of energy by Edison between November 10, 1987 and December 31, 1987 inclusive.

Tucson requests an effective date of November 10, 1987, and therefore requests waiver of the Commission's notice requirements.

Tucson states that copies of the filing were served upon Edison.

Comment date: January 19, 1988, in accordance with Standard Paragraph E at the end of this notice.

9. Wisconsin Electric Power Company

[Docket No. ER88-160-000]

Take notice that on December 23, 1987, Wisconsin Electric Power Company (Wisconsin Electric) tendered for filing an assignment of, and an agreement that supersedes, a Power Sales Agreement between Cliffs Electric Service Company (CESCO) and Wisconsin Public Power Inc. SYSTEM (WPPI SYSTEM). Under the assignment, CESCO assigns its rights and duties to Wisconsin Electric.

Wisconsin Electric requests an effective date concurrent with its closing on the purchase of the Presque Isle Power Plant which is scheduled for 11:59 p.m. E.S.T. on December 31, 1987, or as promptly thereafter as required regulatory approvals can be obtained. The Company states that WPPI SYSTEM joins in the requested effective date.

Copies of the filing have been served on WPPI SYSTEM, the Public Service Commission of Wisconsin, the Michigan Public Service Commission.

Comment date: January 19, 1988, in accordance with Standard Paragraph E at the end of this notice.

10. Washington Water Power Company

[Docket No. ER88-167-000]

Take notice that on December 28, 1987, Washington Water Power Company (Washington), the Seller, tendered for filing its revised Index of Purchasers under Washington's FERC Electric Tariff Original Volume No. 3 (Tariff 3). The revision incorporates the addition of new nonfirm Service Agreements with Colockum Transmission Company, Inc.; City of Seattle, Public Utility District No. 1 of Snohomish County; and City of Tacoma.

Washington requests that the effective date as indicated on each of the Service Agreements and the Index of Purchasers be assigned by the Commission.

Washington states that copies of the filing have been sent to parties to Washington's Tariff 3 Service Agreements.

Comment date: January 19, 1988, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-317 Filed 1-7-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C178-613-003 et al.]

ARCO Oil and Gas Co. Division of Atlantic Richfield Co. et al.

Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

January 5, 1988

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and petitions which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 19, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C178-613-003, D, Dec. 23, 1987.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	El Paso Natural Gas Company, Millman Field, Eddy County, New Mexico.	(1)	
C178-606-001, D, Dec. 23, 1987.	....do	....do	(1)	

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C168-672-000, D, Dec. 23, 1987.	.....do.....	Northwest Pipeline Corporation, Piceance Creek Field, Rio Blanco County, Colorado.	(1).....	
C188-170-000, B, Dec. 7, 1987.	Magnatex Corporation.....	Delhi Gas Pipeline Corporation, Pecos Valley (Lower Permian) Unit, Pecos County, Texas.	(2).....	
C188-189-000, F, Dec. 21, 1987.	Mobil Oil Exploration & Producing Southeast Inc., *et al.*, Nine Greenway Plaza—Suite 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corp., Eugene Island Block 116, Offshore Louisiana.	(3).....	
C162-191-000, D, Dec. 23, 1987.	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Natural Gas Pipeline Company of America Chester, W. Field, Woodward County, Oklahoma.	(4).....	
C161-715-000, D, Dec. 21, 1987.	Union Oil Company of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Transwestern Pipeline Company, Red Deer Field, Roberts and Hemphill Counties, Texas.	(5).....	
C176-242-001, D, Dec. 21, 1987.	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, Calif. 94120-7309.	Natural Gas Pipeline Company of America, Hansford Field, Hansford County, Texas.	(6).....	
C176-240-001, D, Dec. 21, 1987.	.....do.....	Twin Field, Hansford County, Texas	(6).....	
C164-1089-000, D, Dec. 21, 1987.	.....do.....	Arkla Energy Resources, a division of Arkla, Inc., Zion S.E. Field, Garfield County, Oklahoma.	(7).....	
C166-294-000, D, Dec. 28, 1987.	.....do.....	Panhandle Eastern Pipe Line Company, Perryton Field, Ochiltree County, Texas.	(8).....	
C176-409-001, D, Dec. 21, 1987.	.....do.....	Northern Natural Gas Company, Division of Enron Corp., Farnsworth Field, Ochiltree County, Texas.	(6).....	
C164-386-001, D, Dec. 21, 1987.	.....do.....	Bechthold Field, Lipscomb County, Texas.	(6).....	
C165-738-000, D, Dec. 21, 1987.	.....do.....	Clementine Field, Hansford County, Texas.	(6).....	
C167-381-001, D, Dec. 22, 1987.	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Fargo, N.W. Field, Woodward and Ellis Counties, Oklahoma.	(8).....	
C185-262-001, F, Dec. 28, 1987.	Cities Service Oil & Gas Corp., P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Company, Division of Enron Corp., Barnes "A" Gas Unit (Topeka Formation), Morton County, Kansas.	(11).....	
C169-179-000, D, Dec. 28, 1987.	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	Lone Star Gas Company, Fox-Graham, et al Field, Stephens and Carter Counties, Oklahoma.	(12).....	
C161-1102-004, D, Dec. 28, 1987.	.....	ANR Pipeline Company, N.E. Seiling Field, Major County, Oklahoma.	(13).....	
C162-1111-004, D, Dec. 28, 1987.	.....	Laverne Field, Harper County, Oklahoma.	(14).....	
C167-172-000, D, Dec. 28, 1987.	.....	Southern Natural Gas Company, Mercer Field, Adams County, Mississippi.	(15).....	
G-3653-007, D, Dec. 28, 1987.	.....	Columbia Gas Transmission Corporation, Ellis Field, Acadia Parish, Louisiana.	(16).....	
G-8592-001, D, Dec. 28, 1987.	.....	United States Pipe Line Company, Piston Ridge Field, Forrest County, Mississippi.	(17).....	

[1] By Assignment effective 1-1-87, ARCO assigned certain acreage to Hondo Oil & Gas Company.

[2] Applicant requests permanent abandonment of its sale of gas to Delhi. Contract has reached the end of its primary term. Applicant requests limited-term pregranted abandonment for a period of one-year for sales of the abandoned gas under its small producer certificate.

[3] MOEPSI acquired certain interest from Pennzoil Company by Assignment dated 2-4-87, effective 12-3-86.

[4] Tenneco assigned certain acreage to Unit Corporation effective 1-1-87 and Prentice, Napier & Green, Inc., effective 12-31-86 and certain leases expired.

[5] Union Oil Company of California assigned a certain lease dedicated under Docket No. CI61-715 to Wallace Oil and Gas, Inc., effective 11-1-87.

[6] Chevron assigned certain acreage to Atlantic Energy (USA) Corporation, effective 7-1-87.

[7] Chevron assigned certain acreage to Cross Timbers Oil Company, effective 7-1-87.

[8] Tenneco assigned certain acreage to Bell and Kinley Company, effective 12-1-86.

[9] Not used.

[10] Not used.

[11] By Assignment effective 5-1-87, Cities Service Oil and Gas Corporation acquired certain acreage from Shell Western E&P, Inc.

[12] Sun assigned its interest in Lease Numbers 14801-000 et seq., 14802-000 et seq., 14803-000 et seq., 14804-000 et seq., but only to depth down to 6,975 feet subsurface, to Moran Pipe & Supply Company Inc., effective 6-1-78.

[13] Sun assigned its interest in Property No. 419912, Harry Bensch Unit to Combined Resources Corporation, effective 12-1-83.
[14] Sun has assigned its interest in Property No. 686586, Nellie Scott Unit to Kaiser-Frances Oil Company, effective 11-1-83.
[15] Sun assigned its interest in Lease No. 105310, to Serio Oil Corporation, effective 11-17-83.
[16] Sun sold Property No. 434660—BM SUA, Jabusch; Property No. 649005—NS SUF, E.J. Hollins; and Property No. 563801—N.C. Hensgens to Triumph Energy, Inc., effective 8-1-84.
[17] Sun assigned its interest in Property No. 718780, S.W. 32 Gas Unit to Raymac Petroleum Company, effective 12-1-83.
Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 88-318 Filed 1-7-88; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI88-193-000]

Conoco Inc.; Application

January 5, 1988.

Take notice that on December 23, 1987, Conoco Inc. (Conoco), of P.O. Box 2197, Houston, Texas 77252, filed an application pursuant to section 7 of the Natural Gas Act (15 U.S.C. 717) and §§ 157.23 through 157.27 of the Federal Energy Regulatory Commission's Regulations issued thereunder, section 2(18)(A) (i) & (ii) of the Natural Gas Policy Act of 1978 and Part 271 of the Commission's Regulations for a Certificate of Public Convenience and Necessity as partial successor-in-interest to American Royalty Producing Company (American) to continue sales to El Paso Natural Gas Company previously covered by American in Docket Nos. CI87-1-000 through CI87-27-000 and under the related rate schedules, all as more fully shown on the attached Appendix. This application is on file with the Commission and open to public inspection.

Effective January 1, 1987, Conoco acquired a portion of the interest previously held by American in various properties in the San Juan Field, San Juan & Rio Arriba Counties, New Mexico.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 19, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

APPENDIX.—APPLICATION FOR SUCCESSOR CERTIFICATE

Certificate docket No.	American Royalty Producing Company FERC gas rate schedule No.	Contracts and amendments dated	Related supplement No.
CI87-1-000	1	1-30-54	—
		9-22-54	1
		9-1-59	2
		11-12-68	3
		3-28-72	4
		6-19-80	5
		7-1-80	6
CI87-2-000	2	6-3-54	—
		2-2-55	1
		11-12-68	2
		3-28-72	3
		6-19-80	4
		7-1-80	5
CI87-3-000	3	1-27-61	—
		11-12-68	1
		3-28-72	2
		6-19-80	3
		7-1-80	4
CI87-4-000	4	4-9-57	—
		4-9-57	1
		4-23-59	2
		6-18-58	3
		7-5-60	4
		[1] 8-15-67	5
		11-12-68	6
		11-12-68	7
		7-22-69	8
		3-28-72	9
		6-19-80	10
		7-1-80	11
CI87-5-000	5	7-1-58	—
		7-5-60	1
		3-28-72	2
		6-19-80	3
		7-1-80	4
CI87-6-000	6	9-28-59	—
		11-12-68	1
		3-28-72	2
		6-19-80	3
		7-1-80	4
CI87-7-000	7	12-16-59	—
		5-8-69	1
		1-9-78	2
		12-31-79	3
		6-19-80	4
		7-1-80	5
CI87-8-000	8	8-19-53	—
		11-12-68	1
		3-28-72	2
		6-19-80	3
		7-1-80	4
CI87-9-000	9	10-7-53	—
		8-31-54	1
		1-18-55	2
		4-1-59	3
		7-5-60	4
		11-12-68	5
		3-28-72	6
		6-19-80	7
		7-1-80	8
CI87-10-000	10	6-26-59	—
		9-24-59	1
		11-2-61	2

APPENDIX.—APPLICATION FOR SUCCESSOR CERTIFICATE—Continued

Certificate docket No.	American Royalty Producing Company FERC gas rate schedule No.	Contracts and amendments dated	Related supplement No.
		11-11-63	3
		11-12-68	4
		3-28-72	5
		6-19-80	6
		7-1-80	7
CI87-11-000	11	8-3-64	—
		11-1-64	1
		11-4-64	2
		11-12-68	3
		3-28-72	4
CI87-12-000	12	3-27-61	—
		11-12-68	1
		3-28-72	2
		6-19-80	3
		7-1-80	4
CI87-13-000	13	3-19-65	—
		3-31-65	1
		5-14-65	2
		8-23-65	3
		12-20-65	4
		1-26-61	5
		4-29-66	6
		11-7-66	7
		10-28-66	8
		2-17-67	9
		2-2-68	10
		11-12-68	11
		3-28-72	12
		12-1-72	13
		6-19-80	14
		7-1-80	15
CI87-14-000	14	7-31-67	—
		3-4-68	1
		11-12-68	2
		3-28-72	3
		6-19-80	4
		7-1-80	5
CI87-15-000	15	8-21-67	—
		12-5-67	1
		10-16-69	2
		3-28-72	3
		6-19-80	4
		7-1-80	5
CI87-16-000	16	2-23-68	—
		10-16-69	1
		3-28-72	2
		10-31-72	3
		5-15-73	4
		6-19-80	5
		7-1-80	6
CI87-17-000	17	4-3-68	—
		6-17-68	1
		11-7-68	2
		10-16-69	3
		3-28-72	4
		8-13-73	5
		3-1-77	6
		6-19-80	7
		7-1-80	8
CI87-18-000	18	4-25-68	—
		6-18-68	1
		10-16-69	2
		3-28-72	3
		6-19-80	4
		7-1-80	5
CI87-19-000	19	2-26-69	—
		9-3-69	1
		10-16-69	2
		3-28-72	3
		4-24-75	4

APPENDIX.—APPLICATION FOR SUCCESSOR CERTIFICATE—Continued

Certificate docket No.	American Royalty Producing Company FERC gas rate schedule No.	Contracts and amendments dated	Related supplement No.
		6-19-80	5
		7-1-80	6
CI87-20-000	20	[2] 8-24-59	—
		(undated)	1
		11-12-68	2
		3-28-72	3
		6-19-80	4
		7-1-80	5
CI87-21-000	21	[2] 2-13-57	—
		(undated)	1
		10-9-67	2
		4-12-68	3
		5-25-77	4
		6-19-80	5
		7-1-80	6
CI87-22-000	22	5-17-83	—
		8-14-73	1
		5-13-74	2
		7-21-75	3
		9-24-75	4
		3-1-77	5
		6-19-80	6
		7-1-80	7
CI87-23-000	23	7-17-75	—
		6-19-80	1
		7-1-80	2
CI87-24-000	24	7-18-77	—
		6-19-80	1
		7-1-80	2
CI87-25-000	25	1-9-78	—
		8-28-78	1
		11-6-78	2
		12-7-79	3
		6-19-80	4
		7-1-80	5
		5-13-82	6
CI87-26-000	26	2-21-78	—
		6-19-80	1
		7-1-80	2
CI87-27-000	27	2-10-78	—
		6-19-80	1
		7-1-80	2

[1] Supplemental Gas Purchase Agreement.
[2] Letter agreement.

[FR Doc. 88-320 Filed 1-7-88; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI85-685-003]

Exxon Corp., Application for Extension

January 6, 1988.

Take notice that on December 21, 1987, Exxon Corporation (Exxon), P.O. Box 2180, Houston, TX 77252-2180, filed an application requesting that the Federal Energy Regulatory Commission (Commission) grant, until March 31, 1991, authority (a) to abandon temporarily sales for resale of Natural Gas Act (NGA) gas (including sections 102(d), 104, 106(a), 107(c)(5), 108, and 109) which were previously certificated by the Commission, to the extent that such gas is released by purchasers pursuant to such conditions as may be imposed by the Commission, (b) to make sales for resale in interstate commerce of NGA gas (including sections 102(d), 104, 106(a), 107(c)(5), 108, and 109), for pregranted abandonment of certificated gas named in items (b) and (d) to waive filing requirements of § 154.94 of the Commission's Regulations as to the gas sold under certificates granted in item (b).

On March 31, 1987, the Commission in Odeco Oil & Gas Company, *et al.*, Docket Nos. CI85-29-007, *et al.*, granted Exxon in Docket No. CI85-685-002 limited-term partial abandonment and blanket limited-term certificate authorization through March 31, 1988.

Any person desiring to be heard or to make any protest with reference to said application should, on or before January 20, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervenue in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-321 Filed 1-7-88; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI86-22-003]

Fina Oil and Chemical Co. et al., Application for Extension

January 6, 1988.

Take notice that on November 17, 1987, Fina Oil and Chemical Company, Petrofina Delaware, Incorporated, Fina Oil & Gas, Inc. and Fina Exploration, Inc. (jointly referred to as Fina), 8350 N. Central Expressway #1866, Dallas, TX 75206, filed an application for extension of the limited-term abandonment and sales authorization (LTA) granted by the Commission in Docket No. CI86-22-000 on November 1, 1985, and extended by the Commission in Docket No. CI86-22-002 on March 31, 1987, for a period ending March 31, 1988. Fina requests an extension of its LTA through March 31, 1991. Fina requests such authorization on its own behalf and on behalf of its working interest co-owners in the same reserves.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-322 Filed 1-7-88; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI88-188-000]

GasMark, Inc.; Application

January 6, 1988.

Take notice that on December 18, 1987, GasMark, Inc. (GasMark), 4828 Loop Central Drive, Suite 840, Houston, Texas 77081, filed in this proceeding an application pursuant to sections 4 and 7 of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting blanket certificate authorization for (1) self-implementing sales for resale of certain natural gas in interstate commerce, without market restriction, by GasMark; (2) self-implementing sales of certain natural gas by others to GasMark for resale in interstate commerce, without market restriction; and (3) self-implementing sales for resale of certain natural gas in interestate commerce, without market restriction, by producers through GasMark acting as their agent. GasMark also seeks pregranted abandonment of all sales for resale for which sales certificate authority is sought. GasMark requests that such authorizations be for an unlimited term or at least until March 1989, or a longer duration equal to any extensions the Commission may grant to existing authorizations.

Finally, GasMark requests that the Commission declare in its order issuing the authorizations that the Commission's NGA jurisdiction over the activities and operations of GasMark is limited to the transactions for which authorization is sought in the application.

Any person desiring to be heard or to make any protest with reference to said

filing should on or before January 20, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-323 Filed 1-7-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI88-162-000]

Grand Valley Gas Co.; Application

January 6, 1988.

Take notice that on December 14, 1987, Grand Valley Gas Company (Grand Valley), American Plaza III, 47 West 200 South, Suite 600, Salt Lake City, Utah 84101, filed an application pursuant to sections 4 and 7 of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting a blanket certificate authorizing sales for resale of certain natural gas in interstate commerce, without market restriction, by Grand Valley. Grand Valley also seeks pregranted abandonment of all sales for resale for which sales certificate authority is sought therein. Grand Valley requests that such authority be granted for a one-year term plus any extensions which may be awarded to other applicants with similar authority.

Grand Valley states that it is seeking authority to purchase and resall all NGPA categories of gas subject to the Commission's NGA jurisdiction including gas previously certificated for which abandonment authority has been issued, gas never previously sold but which would require a certificate if sold and NGA gas not committed to a contract. Finally, Grand Valley requests that the Commission declare that it will be subject to the Commission's NGA jurisdiction only to the extent necessary to effectuate the requested authority and only with respect to its participation in the transactions authorized.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-324 Filed 1-7-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-747-001]

Maxus Exploration Co. and Diamond Shamrock Offshore Partners Limited Partnership; Application for Extension

January 6, 1988.

Take notice that on December 18, 1987, Maxus Exploration Company and Diamond Shamrock Offshore Partners Limited Partnership (jointly referred to as "Maxus-Diamond"), LTV Center, Suite 1400, 2001 Ross Avenue, Dallas, TX 75201-2916, filed an application to extend its authorization in Docket No. CI87-747-000 for a term through March 31, 1989. In Docket No. CI87-747-000 Maxus-Diamond was granted blanket sales certificate authorization with pregranted abandonment approval to make certain sales in interstate commerce for a term expiring March 31, 1988.

Maxus-Diamond is seeking to extend the following authorizations: Blanket sales certificate authorization for certain interstate sales with pregranted abandonment for gas which remains subject to the Commission's NGA jurisdiction for which producers have received abandonment authority from the Commission through other proceedings, gas never previously sold but which would require a certificate if sold, and NGA gas which is not committed to a contract.

Maxus-Diamond also requests a waiver of any Commission orders, rules, regulations or reporting requirements which may be inconsistent with the authority sought, including the requirement for maintenance of rate schedules under Part 154 of the Commission's regulations and the filing for blanket affidavits pursuant to § 154.94 (h) and (k), and Part 271 of the regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedures herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-325 Filed 1-7-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-240-001]

Maxus Exploration Co. and Diamond Shamrock Offshore Partners Limited Partnership Application for Extension

January 6, 1988.

Take notice that on December 17, 1987, Maxus Exploration Company and Diamond Shamrock Offshore Partners Limited Partnership (jointly referred to as "Maxus-Diamond"), LTV Center, Suite 1400, 2001 Ross Avenue, Dallas, TX 75201-2916, filed an application to extend its authorization in Docket No. CI87-240-000 for a term through March 31, 1989. In Docket No. CI87-240-000 Maxus-Diamond was granted limited-term abandonment authorization and certificate authorization with pregranted abandonment approval to make certain sales in interstate commerce for a term expiring March 31, 1988.

Maxus-Diamond is seeking to extend the following authorizations: (1) Limited-term partial abandonment of certain certificate sales; (2) limited-term certificate authorization for certain interstate sales with pregranted abandonment for gas that is produced from various interests owned by Maxus-Diamond; and (3) limited-term certificate authorization for certain interstate sales with pregranted abandonment for gas that is produced from various interests and attributable to other owners having

interests in the same wells as Maxus-Diamond to the extent that such co-owners agree to same.

Maxus-Diamond also requests a waiver of any Commission orders, rules, regulations or reporting requirements which may be inconsistent with the authority sought, including the requirement for maintenance of rate schedules under Part 154 of the Commission's regulations and the filing of blanket affidavits pursuant to § 154.94(h) and (k), and Part 271 of the regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-326 Filed 1-7-88; 8:45 am]

BILLING CODE 6710-01-M

[Docket No. CP85-710-008]

Northern Natural Gas Co.; Petition To Amend Order

January 6, 1988.

Take notice that on December 21, 1987, Northern Natural Gas Company, Division of Enron Crop. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-710-008 a Petition to Amend the Commission's Order of July 24, 1986, as modified by its January 28, 1987, order on rehearing and as further modified by its March 31, 1987, and September 30, 1987, orders to extend the term of the existing limited-term abandonment (LTA) and sales authorization for Northern's producer-suppliers granted by said orders for a period ending March 31, 1988.

Northern requests that the term of its LTA, as set by the Commission in its Order in Docket No. CP85-710 *et al.* on July 24, 1986, its January 28, 1987 order on rehearing, its March 31, 1987 order in *Odeco Oil and Gas Company, et al.*, Docket Nos. CI85-29-007, *et al.*, 38 FERC ¶ 61, 343 (1987), and its September 30, 1987 order, be extended for a two year period ending March 31, 1990.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 20, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-327 Filed 1-7-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP84-53-006 and RP84-53-007]

Ozark Gas Transmission System; Proposed Changes in FERC Gas Tariff

January 6, 1988.

Take notice that on December 28, 1987, Ozark Gas Transmission System (Ozark) tendered for filing Substitute Fourth Revised Sheet No. 5 (effective March 1, 1984); Fifth Revised sheet No. 5 (effective July 1, 1987); and Sixth Revised Sheet No. 5 (effective October 1, 1987); to be a part of its FERC Gas Tariff, Original Volume No. 1.

Ozark states that the tariff sheets are submitted in compliance with Commission Opinion No. 273-A, issued November 24, 1987. The proposed tariff sheets return excess accruals for deferred taxes to Ozark's firm shippers using a tax normalization accounting methodology. Ozark plans to credit its present firm shippers with respect to excess deferred taxes at the time that the amount of tax depreciation first is less than the amount of regulatory depreciation which will occur in 1992.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All motions or protests should be filed on or before January 11, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-328 Filed 1-7-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI88-195-000 and CI88-196-000]

Pogo Producing Co.; Applications for Permanent Abandonment and Blanket Limited-Term Certificate With Pregranted Abandonment

January 5, 1988.

Take notice that on December 23, 1987, as supplemented on December 30, 1987, Pogo Producing Company (Pogo), P.O. Box 61289, Houston, TX 77208-1289 filed an application in Docket No. CI88-196-000 requesting permanent abandonment of sales of gas to Texas Eastern Transmission Corporation (Texas Eastern) from South Pass Blocks 33 and 49 and Mississippi Canyon Block 63, Offshore Louisiana, and an application in Docket No. CI88-195-000 requesting a three-year blanket limited-term certificate with pregranted abandonment for sales for resale in interstate commerce of the released gas to other purchasers on the spot market.

Pogo states expedited relief is sought under § 2.77 of the Commission's Regulations for the reason that gas sales under the terms of the gas purchase contract dated October 25, 1983, have never been made and no payments have been received in the form of take-or-pay payments. The sale was authorized under a certificate issued January 23, 1984, to Pogo in Docket No. CI84-78-000 and covered under Pogo's FERC Gas Rate Schedule No. 66. Pogo states it exercised its contractual right under section II.4 of the October 25, 1983, contract to terminate the contract effective December 1, 1987, because Texas Eastern was unable to complete the necessary transportation arrangements and, as a result, did not make any purchases under the contract. Pogo states that as a result of Texas Eastern's failure to purchase gas for almost four years, Pogo has gone into serious imbalance with respect to its gas production. As of September 1987, Pogo

states it was underproduced to the extent of 2.058 Bcf on South Pass Blocks 33 and 49 and .334 Bcf on Mississippi Canyon Block 63. Pogo states that if it is unable to make up this imbalance, it will have to settle for cash reimbursement at a rate far below the current market value of the gas. Deliverability is approximately 1,500 Mcf per day. The gas is NGPA section 102(d) gas. Pogo requests that its applications be considered on an expedited basis under procedures established by Order No. 436, Docket No. RM85–1–000, at 18 CFR 2.77.[1] Pogo requests the Commission waive reporting requirements of Parts 154 and 271 of the Commission's regulations.

Since Pogo has requested that its applications be considered on an expedited basis, all as more fully described in the applications which are on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the Federal Register, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to the proceedings herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Pogo to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–329 Filed 1–7–88; 8:45 am]

BILLING CODE 6717-01-M

[1] The United States Court of Appeals for the District of Columbia vacated the Commission's Order No. 436, on June 23, 1987. In vacating Order No. 436, the Court rejected challenges to the Commission's statement of policy in § 2.77 of its Regulations. Section 2.77 states that the Commission will consider on an expedited basis applications for certificate and abandonment authority where the producers assert they are subject to substantially reduced takes without payment or where the parties have entered into a take-or-pay buy-out pursuant to § 2.76. On August 7, 1987, the Commission issued Order No. 500 which promulgated interim regulations in response to the court's remand (40 FERC ¶ 61,172 (1987)). These interim regulations became effective on September 15, 1987.

[Docket No. CI87–433–001]

Texaco Gas Marketing Inc.; Petition To Amend

January 6, 1988.

Take notice that on December 18, 1987, Texaco Gas Marketing Inc. (TGMI), P.O. Box 52332, Houston, TX 77052, filed in this proceeding a Petition pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure (18 CFR 385.207), requesting the Commission to amend its Order Issuing Blanket Sales Certificate With Pregranted Abandonment issued in Docket No. CI87–386–000, *et al.* on July 20, 1987, to authorize a three-year extension of the sales authorization which is currently due to expire on March 31, 1988.

The Order authorized TGMI in Docket No. CI87–433–000 to make sales for resale in interstate commerce of natural gas subject to the Commission's Natural Gas Act jurisdiction and gas not previously sold in interstate commerce but which, if sold, would require a certificate and pregranted abandonment under section 7(b) of the NGA of any sales for resale made under the requested blanket certificate.

TGMI also request waiver of Part 154 of the Commission's regulations requiring the establishment of rate schedules, including the filing of blanket affidavits pursuant to § 154.94 (h) and (k).

Any person desiring to be heard or to make any protests with reference to said Petition should on or before January 20, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Petitioners to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–330 Filed 1–7–88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI88–161–000]

Texaco Inc., et al.; Petition To Amend

January 6, 1988.

Take notice that on December 7, 1987, Texaco Inc. (TI), Texaco Producing Inc. (TPI), and Getty Oil Company (GOC), P.O. Box 52332, Houston, TX 77052, filed in this proceeding a Petition pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure (18 CFR 385.207), requesting the Commission to amend its Order Approving Limited-Term Blanket Abandonment and Issuing Limited-Term Blanket Certificate with Pregranted Abandonment (Order), issued in Docket No. CI87–666–000 on September 30, 1987. In their Petition, TI, TPI, and GOC request that the Commission authorize a three-year extension of the limited-term abandonment and sales authorization ("LTA") granted to petitioners, which is currently due to expire on March 31, 1988.

The Order granted TI, TPI, and GOC *inter alia:* (i) Authorization pursuant to section 7(b) of the NGA to abandon sales for resale in interstate commerce previously certificated by the Commission pursuant to section 7(c) of the Natural Gas Act of gas released by the purchaser for a term extending through March 31, 1988; (ii) blanket certificates of public convenience and necessity pursuant to section 7(c) of the NGA authorizing the sale for resale in interstate commerce of the natural gas authorized to be abandoned; and (iii) pregranted abandonment under section 7(b) of the NGA of any sales for resale made under the requested blanket certificate. The foregoing authorizations applied to all categories of gas subject to the Commission's Natural Gas Act jurisdiction.

TI, TPI, and GOC request that their petition be considered on an expedited basis consistent with the Commission's policy on expedited producer abandonments adopted in Docket No. RM85–1–000. TI, TPI and GOC also request waiver of Part 154 of the Commission's Regulations requiring the establishment of rate schedules, including the filing of blanket affidavits pursuant to § 154.94 (h) and (k).

Any person desiring to be heard or to make any protests with reference to said Petition should on or before January 20, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR

385.211, 385.214). All protests filed with the Commission will be considered by it in determing the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Petitioners to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-331 Filed 1-7-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI87-916-000 and CI87-931-000]

Texaco Inc. and Texaco Producing Inc.; Applications for Permanent Abandonment and Certificate of Public Convenience and Necessity

January 5, 1988.

Take notice that on September 22, 1987, as supplemented on November 6 and 16, 1987, Texaco Inc. and Texaco Producing Inc. (jointly referred to as Applicant) 1111 Rusk Street, Houston, Texas 77002, filed applications pursuant to section 7 of the Natural Gas Act requesting (1) permanent abandonment in Docket No. CI87-931-000 of certain sales to Arkla Energy Resources, a division of Arkla Inc. (AER), which have been certificated by the Commission and (2) a permanent certificate of public convenience and necessity in Docket No. CI87-916-000 authorizing sales from the subject acreage to Bridgeline Gas Distribution Company (Bridgeline), Neches Gas Distribution Company (Neches), and Texaco Gas Marketing Inc. (TGMI). Acreage for which certificate authorization is sought is in Arkansas, Louisiana, Oklahoma and Texas. Applicant also seeks authorization to include sales by other co-interest owners in the same wells, to the extent such joint owners agree.

Applicant states that the abandonment authorization and sales certificate authorization are being sought as a result of a comprehensive settlement agreement between Applicant and AER, dated September 26, 1986, and executed by Applicant on February 26, 1987. Under the terms of the settlement agreement, Applicant states that it and AER agree to terminate all contracts effective on the date abandonment authorization is received from the Commission and all conditions for termination have been met. Effective on the date of termination of the contracts, Applicants states it agrees to waive and release AER from any and all obligations and liabilities AER has, or may have, arising out of any failure to take gas, or to pay for gas not taken, under such contracts between AER and Texaco for all contract years during which any of the contracts have been in effect. Applicant states it is not required to accept any abandonment authorization which is other than complete and permanent or which contains any conditions unacceptable to Applicant.

Applicant states that the following is an estimate of aggregate current daily deliverability of certificated gas under the gas rate schedules involved herein:

NGPA category	Deliverability (MCFD)	Percent
Section 104 (minimum rate)	1,962	4.5
Section 104 (flowing rate)	491	1.1
Section 106(a)	40,892	94.1
Section 108	117	.3
Total	43,462	100

In addition, Applicant states that AER has agreed to transport the gas released by termination of the contract utilizing existing facilities for delivery at any existing interconnection on its system for subsequent transportation by others. Such transportation is to be performed by AER in accordance with and subject to AER's transportation tariffs in effect, from time to time, and applicable to similar transportation services. Applicant states that AER also has agreed to provide through January 1, 1990, a backhaul transportation service for Texaco on an interruptible basis with partial or limited balancing rights on AER's Western Oklahoma pipeline system at a rate equal to fifty (50%) percent of AER's maximum tariff rate applicable to Partial Interruptible Transportation Service, as in effect and on file with the FERC from time to time. Additionally, Applicant avers that through January 1, 1990, AER has agreed not to charge Applicant a transportation rate that exceeds the rate a third party is obligated to pay under its comparable transportation agreement for the same service.

Pending the receipt and acceptance by Applicant of abandonment authorization, and as part of the settlement agreement, Applicant states that it and AER agreed to temporarily release all gas for sale to third parties. Gas subject to Natural Gas Act jurisdiction was released and resold pursuant to AER's blanket limited-term abandonment authorization in Docket No. CI86-738-000, and blanket limited-term certificate with pregranted abandonment authorization in Docket No. CI86-737-000. Any gas so released and transported by AER was deemed to be gas 'taken' by AER under the contract from which the gas was released for purposes of determining any obligation or liability AER may have under such contract for failure to take gas, or to pay for gas not taken.

Applicant states that upon receipt of certificate authorization, and for so long as market forces and demand indicate, Applicant anticipates selling most of the gas, if not 100%, to TGMI. As market changes occur, and demand increases, Applicant states it anticipates gas volumes being sold to Bridgeline and Neches.

Applicant states it has been informed that TGMI will serve as representative for the purpose of determining what volumes of gas will be allocated to and subsequently purchased by each buyer. Applicant states it has been informed by TGMI that any gas volumes allocated to it will be resold to end users or to purchasers in the spot market under TGMI's blanket limited-term sales certificate with pregranted abandonment in Docket No. CI87-433-000. Applicant asserts it has been informed by Bridgeline, a local distribution company located in the state of Louisiana, that gas volumes allocated to it will be used in its system supply. Applicant states it has been informed by Neches, a local distribution company located in the state of Texas, that gas volumes allocated to it will be used in its system supply. Applicant also states that the points of delivery for gas delivered under the requested certificate are those delivery points previously authorized in the certificates and any amendments thereto and any other mutually agreeable points. Applicant further states that title and control of the gas shall pass from Applicant to buyers at the delivery points.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before January 19, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-319 Filed 1-7-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP88-120-000]

Williston Basin Interstate Pipeline Co.; Application

January 6, 1988.

Take notice that on December 9, 1987, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota, 58501, filed in Docket No. CP88-120-000 an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon a sales tap and appurtenant facilities on its Elk Basin-Billings Red Line in Yellowstone County, Montana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Williston Basin proposes to abandon a sales tap which provided gas service to a utilities' customer, Montana-Dakota Utilities Company (Montana-Dakota), a Division of MDU Resource Group, Inc. because the retail customer previously receiving the gas is no longer in business, it is asserted. Williston Basin states that since the sales tap will be abandoned in place on the existing transmission right-of-way, there will be no significant adverse impact on the environment.

It is explained that Williston Basin will bear no cost for retiring the sales tap, as such cost was borne by the customer. It is further explained that if gas is needed in the area in the future, there are existing taps nearby that could be used.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 27, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Williston Basin to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-332 Filed 1-7-88; 8:45am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3313-8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared December 21, 1987, through December 24, 1987, pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 24, 1987 (52 FR 13749).

Draft EISs

ERP No. D-AFS-L65110-00, Rating EC2, Siskiyou National Forest, Land and Resource Management Plan, Implementation.

Summary

EPA feels that the process for managing forest activities was not sufficiently explained to assure that adverse environmental effects, particularly to water quality, will be prevented. Standards and Guidelines and a monitoring plan for water quality need to be more fully developed in this document.

ERP No. D-FHW-D40228-VA, Rating EC2, VA-664 Construction, US 58 Interchange at Bowers Hill in the City of Chesapeake to US 17 in the City of Suffolk, Funding, Section 10 and 404 Permit, VA.

Summary

EPA has concerns regarding the effects of secondary development, especially the impacts to wildlife and the natural environment. Noise impacts are also of concern, although mitigation measures may not be feasible.

ERP No. D-FHW-E40710-NC, Rating EC2, East Charlotte Outer Loop Construction, US 74/Independence Boulevard near NC-3180 to I-85 near the US 29 Connector, Funding, Mecklenburg County, NC.

Summary

EPA expressed concern about project noise and wetland impacts. Intersection analysis for carbon dioxide and a finalized wetland delineation have been requested prior to the issuance of the final EIS. EPA also would like to see a stronger commitment to implementation of feasible noise abatement in the final EIS.

Final EISs

ERP No. FS-BLM-K03012-TX, All American Crude Oil Pipeline Project, Construction and Operation, Texas Extension, McCarney to Webster and Texas City, 404 and 10 Permits, Fort Bend, Galveston, Harris, Hays, Travis and Caldwell Counties, TX.

Summary

EPA has not identified any new issues of concern with regard to the selection of BLM's preferred route (the Northern Route).

ERP No. F1-BLM-L65092-ID, Medicine Lodge Resource Area, Wilderness Study Areas Recommendations, Wilderness Designation or Nondesignation, Sand Mountain and Snake River Islands WSAs, Bonneville, Fremont and Jefferson Counties, ID.

Summary

EPA has no objection to the project as proposed.

ERP No. F-COE-E35081-FL, Port Everglades Expansion, Construction and Fill Placement in the U.S. and Contiguous Wetlands, Section 10 and 404 Permit Application, Broward County, FL.

Summary

EPA continues to have environmental concerns about construction of the proposed turning notch within a well developed mangrove forest. EPA believes that the subject application does not satisfy the specific stipulations of § 230.10 (a) and (c) and of the Clean Water Act section 404(b)(1) Guidelines available to meet the sponsors goal. It is EPA's opinion that environmental losses associated with proposal are too significant to recommend the permit to be issued.

ERP No. F-FHW-D40217-MD, MD-36 Construction, Seldom Seen Road to Buskirk Hollow Road, 404 Permit, Funding, Allegany County, MD.

Summary

EPA had requested that this document discuss the potential impacts to groundwater for each alignment. EPA will accept a preconstruction study on the selected alternate, but recommends a general study on each alignment in future projects.

ERP No. F-FHW-D40218-MD, MD-100 Construction, I-95 in Howard County to MD-3/I-97 in Anne Arundel County and MD-176 Improvements, US 1 to MD-295/Gladys Noon Spellman Parkway, Right-of-Way Acquisition, 404 Permit and Funding, Howard and Anne Arundel Counties, MD.

Summary

EPA has requested the State Highway Administration to perform a hydrogeologic study on the selected alternative and forward a copy to them along with a statement regarding how the results of the study will be incorporated in the design. This document satisfactorily addresses EPA's comments from the draft EIS with the exception of potential groundwater impacts.

(Note.—The above summary should have appeared in the 12-24-87 FR Notice)

ERP No. F-SFW-L64032-AK, Yukon Flats National Wildlife Refuge Comprehensive Conservation Plan, Wilderness Review, Implementation, AK.

Summary

EPA is concerned that necessary monitoring activities may not occur without the additional funding that has also been identified as necessary. EPA has suggested that implementation of activities which require monitoring be delayed until funding can also be assured, and recommended that the Record of Decision include a statement of this effect.

Dated: January 5, 1988.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 88-363 Filed 1-7-88; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3313-9]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements Filed December 28, 1987 Through January 1, 1988 Pursuant to 40 CFR 1506.9.

EIS No. 870458, Draft, AFS, CA, Shasta and Trinity Units, Revised Operation and Development Plan, Whiskeytown-Shasta-Trinity National Recreation Area, Implementation, Shasta and Trinity National Forests, Shasta and Trinity Counties, CA, Due: March 4, 1988, Contact: Pam Gardiner (916) 275-1587.

EIS No. 870459, Final, AFH, ID, ADOPTION—City of Post Falls Wastewater Treatment Facilities, Sewage Treatment Plant Improvements and Interceptor and Collection Sewers Extension, Funding, Kootenai County, ID, Due: February 8, 1988, Contact: F. Gary Hayne (208) 334-1608. Farmers Home Administration has adopted the Environmental Protection Agency's Final EIS, #810612, filed 8-3-81.

EIS No. 870460, Final, FHW, IA, Central Business District Loop Arterial Construction, Harding Road and I-235 to US 65 at Scott Avenue, Funding and 404 Permit, Polk County, IA, Due: February 8, 1988, Contact: Mr. H. A. Willard (515) 233-1664.

EIS No. 870461, Final, USA, PRO, AL, AR, MD, CO, OR, IN, UT, KY, Continental United States Unitary Lethal Chemical Agents and Munitions Stockpile Disposal Program, Destruction and Implementation, Due: February 8, 1988, Contact: Marilyn Tischbin (301) 671-2583.

EIS No. 870462, Draft, AFS, WA, Mount Baker-Snoqualime National Forest, Land and Resource Management Plan, Implementation, King, Pierce, Skagit, Snohomish and Whatcom Counties, WA, Due: April 15, 1988, Contact: Lyle E. Jack (206) 442-4888.

EIS No. 870463, Final, DOE, SC, Savannah River Plant Hazardous/Low-Level Radioactive and Mixed Waste Management Activities for Groundwater Protection, Modifications and Implementation, Aiken, Barnwell and Allendale Counties, SC, Due: February 8, 1988, Contact: Mr. S. R. Wright (803) 725-3957.

EIS No. 870464, Action, COE, KS, Halstead Local Flood Protection Project, Additional Mitigation Studies, Implementation, Harvey County, KS, Contact: Richard Makinen (202) 272-0166.

Amended Notices

EIS No. 870290, Draft, AFS, Siskiyou National Forest, Land and Resource Management Plan, Implementation, Due: January 25, 1988, Contact: Ronald McCormick (503) 479-5301. Published FR 10-9-87—Review period extended.

EIS No. 870359, DSuppl, SFW, Sport Hunting of Migratory Birds, Issuance of Annual Regulations, Updated Information, Due: January 31, 1988, Contact: Rollin Sparrowe (202) 254-3207. Published FR 10-23-87—Review period extended.

EIS No. 870415, FSuppl, COE, Corte Madera Creek Flood Control Project, Unit No. 4, Updated Modifications, Implementation, Town of Ross, Marin County, CA, Due: January 20, 1988, Contact: Richard Meredith (916) 551-1855. Published FR 11-20-87—Review period extended.

Dated: January 5, 1988.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 88-364 Filed 1-7-88; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3314-1]

Coquille River, OR; Ocean Dredged Material Disposal Site; Intent To Prepare an Environmental Impact Statement

AGENCY: Environmental Protection Agency (EPA), Region X.

ACTION: Notice of intent to prepare an environmental impact statement (EIS) on the final designation of an adjusted ODMDS off Coquille River, Oregon.

Purpose: The U.S. EPA, Region X, in accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA), and with the cooperation of the U.S. Army Corps of Engineers, Portland District, will prepare a draft EIS on the designation of an ODMDS off Coquille River, Oregon. An EIS is needed to provide the information necessary to designate an ODMDS. This Notice of Intent is issued pursuant to section 102 of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1977, and 40 CFR Part 228 (Criteria for the

Management of Disposal Sites for Ocean Dumping).

For Further Information and to be Placed on the Project Mailing List Contact: Mr. John Malek, Ocean Dumping Coordinator, U.S. Environmental Protection Agency, Region X, 1200 Sixth Avenue WD-138, Seattle, Washington 98101-3188, Phone (206) 442-1286. Questions regarding disposal site studies may also be directed to: Mr. Rudd Turner, U.S. Army Engineer District, Planning Division, P.O. Box 2946, Portland, Oregon 97208-2946, Phone (503) 221-6401.

Summary: The Coquille River navigation channel requires periodic maintenance dredging to ensure safe navigation. Disposal of dredged sediments at an interim designated ODMDS has occurred in the past. Based on studies conducted by the Corps of Engineers, Portland District, an adjusted site location is proposed. Designation of a final Coquille River ODMDS provides a feasible and environmentally acceptable disposal site for anticipated future work in the area.

Need for Action: The Corps of Engineers, Portland District, has requested that EPA designate an ODMDS offshore the Coquille River Oregon, for disposal of sediments dredged to maintain the federally authorized navigation project and for disposal of materials during other actions authorized in accordance with section 103 of the MPRSA. EPA has voluntarily committed to prepare EISs in conjunction with ocean dumping site designations. This EIS will provide the necessary information to evaluate alternatives and designate the preferred ODMDS.

Alternatives

1. No action: The no action alternative is defined as not designating an ocean disposal site and termination of ocean disposal at Coquille.

2. Alternative disposal in the nearshore, mid-shelf, and shelf break region of the Pacific Ocean, and on the uplands.

Scoping: A scoping meeting is not contemplated. Scoping will be accomplished with affected federal, state, and local agencies, and with interested parties by correspondence.

Estimated Date of Release: The draft EIS will be available in Spring 1988.

Responsible Official: Robie Russell, Regional Administrator, Region X.

Dated: December 31, 1987.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 88-365 Filed 1-7-88; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3314-2]

City of Tallahassee-Leon County, Florida Wastewater Management; Intent To Prepare an Environmental Impact Statement Supplement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to prepare a supplement to the Tallahassee-Leon County, Florida Wastewater Management Environmental Impact Statement (1983) to reevaluate wastewater management alternatives and their impacts.

Purpose: In accordance with section 511(c) of the Clean Water Act (CWA) and section 102(2)(c) of the National Environmental Policy Act (NEPA), EPA has identified a need to prepare an EIS supplement and therefore issues this Notice of Intent pursuant to 40 CFR 1507.7.

For Further Information and to be Placed on the Project Mailing List Contact: Robert B. Howard, Chief, NEPA Compliance Section, Environmental Assessment Branch, EAB-4, US EPA Region IV, 345 Courtland Street NE, Atlanta, Georgia 30365. Telephone: (404) 347-3776 or (FTS) 257-3776.

Need for Action: The EPA, the City of Tallahassee, and the Leon County Board of County Commissioners have determined the need to reevaluate the selected alternative in the Tallahassee-Leon County Wastewater Management EIS (1983). The selected action in the original EIS was that "no further Federal grants be made for expansion of the wastewater system beyond that already approved under Phase I of the 201 Plan." Since issuance of the EIS, investigations into septic failures within the study area have revealed that new information relating to soil types, water tables, and development density is available which was not available during the original EIS study period. The results of the EIS supplement will be used in determining EPA 201 Construction Grant funding eligibility for the proposed facilities in the study area.

Alternatives: The EIS will examine the feasible long term alternatives for wastewater management in the study area.

Scoping: Participation in the EIS process is invited from individuals, organizations, and government agencies. Preliminary project scoping is underway. EPA will prepare and circulate a draft scoping report for the EIS supplement prior to the public scoping meeting. Input to the EIS supplement may also be addressed to the contact person listed above. Persons wishing to be included on the mailing list to receive a copy of the draft EIS supplement should write to the same address.

Estimated Date of Draft EIS Release: November 1, 1988.

Responsible Official: Lee A. DeHihns, III, Acting Regional Administrator.

Dated: December 31, 1987.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 88-366 Filed 1-7-88; 8:45 am]

BILLING CODE 6560-01-M

[WH-FRL-3313-6]

Drinking Water Health Advisories

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of drinking water health advisories for National Pesticide Survey analytes.

SUMMARY: This notice announces the availability of 50 EPA Drinking Water Health Advisories (HAs). These HAs were developed in conjunction with the National Pesticide Survey sponsored by the EPA Office of Drinking Water and Office of Pesticide Programs. Health Advisories are available for the following contaminants:

Acifluorfen
Ametryn
Ammonium sulfamate
Atrazine
Baygon
Bentazon
Bromacil
Butylate
Carbaryl
Carboxin
Chloramben
Chlorothalonil
Cyanazine
Dacthal
Dalapon
Diazinon
Dicamba
1,3-Dichloropropene
Dieldrin
Dimethrin
Dinoseb
Diphenamid
Disulfoton
Diuron
Endothall
Ethylene thiourea
Fenamiphos
Fluometuron
Fonofos
Glyphosate
Hexazinone
MCPA
Maleic hydrazide
Methomyl
Methyl parathion

Metolachlor
Metribuzin
Paraquat
Picloram
Prometon
Pronamide
Propachlor
Propazine
Propham
Simazine
Tebuthiuron
Terbacil
Terbufos
2,4,5-Trichlorophenoxyacetic acid
Trifluralin

Health Advisories are developed by the Office of Drinking Water. These documents provide information on the health effects, analytical methodology and treatment technology that would be useful to public health officials in dealing with emergency spills or contamination situations involving drinking water. The HAs describe nonregulatory concentrations of drinking water contaminants that are considered protective of adverse health effects over specific exposure durations. A margin of safety is incorporated to protect sensitive members of the population. Health Advisories are updated as new information becomes available.

DATES: These HAs are available for public comment on their technical merit. Written comments should be submitted by March 8, 1988.

ADDRESSES: To obtain copies of the set of 50 HAs, interested parties should contact the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (800) 336–4700. Please refer to accession number PB88–113543/AS. For copies of individual HAs on particular pesticides, contact the EPA Safe Drinking Water Hotline, (800) 426–4791, or send a written request to the Health Advisory Program Coordinator, Office of Drinking Water (WH–550D), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jennifer Orme, Health Advisory Program Coordinator, Office of Drinking Water (WH–550D), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, or call (202) 382–7571.

Lawrence J. Jensen,

Assistant Administrator for Water.

[FR Doc. 88–311 Filed 1–7–88; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. W–30]

Window Notice for the Filing of FM Broadcast Applications

Released: December 16, 1987.

Notice is hereby given that applications for vacant FM broadcast allotments listed below may be submitted for filing during the period beginning December 16, 1987, and ending January 26, 1988, inclusive. Selection of a permittee from a group of acceptable applicants will be by the Comparative Hearing process.

Channel—263 A

E. Porterville, CA
Rohnerville, CA
Henry, IL
Carrollton, MI
Walker, MI
Willard, MO [1]
Lebanon, NH
Warrensburg, NH
Elizabethville, PA
Marion, SC
Columbus, WI

Channel—263 C2

Louisville, KY

Channel—254 A

Winton, CA
East Lyme, CT
Anderson, IN
Somersworth, NH
Winchester, NH
Villas, NJ
Crestline, OH
Nyssa, OR
Spencer, TN

Federal Communications Commission

William J. Tricarico,

Secretary.

[FR Doc. 88–347 Filed 1–7–88 8:45 am]

BILLING CODE 6712–01–M

Technical and Allocations Subgroups of Radio Advisory Committee; Meeting

The Technical and Allocations Subgroups of the Advisory Committee on Radio Broadcasting will meet in joint session on Wednesday, January 27, 1988, in the McCollough Room of the National Association of Broadcasters, 1771 N Street NW., Washington DC. The meeting will convene at 10:30 a.m. Please note that this is a half hour later than the customary meeting time.

At this joint meeting, the Subgroups will continue their consideration of:

—Improvement of the AM radio broadcast service, including, in particular, proposed methodology for the conduct of a listener study;
—Nighttime skywave propagation characteristics; and
—Other business

The Subgroups' meetings are continuing ones, and may be resumed after each session at such times and places as may be decided by the participants at publicly announced meetings. All meetings of the Radio Advisory Committee and its Subgroups are open to the public. All interested persons are invited to participate.

For further information, please call Wallace Johnson, Chairman of the Technical Subgroup, at (703) 824–5660, or Louis Stephens, Chairman of the Allocations Subgroup, at (202) 254–3394.

Federal Communications Commission

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88–346 Filed 1–7–88; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Hearing; Rayne Broadcasting Co., Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM Docket No.
A. Rayne Broadcasting Company, Inc.; Rayne, LA.	BPH–861125ME	87–560
B. Cart Broadcasting Company, Inc., Rayne, LA.	BPH–861125MI	87–560
C. Simla B. Ellis d/b/a Simla Broadcasting, Rayne, LA.	BPH–861125MK	87–560
D. Rayne FM, Ltd., Rayne, LA.	BPH–861126MI	87–560
E. Cail Enterprises, Inc., Rayne, LA.	BPH–861126MV	87–560
F. Southwest Louisiana Broadcasting Company, Inc., Rayne, LA.	BPH–861126MY	87–560
G. Benjamin Macwan, Rayne, LA.	BPH–861126MB (Dismissed)	87–560

2. Pursuant to 47 U.S.C. 309(e), the above aplications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347 (May 29, 1986). The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative, A–F
2. Ultimate, A–F

[1] A proposal is pending under Docket 87–474 to change channel and class to 286 C2.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contrator, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan **Gay,**

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88-348 Filed 1-7-88; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-806-DR]

Arkansas; Amendment to Notice of a Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas (FEMA-806-DR), dated December 17, 1987, and related determinations.

DATED: December 30, 1987.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

Notice: The notice of a major disaster for the State of Arkansas, dated December 17, 1987, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 17, 1987: Crittenden County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 88-281 Filed 1-7-88; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than January 22, 1988.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Maroa Bancshares, Inc. Employee Stock Ownership Trust,* Maroa, Illinois; to acquire 24.9 percent of the voting shares of Maroa Bancshares, Inc., Maroa, Illinois, and thereby indirectly acquire Bank of Maroa, Maroa, Illinois.

Board of Governors of the Federal Reserve System, January 4, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-275 Filed 1-7-88; 8:45 am]

BILLING CODE 6210-01-M

The One Bancorp et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 29, 1988.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *The One Bancorp,* Portland, Maine; to acquire 100 percent of the voting shares of Southstate Bank for Savings, Brockton, Massachusetts.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Public National Bank Corporation,* Key Largo, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Monroe County, Key Largo, Florida, a *de novo* bank.

Board of Governors of the Federal Reserve System, January 4, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-276 Filed 1-7-88; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) covers the Social Security Administration (SSA). Notice is given of the establishment of the Office of the SSA Chief Financial Officer (S6) at the first level below the Commissioner and the establishment of the Office of Program and Integrity Reviews, the Office of Financial Policy and Operations, and the Information Technology Systems Review Staff and their respective subordinate offices in that Office. The changes are as follows:

Chapter S6

Office of the SSA Chief Financial Officer

S6.00 Mission
S6.10 Organization

S6.20 Functions

Section S6.00 The Office of the SSA Chief Financial Officer—(Mission):

The Office of the SSA Chief Financial Officer (OSSACFO) directs the development of Agency financial policies and procedures as well as the management of the Agency financial management systems. It directs the activities of the Systems Review Board (SRB) and the systems procurement review function. It directs the evaluation of program operations quality and the management of Agency quality assurance, internal controls and systems security programs.

Section S6.10 The Office of the SSA Chief Fianacial Officer—(Organization): The Office of the SSA Chief Financial Officer under the leadership of the SSA Chief Financial Office includes:

A. The SSA Chief Financial Officer (S6).

B. The Immediate Office of the SSA Chief Financial Officer (S6A).

C. The Office of Program and Integrity Reviews (S6B).

D. The Office of Financial Policy and Operations (S6C).

E. The Information Technology Systems Review Staff (S6E).

Section S6.20 The Office of the SSA Chief Financial Officer— (Functions):

A. The SSA Chief Financial Officer (SSACFO) is directly responsible to the Commissioner for carrying out the OSSACFO mission and providing general supervision to the major components of OSSACFO.

B. The Immediate Office of the SSA Chief Financial Officer (S6A) provides the SSACFO with staff assistance on the full range of his/her responsibilities.

C. The Office of Program and Integrity Reviews (S6B) reviews, evaluates and assesses the integrity and quality of the administration of Social Security programs in headquarters and in the field. It recommends corrective changes in programs, policies, procedures or legislation aimed at productivity improvement and/or program simplification. It evaluates the quality of SSA operations with emphasis on the prevention of program and systems abuse, the elimination of waste and the increase of efficiency.

D. The Office of Financial Policy and Operations (S6C) defines the requirements for all SSA financial systems and processes to ensure Agency compliance with statutory requirements for administrative control of funds prescribed by the Comptroller General and the Federal Managers' Financial Integrity Act.

E. The Information Technology Systems Review Staff (S6E) serves as the principal independent source of advice to the SRB, the SSACFO and the Commissioner on the feasibility, suitability and conformance to regulations of proposed systems plans and acquisitions; on proposed systems design and requirement specifications; and on other systems strategies and related issues. It reviews major Automated Data Processing (ADP) Agency Procurement Requests for adequacy, clarity, cost-effectiveness, achievability, consistency with strategic plans, and to ensure that project objectives are realistic and complete. It conducts technical reviews of the functional requirements and design specifications of all Information Technology Systems and other ADP systems and software to ensure their sufficiency and compliance with applicable policies, procedures and strategic plans. The Staff analyzes ongoing systems, planned strategies, contracts, interagency agreements and other ongoing work in the systems area to determine appropriateness of ADP plans and monitors significant ADP projects to ensure that Agency objectives and timeframes are met.

Subchapter S6B

The Office of Program and Integrity Reviews

Section S6B.00 The Office of Program and Integrity Reviews— (Mission): The Office Program and Integrity Reviews (OPIR) reviews, evaluates and assesses the integrity and quality of the administration of Social Security programs in headquarters and in the field. It recommends corrective changes in programs, policies, procedures or legislation aimed at productivity improvement and/or program simplification. It evaluates the quality of SSA operations with emphasis on the prevention of program and systems abuse, the elimination of waste and the increase of efficiency.

Section S6B.10 The Office of Program and Integrity Reviews— (Organization): The Office of Program and Integrity Reviews, under the leadership of the Associate Commissioner for Program and Integrity Reviews, includes:

A. The Associate Commissioner for Program and Integrity Reviews (S6B).

B. The Deputy Associate Commissioner for Program and Integrity Reviews (S6B).

C. The Immediate Office of the Associate Commissioner for Program and Integrity Reviews (S6B).

D. The Office of Insurance Program Quality (S6BA).

E. The Office of Assistance Program Quality (S6BB).

F. The Office of Disability Program Quality (S6BC).

G. The Program and Integrity Field Office (S6B–F1–S6B–FX).

Section S6B.20 The Office of Program and Integrity Reviews— (Function):

A. The Associate Commissioner for Program and integrity Reviews (S6B) is directly responsible to the SSACFO for carrying out OPIR's mission and provides general supervision to the major components of OPIR.

B. The Deputy Associate Commissioner for Program and Integrity Reviews (S6B) assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. The Immediate Office of the Associate Commissioner for Program and Integrity Reviews (S6B) provides the Associate Commissioner and Deputy Associate Commissioner with staff assistance on the full range of their responsibilities.

D. The Office of Insurance Program Quality (S6BA) plans, designs and maintains a quality review system for the Retirement and Survivors Insurance (RSI) program to ensure quality in adjudication and payment error reduction. It designs sampling methods and techniques, and issues policies and procedures for reviews. It analyzes review data and prepares reports on findings, including recommendations for corrective action, changes in RSI program policies, procedures or computer systems routines reporting on RSI payments and workloads or legislation. The Office plans and designs special reviews of problem areas, and plans and utilizes an automated data base of findings in current and longitudinal analyses so that policy and operational managers can improve the management of the RSI program. The Office provides technical support and guidance to program and integrity field staff in the RSI Quality Review program, and conducts reviews of the Program and Integrity Field Offices' (PIFO) adherence to OPIR review policies and procedures.

E. The Office of Assistance Program Quality (S6BB) plans, designs and maintains a quality review system for the Supplemental Security Income (SSI) program to ensure quality in adjudication and payment. It designs sampling methods and techniques, and issues policies and procedures for reviews. It analyzes review data and prepares reports on findings, including recommendations for corrective action changes in SSI program policies,

procedures or legislation. The Office plans and designs special reviews of problem areas, and utilizes an automated data base of findings in current and longitudinal analyses so that policy and operational managers can improve the operation of the SSI program. The Office provides technical support and guidance to program and integrity field staff in the SSI Quality Review Program, and conducts reviews of PIFO's adherence to POIR review policies and procedures. It compiles quality review data for determining Federal fiscal liability to States for Federally-administered State supplementary payments.

F. The Office of Disability Program Quality (S6BC) plans, designs and maintains a quality review system for the Title II and Title XVI disability programs to ensure quality in adjudication and payment. It designs sampling methods and techniques, and issues policies and procedures for reviews. It analyzes review data and prepares reports on findings, including recommendations for corrective action or changes in disability program policies, procedures or legislation. The Office plans and designs special reviews of problem areas, and plans and utilizes an automated data base of findings in current and longitudinal analyses so that policy and operational managers can improve the operation of the disability program. The Office provides technical support and guidance to program and integrity field staff in the disability quality review program, and conducts reviews of PIFO's adherence to OPIR review policies and procedures.

G. The Program and Integrity Field Office (PIFO) (S6B–FI–S6B–FX) manages quality assurance and evaluation activities in the field. It conducts independent reviews to determine payment and eligibility error rates in Social Security programs, including errors in Federally-administered state supplementary payments. The PIFO conducts independent reviews to determine the quality of adjudication processes of Social Security programs. The PIFO implements study reviews as formulated by OPIR and provides reports, data and analyses; it assists in identifying error trends and sources and recommends corrective actions. It also performs special assessment surveys and analyses.

Subchapter S6C

The Office of Financial Policy and Operations

Section S6C.00 The Office of Financial Policy and Operations—(Mission): The Office of Financial Policy and Operations (OFPO) defines the requirements for all SSA financial systems and processes to ensure Agency compliance with statutory requirements for administrative control of funds as prescribed by the Comptroller General and the Federal Managers' Financial Integrity Act.

Section S6C.10 The Office of Financial Policy and Operations—(Organization): The Office of Financial Policy and Operations, under the leadership of the Associate Commissioner for Financial Policy and Operations, includes:

A. The Associate Commissioner for Financial Policy and Operations (S6C).

B. The Deputy Associate Commissioner for Financial Policy and Operations (S6C).

C. The Immediate Office of the Associate Commissioner for Financial Policy and Operations (S6C).

D. The Office of Financial Policy and Systems Design (S6CA).

E. The Office of Financial Operations (S6CB).

Section S6C.20 The Office of Financial Policy and Operations—(Functions):

A. The Associate Commissioner for Financial Policy and Operations (S6C) is directly responsible to the SSACFO for carrying out the OFPO's mission and provides general supervision to the major components of OFPO.

B. The Deputy Associate Commissioner for Financial Policy and Operations (S6C) assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. The Immediate Office of the Associate Commissioner for Financial Policy and Operations (S6C) provides for Associate Commissioner and the Deputy Associate Commissioner with staff assistance on the full range of their responsibilities.

D. The Office of Financial Policy and Systems Design (S6CA) develops financial accounting policies and procedures for all SSA financial systems. It plans and directs SSA financial cost analysis programs. It plans and directs the analyses of SSA's integrated financial and administrative systems; and develops and executes Agency policies and procedures for systems security and internal controls.

E. The Office of Financial Operations (S6CB) prepares financial statements for SSA and the trust funds, and accounts for program revenues, benefits and related administrative expenses. It reports on the state agencies' financial position and the results of operations.

The following revisions and deletions in Chapter 2 should be made:

Section S2.00 The Office of the Deputy Commissioner, Operations—(Mission):

Delete:

In line 6, omit the words "technical assessment."

Section S2.20 The Office of the Deputy Commissioner, Operations—(Functions):

Delete:

E. Lines 14 and 15—Omit "and the field assessment program." Insert "and" before "the SSI program" in line 14 and a period after "program."

Subchapter S2D Office of the Regional Commissioner

Section S2D.00 The Office of the Regional Commissioner—(Mission):

Delete:

In lines 16 and 17, omit the words "and the field assessment program." Insert "and" before "the supplemental * * *" in line 15 and a period after "program" in line 16.

Add:

In line 40 insert "* * * Program and Integrity Field Offices * * *"

Section S2D.10 The Office of the Regional Commissioner—(Organization):

Delete G.

Section S2D.20 The Office of the Regional Commissioner—(Functions):

Delete G. in its entirety.

Dated: December 29, 1987

Otis R. Bowen,

Secretary of Health and Human Services.

[FR Doc. 88–336 Filed 1–7–88; 8:45 am]

BILLING CODE 4190–11–M

Statement of Organization, Functions and Delegation of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) covers the Social Security Administration (SSA). Notice is given of the establishment of the Office of the Deputy Commissioner for Management (S1) at the first level below the Commissioner and to reflect some internal realignments of subordinate offices in that Office. The changes are as follows:

Chapter S1

Office of the Deputy Commissioner, Management

S1.00 Mission
S1.00 Organization

S1.20 Functions

Section S1.00 The Office of the Deputy Commissioner, Management—(Mission):

The Office of the Deputy Commissioner, Management (ODCM) directs the administration of comprehensive SSA management programs including: budget, human resources, civil rights and equal opportunity, training, acquisition and grants, management analysis, information management and materiel resources.

Section S1.10 The Office of the Deputy Commissioner, Management—(Organization):

The Office of the Deputy Commissioner, Management, under the leadership of the Deputy Commissioner, Management includes:

A. The Deputy Commissioner, Management (S1).

B. The Assistant Deputy Commissioner, Management (S1).

C. The Immediate Office of the Deputy Commissioner, Management (S1A).

D. The Office of Human Resources, Training and Management Analysis (S1E).

E. The Office of Budget (S1B).

F. The Office of Civil Rights and Equal Opportunity (S1C).

G. The Office of Information Management, Acquisition and Logistics (S1G).

Section S1.20 The Office of the Deputy Commissioner, Management—(Functions):

A. The Deputy Commissioner, Management (S1) is directly responsible to the Commissioner for carrying out the ODCM mission and providing general supervision to the major components of ODCM.

B. The Assistant Deputy Commissioner, Management (S1) assists the Deputy Commissioner in carrying out his/her responsibilities and performs other duties as the Deputy Commissioner may prescribe.

C. The Immediate Office of the Deputy Commissioner, Management (S1A) provides the Deputy Commissioner with staff assistance on the full range of his/her responsibilities.

D. The Office of Human Resources, Training and Management Analysis (S1E) directs comprehensive SSA management analysis, training and human resources programs. It implements and manages an Agencywide workforce effectiveness program; manages a comprehensive organizational management and analysis program and develops, recommends and publishes all delegations of authority in SSA. Develops and implements a program to evaluate Agency operations in light of Office of Management and Budget (OMB) Instruction A–76. Develops, implements and maintains a fully integrated and coordinated human resources program responsive to the needs of SSA. The Office manages personnel programs in the following areas: personnel policy and research, position classification, labor and employee relations, recruitment and placement, personnel operations and personnel management evaluation. The Office of Human Resources, Training and Management Analysis is also responsible for the management and administration of national training and employee development programs. It develops and issues Agencywide policy, procedures and operational guidelines for the design, development, implementation, maintenance and evaluation of all SSA training activities.

E. The Office of Budget (S1B) directs the development and implementation of SSA budget management objectives, policies, standards and procedures, and plans, prepares, justifies, presents and executes the SSA budget. The Office furnishes advisory services concerning budget management to the Deputy Commissioner and other top-level SSA executives and provides SSA liaison on Agency budgetary matters with the Office of Management and Budget (OMB), the Department of the Treasury, the General Accounting Office, HHS, other Federal agencies and various private and public organizations.

F. The Office of Civil Rights and Equal Opportunity (S1C) directs, coordinates, develops, appraises and administers SSA-wide civil rights and equal opportunity programs. It provides counsel, advice and recommendations to the Deputy Commissioner and the SSA Executive Staff on civil rights and equal opportunity concerns and responsibilities and represents SSA with Federal and non-Federal agencies and organizations on a wide range of civil rights and equal opportunity activities.

G. The Office of Information Management, Acquisition and Logistics (S1G) directs, develops and coordinates SSA-wide administrative management and statistical information (AMSI) systems throughout SSA. Is responsible for long-range planning and analysis to define new and improved systems processes to support SSA's long-term AMSI needs. It directs the materiel management programs of SSA including logistics management programs and facilities planning and develops objectives, polices, standards and procedures for these programs. It directs SSA's activities in real and personal property management and supply operations. Directs the printing and publications management activities of SSA as well as communications and security management. The Office directs the business management aspects of SSA's procurement program and grants management program by awarding and administering contracts, preparing purchase orders or other contractual instruments. It develops and implements policies, procedures and directives for SSA procurement activities.

Section (S1E).00 The Office of Human Resources, Training and Management Analysis—(Mission):

The Office of Human Resources, Training and Management Analysis (OHRTMA) directs a comprehensive management analysis, training and human resources program. The Office develops policy and guidelines for the exercise of SSA-wide management responsibilities for those areas, and evaluates and appraises the manner in which those activities are carried out. It administers the following SSA-wide management programs:

1. Management analysis, delegations of authority, administrative appraisal and workforce effectiveness.

2. A comprehensive nationwide program designed to assure that all levels of SSA employees receive the training necessary to provide effective and efficient service to the public.

3. The full range of SSA's human resources programs, including personnel evaluation, labor and employee relations and recruitment and placement of personnel.

Section (S1E).10 The Office of Human Resources, Training and Management Analysis—(Organization):

The Office of Human Resources, Training and Management Analysis, under the leadership of the Associate Commissioner for Human Resources, Training and Management Analysis, includes:

A. The Associate Commissioner for Human Resources, Training and Management Analysis (S1E).

B. The Immediate Office of the Associate Commissioner for Human Resources, Training and Management Analysis (S1E).

C. The Office of Human Resources (S1EA).

D. The Office of Training (S1EB).

E. The Office of Management Analysis (S1EC).

Section (S1E).20 The Office of Human Resources, Training and Management Analysis—(Functions):

A. The Associate Commissioner for Human Resources, Training and Management Analysis (S1E) is directly

responsible to the Deputy Commissioner, Management for carrying out OHRTMA's mission and provides general supervision to the major components of OHRTMA.

B. The Immediate Office of the Associate Commissioner for Human Resources, Training and Management Analysis (S1E) provides the Associate Commissioner with staff assistance on the full range of his/her responsibilities.

C. The Office of Human Resources (S1EA) directs, develops, implements and maintains a fully integrated and coordinated human resources program to meet SSA needs. The Office manages personnel programs in the following areas: personnel policy and research, position classification, labor and employee relations, recruitment and placement, personnel operations and personnel management evaluation. The Office represents SSA with HHS, other Federal agencies and sources outside the Federal Government on areas within its responsibility.

D. The Office of Training (S1EB) is responsible for the management and administration of an SSA national training program. It develops and issues Agency-wide policy, procedures and operational guidelines for the design, development, implementation, maintenance and evaluation of all SSA training and employee development activities. It provides managerial oversight of training conducted by technical training staffs throughout SSA, the SSA instructor training cadre, other government agencies and outside contractors to insure that Agency training needs are met. It directs the management of training resources to insure accountability of expenditures to train and develop Agency employees throghout the nation.

E. The Office of Management Analysis (S1EC) develops, implements and directs a comprehensive program of management studies, research and analysis. Develops, recommends and publishes delegations of authority in SSA and manages SSA's delegations of authority program. It implements and manages a comprehensive workforce effectiveness system and conducts studies of work processes and procedures, as well as evaluates Agency operations through A–76 studies. It provides SSA liaison with HHS, other Federal agencies and outside sources on these matters.

Section (S1B).00 The Office of Budget—(Mission):

The Office of Budget (OB) provides overall management of the planning, development and execution of the SSA budget. The Office develops policies and guidelines for the exercise of SSA–wide budget responsibility and evaluates and appraises the manner in which this responsibility is carried out.

Section (S1B).10 The Office of Budget—(Organization):

The Office of Budget under the Director, Office of Budget, includes:

A. The Director, Office of Budget (S1B).

B. The Deputy Director, Office of Budget (S1B).

C. The Immediate Office of the Director, Office of Budget (S1B).

Section (S1B).20 The Office of Budget—(Functions):

A. The Director, Office of Budget (S1B) is directly responsible to the Deputy Commissioner, Management for carrying out OB's mission and provides general supervision to the Major components of OB.

B. The Deputy Director, Office of Budget (S1B) assists the Director in carrying out his/her responsibilities and performs other duties as the Director may prescribe.

C. The Immediate Office of the Director, Office of Budget (S1B) provides the Director and Deputy Director with staff assistance on the full range of their responsibilities.

Section (S1C).00 The Office of Civil Rights and Equal Opportunity—(Mission):

The Office of Civil Rights and Equal Opportunity (OCREO) provides overall management of the SSA-wide programs of civil rights and equal opportunity.

Section (S1C).10 The Office of Civil Right and Equal Opportunity—(Organization):

The Office of Civil Rights and Equal Opportunity, under the leadership of the Director, Office of Civil Rights and Equal Opportunity includes:

A. The Director, Office of Civil Rights and Equal Opportunity (S1C).

B. The Deputy Director, Office of Civil Rights and Equal Opportunity (S1C).

C. The Immediate Office of the Director, Office of Civil Rights and Equal Opportunity (S1C).

Section (S1C).20 The Office of Civil Rights and Equal Opportunity—(Functions):

A. The Director, Office of Civil Rights and Equal Opportunity (S1C) is directly responsible to the Deputy Commissioner for Management for carrying out OCREO's mission and provides general supervision to the major components of OCREO.

B. The Deputy Director, Office of Civil Rights and Equal Opportunity (S1C) assists the Director in carrying out his/her responsibilities and performs other duties as the Director may prescribe.

C. The Immediate Office of the Director, Office of Civil Rights and Equal Opportunity (S1C) provides the Director and Deputy Director with staff assistance on the full range of their responsibilities.

Section (S1G).00 The Office of Information Management, Acquisition and Logistics—(Mission):

The Office of Information Management, Acquisition and Logistics (OIMAL) provides overall management of the SSA-wide administrative, management and statistical information systems. It manages SSA-wide materiel management and facilities management programs. The Office develops and implements policies, procedures and guidelines for SSA acquisition and grants programs.

Section (S1G).10 The Office of Information Management, Acquisition and Logistics—(Organization):

The Office of Information Management, Acquisition and Logistics includes:

A. The Associate Commissioner for Information Management, Acquisition and Logistics (S1G)

B. The Immediate Office of the Associate Commissioner for Information Management, Acquisition and Logistics (S1G)

C. The Office of Information Management (S1GA).

D. The Office of Materiel Resources (S1GB).

E. The Office of Acquisition and Grants (S1GC).

Section (S1G).20 The Office of Information Management, Acquisition and Logistics—(Functions):

A. The Associate Commissioner for Information Management, Acquisition and Logistics (S1G) is directly responsible to the Deputy Commissioner for Management for carrying out OIMAL's mission and provides general supervision to the major components of OIMAL.

B. The Immediate Office of the Associate Commissioner for Information Management, Acquisition and Logistics (S1G) provides the Associate Commission with staff assistance on the full range of his/her responsibilities.

C. The Office of Information Management (S1GA) directs, develops and coordinates SSA-wide administrative, management and statistical information (AMSI) systems. The Office of Information Management (OIM) is responsible for long-range planning and analyses to define new and improved systems processes to support SSA's long-term AMSI needs. Directs the coordination of user requirements with private contractors, the SSA user community and the State Disability Determination Services to

ensure efficient and effective administration of management information needs and related systems support. Directs a comprehensive data base administration program for the control of SSA's AMSI data bases. Develops technical specifications for the acquisition, implementation and operation of AMSI ADP and telecommunications resources.

D. The Office of Materiel Resources (S1GB) directs the materiel management programs of SSA and develops objectives, policies, standards and procedures for these programs. The Office provides SSA materiel services including supply management, space acquisition, utilization and management, telephone systems, mail and distribution operations, publications and records management, forms, printing and reprographics. It directs facilities planning and maintenance, protective security, civil defense, library services and historical research programs. The Office provides services to SSA headquarters personnel, including employee health and occupational safety, transportation, parking and commuter information. It provides SSA liaison with the General Services Administration, HHS, other Federal agencies and various public and private organizations on matters relating to its mission.

E. The Office of Acquisition and Grants (S1GC) directs the business management aspects of SSA's procurement program for research, demonstration projects, automatic data processing and telecommunications equipment acquisition and procurement of supplies, material and services. The Office performs a continuous surveillance, review and evaluation of SSA procurement actions. It develops and implements policies, procedures and directives for SSA procurement activities. It performs the cost/price analysis and evaluation required to award and administer SSA contracts. The Office directs the business management aspects of SSA's discretionary grants management program.

Delete:

Existing Chapter S1, The Office of the Deputy Commissioner, Management and Assessment, in its entirety.

Dated: December 29, 1987.

Otis R. Bowen,

Secretary of Health and Human Services.

[FR Doc. 88-337 Filed 1-7-88; 8:45 am]

BILLING CODE 4190-11-M

Alcohol, Drug Abuse, and Mental Health Administration

Basic Behavioral Processes Research Review Committee; Reestablishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-776) and the Anti-Drug Abuse Act of 1986 (Pub. L. 99-570, section 501(j), the Administrator, Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), announces the reestablishment, on December 31, 1987 of the following committee: Basic Behavioral Processes Research Review Committee, NIMH

The duration of this committee is continuing unless formally determined by the Administrator, ADAMHA, that termination would be in the best public interest.

Date: December 31, 1987.

Donald Ian Macdonald,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 88-268 Filed 1-7-88; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

[Docket No. 87E-0365]

Determination or Regulatory Review Period for Purposes of Patent Extension; Hytrin

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Hytrin and is published this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESS: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrea E. Chamblee, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) generally provides that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under the act, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occured before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Hytrin (terazosin hydrocholoride), which is indicated in the treatment of hypertension alone or in combination with other antihypertensive agents such as diuretics or beta adrenergic agents. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Hytrin (U.S. Patent No. 4,251,532) from Abbott Laboratories, and requested FDA's assistance in determining the patent's eligibility for patent term restoration. FDA, in a letter dated October 29, 1987, advised the Patent and Trademark Office that the human drug product had undergone a regulatory review period and that the active ingredient, terazosin hydrochloride, represented the first permit commercial marketing or use of the active ingredient. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Hytrin is 3,256 days. Of this time, 1,851 days occurred during the testing phase of the regulatory review period, while 1,405 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:*

September 9, 1978. The applicant claims September 10, 1978, as the date the notice of claim investigational exemption (IND) for the drug became effective. However, FDA records indicate that the IND became effective on September 9, 1978.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* October 3, 1983. The applicant claims September 30, 1983, as the date the new drug application for the drug (NDA 19-057) was initially submitted. However, FDA records indicate that the NDA was received on October 3, 1983.

3. *The date the application was approved:* August 7, 1987. FDA has verified the applicant's claim that NDA 19-057 was approved on August 7, 1987.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 730 days of patent term extension.

Anyone with knowledge that any of the dates as published in incorrect may, on or before March 8, 1988, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before July 6, 1988, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and indentified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 18, 1987.

Stuart L Nightingale,

Associate Commissioner for Health Affairs

[FR Doc. 88-269 Filed 1-7-88; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 87D-0110]

Medical Devices; Revision of Compliance Policy Guide Regarding Condoms; Defects—Criteria for Direct Reference Seizure; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a revised sampling inspection plan for condoms found in Attachment A—Sampling Inspection Plan, CPG 7124.21, "Condoms; Defects—Criteria for Direct Reference Seizure" (dated December 30, 1987). The purpose for revising the sampling inspection plan is to provide instructions for sampling and examining those small and very large lots of condoms that were not addressed in the original sampling inspection plan. These additions and revisions do not affect the acceptable quality level for condoms as established in the original CPG 7124.21, dated April 10, 1987. FDA's revision of the sampling inspection plan is extracted verbatim from MIL-STD-105D (the military standard for "Sampling Procedures and Tables for Inspection Attributes") and is based on an acceptable quality level of 0.4 percent, and inspection level II and normal inspection, as referenced in MIL-STD-105D. This guidance does not limit the agency's enforcement discretion on whether to initiate regulatory action after an evaluation of all the relevant facts.

ADDRESS: Written requests for single copies of the guide to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. (Send two self-addressed adhesive labels to assist the Branch in processing your requests.).

FOR FURTHER INFORMATION CONTACT: Frank J. Pipari, Center for Devices and Radiological Health (HFZ-323), Food and Drug Administration, 8727 Georgia Avenue, Silver Spring, MD 20910, 301-427-8040.

SUPPLEMENTARY INFORMATION: Compliance Policy Guide 7124.21 is available for public examination in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. Requests for single copies of Compliance Policy Guide 7124.21 should refer to the docket number found in brackets in the heading of this document and should be submitted to the Dockets Management Branch.

This notice is issued under 21 CFR 10.85.

Dated: December 30, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88-271 Filed 1-7-88; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 87D-0028]

Compliance Policy Guide for Reconditioners/Rebuilders of Medical Devices; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of Compliance Policy Guide 7124.28 (guide) entitled "Reconditioners/Rebuilders of Medical Devices" (dated December 29, 1987). This guide addresses the application to reconditioners and rebuilders of medical devices of the Medical Device Amendments to the Federal Food, Drug, and Cosmetic Act (the act) and its implementing regulations. This guidance assures that device reconditioners and rebuilders understand that the agency may in the exercise of its discretion enforce the act for violations committed by them.

ADDRESS: Requests for single copies of the guide to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. (Send two self-addressed adhesive labels to assist the branch in processing your requests.).

FOR FURTHER INFORMATION CONTACT: William F. Hooten, Center for Devices and Radiological Health (HFZ-332), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-427-7984.

SUPPLEMENTARY INFORMATION: This policy guide defines a medical device reconditioner or rebuilder as a person or firm that acquires ownership of used medical devices and restores and/or refurbishes these devices to the manufacturer's original or current specifications, or new specifications, for purposes of resale or commercial distribution. The guide also addresses the agency's position that reconditioners/rebuilders are considered to be medical device manuafacturers and are, therefore, subject to the same regulatory followup under the act and regulations as are other device manufacturers.

Compliance Policy Guide, 7124.28 is available for public examination in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m.,

Monday through Friday. Requests for single copies of Compliance Policy Guide 7124.28 should refer to the docket number found in brackets in the heading of this document and should be submitted to the Dockets Management Branch.

This notice is issued under 21 CFR 10.85.

Dated: December 29, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88-270 Filed 1-7-88; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

National Recreational Fisheries Policy; First Public Review Draft

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Request for public comments on proposed National Recreational Fisheries Policy.

SUMMARY: The Fish and Wildlife Service (Service) is coordinating the development of a National Recreational Fisheries Policy (Policy) in a public forum in which members of the general public, and Federal, State, tribal, and local governments are participating. The Policy document published with this notice is the first draft for review and comment by the general public. Comments will be accepted by the U.S. Fish and Wildlife Service until February 15, 1988.

The draft was written by representatives of the following organizations: the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the U.S. Forest Service, the U.S. Army Corps of Engineers, the American Fisheries Society, the Sport Fishing Institute, the National Wildlife Federation, the Atlantic States Marine Fisheries Commission, and the Gulf States Marine Fisheries Commission. This is not an inclusive list of organizations involved in the Policy drafting effort. Over 65 Federal, State, and tribal governments, and sport fishing constituency and industry groups participated in developing an outline of the Policy statement of purpose, guiding principles, goals, and objectives. This outline guided the previously mentioned groups in drafting the Policy.

The purpose of the Policy is to provide a unified set of national guiding principles, goals, and objectives for the conservation, management, and wise use of recreational fisheries and the resources on which they depend. The principles, goals, and objectives of the Policy are intended to provide uniform guidance for governmental (Federal, State, tribal, and local) and private sector entities in fulfilling their recreational fisheries responsibilities.

FOR FURTHER INFORMATION AND SUBMISSION OF POLICY COMMENTS CONTACT: Gary Edwards, Assistant Director—Fisheries, U.S. Fish and Wildlife Service, 18th and C Streets, NW., Washington, DC, 20240, (202) 343-6394.

SUPPLEMENTARY INFORMATION: The policy applies to recreational fisheries on a national scale and is being developed within a broad forum of national participation, hence the term "*National Policy*". The Policy represents the collective efforts of Federal, State, and tribal governments, and representatives from private sector fishery resource constituency groups and industry. *It is not a Federal policy.*

The Policy development effort was initiated April 29, 1987, in a discussion held by the Service with representatives from the aforementioned participating groups. The Service offered to coordinate and lead the development effort emphasizing it was to be a national policy as defined above. Since then, an outline of the Policy was drafted by the Service and distributed to over 65 agencies, groups, and individuals for review (including the International Association of Fish and Wildlife Agencies who distributed it to the 50 States). Comments on the outline were received, a revised outline developed, and a final outline produced by participants at an October 13, 1987, meeting. The final outline was used to write a preliminary draft policy. This draft was used by a working group of Policy participants to develop the first public review draft presented here.

As a policy level document, the Policy is not a strategic plan or action plan. Actions to implement the goals and objectives of the Policy are the individual responsibility of the diverse interests involved in recreational fisheries management. Its guiding principles, goals, and objectives provide a conceptual foundation for each interest to build upon either individually or cooperatively an within the context of their objective roles and responsibilities.

The Policy is an umbrella document that provides long-term common goals for conserving and enhancing the Nation's recreational fisheries. The Policy suggests that this is most effectively accomplished through a cooperative process of government-to-public sector cooperation and coordination.

A final Policy will be written from comments received on this draft. The Policy will then be adopted by participating groups at a National Recreational Fisheries Conference to be held during the first week of June (National Fishing Week) of 1988. It will then be advanced for national recognition as the statement of common national goals and objectives for the conservation and enhancement of the Nation's recreational fisheries.

Date: January 5, 1988.

Frank Dunkle,

Director.

National Recreational Fisheries Policy

Along its coastlines, bays, and estuaries, throughout its great lakes, reservoirs, and inland rivers, in small ponds, and in upland brooks, the United States enjoys the blessings of abundant and diverse fisheries. Thousands of species of finfish and shellfish can be found in the many habitats our waters afford. From the earliest days of our Nation, fish have provided us food and wholesome recreation. With each passing decade, the values of our recreational fisheries have become more important. Today, nearly 60 million Americans—one in four of our citizens—fish recreationally. In the past 30 years, the number of anglers has more than doubled. And the total expenditures anglers contribute to the economy now approach $30 billion annually.

"Recreational fishing" is a phrase as expansive and complex as the bounty of our waters and the impacts of fishing on our society. It includes the Nation's bass and trout anglers who have given voice to conservation concerns and have recognized the need for protection and replenishment of our waters. The phrase also embraces the big game anglers, who, in specially designed craft replete with sophisticated gear, roam the blue waters for marlin, tuna, sailfish, and other potential trophies of the deep. So too, the phrase enfolds the aging angler quietly watching baited line along the bank of a slow moving river or the eager child swiftly hoisting the first bluegill or yellow perch from an urban pond. But, as the number of meanings grows, so likewise does a need to acknowledge the deepening value of this Nation's recreational fisheries.

Why, each year, do more and more of our citizens heed the call of the waters? Anglers have many reasons to fish. Historically, and at present, many fish to catch quality food. Moreover they fish for relaxation and for excitement, for the

thrill of capture and for the joy of release, for the fellowhip and for the solitude, for the enjoyment of nature's tranquillity and for the challenge of encountering the raw elements, for escape from the daily routine, and for involvement in the complexity of the natural world. Most, perhaps, respond to an ancient human trait—anticipation—the expectation of catching fish.

But will high quality fish and fishing opportunities remain available? Fish have been among our most valuable natural resources. We have learned—as the fish themselves have demonstrated—their renewable nature. But their resiliency is limited. Overharvest, pollution, and loss of habitat all contribute to their depletion.

The potential for fishery loss has grown apace with our population. Fortunately, this depletion has been recognized as a national problem and protection of our fishery resources has been assured—significantly—through local, State, and Federal laws. Important as these statutes and regulations may be, however, it is also appropriate for the citizens of the United States, by themselves and through the various government entities that serve them, to make a national statement proclaiming the worth attached to recreational fisheries and to the abiding need for conserving fishery resources. Such a need can be fulfilled through a National Recreational Fisheries Policy.

This National Recreational Fisheries Policy (Policy) signals a nationwide commitment by governments, the private sector, and all interested citizens to overcome adversities to recreational fisheries, serves as a statement of common national goals for the conservation and improvement of the Nation's recreational fishery resources, and calls for a strengthened partnership between government and the private sector to attain these goals.

This Policy constitutes a foundation and forward step in ensuring abundant, healthy recreational fishery resources. In turn, these resources will provide an enduring source of pleasure for all Americans and ensure a continuing flow of social and economic benefits to the Nation.

Policy Statement

The National Recreational Fisheries Policy declares that the Nation's recreational fisheries provide significant benefits to our families, individuals, society, and the national economy. These benefits depend upon achieving and maintaining healthy fish populations and their habitats. This Policy further declares that governments recognize they are vested by the citizens with stewardship responsibility and that an active government effort, in partnership with the private sector, is needed to maintain and promote the conservation and enhancement of recreational fisheries for the continuing benefit of the Nation.

Statement of Purpose

The National Recreational Fisheries Policy establishes guiding principles, goals, and objectives for the conservation and enhancement of the Nation's fish populations, the habitats they depend on, and the recreational fisheries they support. The objectives will be achieved within the framework of respective government and private sector responsibilities.

Guiding Principles

The guiding principles of the National Recreational Fisheries Policy are:

Recreational Fisheries Contribute Significant Social and Economic Benefits to the Nation

Recreational fishing is a cherished American tradition and an important activity contributing to the economic well-being of the Nation. The recreational fishing industry annually makes a multi-billion dollar contribution to the Nation's economy.

Recreational Fisheries Depend on Abundant Fishery Resources

Healthy fisheries are maintained through sound scientific management of fish populations and their habitats. Fisheries can be restored and improved by taking advantage of opportunities to improve the quality and quantity of the habitats upon which they depend.

Governments and the Private Sector Must Work in Partnership to Advance Stewardship of Recreational Fisheries

Governments are vested with respective stewardship responsibilities to protect, conserve, and enhance fishery resources for the public benefit. Partnerships between governments and the private sector provide greater opportunities for maintaining and improving fisheries. The Federal Government should encourage such partnerships and be an active participant where consistent with its responsibilities.

Existing Authorities and Responsibilities of Governments Will Be Recognized

This Policy recognizes that States and tribes have proprietary rights and responsibilities for management, policy making, and licensing of the fishery resources and anglers under their purview. Additionally, tribes have a unique status and are dealt with on a government-to-government basis, under self-determination policies. The Policy further confirms the Federal Government's strong support for the continued rights of states and tribes in fishery resource matters and for its own commitment to carry out its responsibilities and role for fishery resource management and conservation.

Goals

I. Increase the Productivity of Fishery Resources

Fish populations and their habitats continue to decline while numbers of anglers and total days of fishing increase. The U.S. Fish and Wildlife Service's 1985 National Survery of Hunting, Fishing, and Wildlife Associated Recreation reports that the increase in the number of anglers exceeds the rate of national population growth. Providing abundant fishery resources for future anglers will require more than just stemming habitat and fish population declines. It will require concerted and diligent efforts by all parties to maintain, restore, and increase the productivity of existing populations and their habitats, including creation of new fishing opportunities, and efforts to increase the utility of the information base from which management decisions are made.

Objectives—A. *Promote the conservation and enhancement of fish stocks and their habitats.* Healthy and productive habitat is the foundation for maintaining vigorous fish populations. Accordingly, there must be concerted efforts to conserve remaining habitats, restore degraded habitats, and improve habitat productivity. Critical habitat issues include maintenance of water quality and suitable flows for fish, control of toxic contaminants, and the protection and restoration of riparian areas, watersheds, wetlands, estuaries, and offshore waters.

With a productive habitat base, effective conservation depends on development of biologically sound management plans that strive to provide fishing opportunities while maintaining productive capabilities, prevention of overharvest through appropriate education, regulatory and law enforcement measures, incorporation of conservation and enhancement considerations for fishery resources into Federal land and water development activities, and, most importantly, responsive action from the public to uphold and support wise management activities.

Fish stocks and habitat can be enhanced and created through activities such as carefully considered fish stocking programs, instream and riparian habitat improvement efforts, and artificial reefs.

B. *Promote, support, and conduct research and development in support of fisheries management.* Sustained high quality fishing depends on healthy fishery resources maintained through sound scientific management supported by research. Research must continue to provide the tools for protecting, restoring, and enhancing fishery resources as well as for a greater understanding of the resources themselves. Research by the private sector is encouraged.

Techniques must be improved and refined to monitor accurately the status of fish populations and improve population trend forecasting. Improved fish culture and health care techniques must be developed. Quantitative population genetics must be improved for predicting the effects of wild stock/hatchery stock interbreeding, hatchery breeding practices, and reductions in gene pools. Habitat evaluation procedures must be standardized, habitat restoration and enhancement techniques refined, and habitat producitivity better understood.

C. *Develop and maintain biological, social, and economic data bases on recreational fisheries.* Existing data bases and surveys, such as the National Marine Fisheries Service's Recreational Fisheries Statistics Survey and the U.S. Fish and Wildlife Service's National Survey of Hunting, Fishing, and Wildlife-Associated Recreation should be evaluated on a continuing basis to improve their utility for decision making in recreational fisheries management. In addition to providing data on catch and effort, surveys should include social and economic data such as angler preferences, demographics, and trip expenditures. Management agencies should strive for comprehensiveness, timeliness, accuracy, and comparability of recreational fisheries surveys.

II. Increase the Quality and Diversity of Recreational Fishing Opportunities

A primary purpose of maintaining healthy fishery resources is to provide public fishing opportunities. These should include different kinds of fishing experiences in a variety of aquatic habitats. Public preferences are important in determining the opportunities fisheries managers should seek to provide. Decision makers should provide leadership and creativity in defining the range of potential opportunities and be responsible for ensuring wise use of the fishery resources.

Objectives—A. *Enhance and diversify recreational experiences.* Recreational fisheries can be enhanced by creating new fisheries in underused areas such as cities and suburbs, privately owned waters, and government lands. Redirection of fishing to new areas and underused species can help alleviate pressure on other crowded fisheries. Fishing opportunities can also be enhanced through habitat management such as constructing artificial reefs, construction of new lakes, and management of instream flows.

Recreational fishing preferences and methods change. Recognizing this fact underscores the need to protect and conserve all potential recreational fisheries, lest a valuable future resource be lost or depleted needlessly. Management entities should work to promote the concept that quality fishing can be maintained under circumstances where quantity of fishing is not feasible. Providing diversity in fishing opportunities is one means to promote quality fishing and is key to providing satisfaction for the tremendous variations in angler preferences. Diversity can be maintained and enhanced through options such as put-and-take fishing, catch-and-release fishing, equipment limitations, trophy fishing areas, and various length and creel limits.

More people are beginning to enjoy fish without fishing. Increasing numbers of non-consumptive users enjoy watching, studying, and photographing fish, sightseeing at fish ladders, and visiting hatcheries. Additional opportunities for such activities should be encouraged and created.

B. *Increase access to recreational fisheries.* Governments and the private sector should seek opportunities to increase public fishing access with appropriate recognition of private property rights. Boat ramps, fishing sites, and shore access should be considered in mitigation and enhancement activities. The unique needs of children, senior citizens, and the handicapped should be addressed so that they may participate more fully in fishing.

III. Enhance Partnerships Between Governments and the Private Sector for Conserving and Managing Recreational Fisheries

In addition to biological factors, effective fishery management must deal with social, economic, and political issues. There is an expanding array of government agencies, councils, committees, and commissions that address these issues. However, in order to develop coherent national programs for recreational fisheries, these entities should strive to define and coordinate their roles and responsibilities better. Efforts to improve should also extend to the thousands of local and national private-sector constituency groups, clubs, and industry organizations. Governments and private sector cooperation is crucial to develop and manage recreational fisheries effectively.

Objectives—A. *Develop structured forms for exchange of information and program coordination between government agencies and private groups.* Governments, constituency groups, and industries should improve the quality and increase the quantity of their informational materials, and should strive for better distribution. Recreational fisheries would be well served by conferences co-sponsored by government agencies, constituency groups, and the recreational fishing industry.

There should be more government representation at meetings of constituency groups. Likewise, public policymaking groups should encourage early involvement of anglers and the private sector in making decisions that affect them.

Issues and programs of common concern should be identified and cooperative strategies between involved entities developed to reduce overlaps in effort, increase efficiencies, and reduce the potential for fragmentation.

B. *Develop and promote mechanisms for the private sector to participate in fisheries programs and projects.* Cooperation between citizens and the government provides a sense of shared pride and ownership in the Nation's fishery resources. Participation by the private sector in recreational fisheries programs should be encouraged by such mechanisms as government challenge grants, technical assistance, and cost sharing. Governments should increase opportunities for private involvement on public lands for surveys, habitat improvement, access development, and other fisheries conservation and enhancement projects.

C. *Increase public concern for and participation in fisheries conservation, and improve angler ethics.* An informed, concerned, and involved public is essential to maintaining and enhancing recreational fisheries. Governments, industry, and constituency groups should continue their informational and educational programs designed to build concern and support for fishery resources conservation efforts. For more than a century, anglers have

demonstrated their willingness to conserve and replenish recreational fisheries through licenses, excise taxes, and user fees. This tradition of public support must continue.

Anglers can further share responsibility for fishery resources conservation by adopting and promoting an angling code of ethics that respects the rights and interests of other anglers and property owners and demonstrates concern for wise use of the resource.

IV. Promote a Healthy Recreational Fisheries Industry

The well-being of the recreational fishing industry depends on maintaining and enhancing fishery resources. If the Nation's fisheries are sound, then the industry can prosper and, in the process, provide jobs to millions of our citizens. This industry also stands to prosper not just by providing appropriate goods and services to anglers, but by supporting public education in aquatic resource issues.

Objectives—A. *Maintain and enhance fishery resources.* Just as government has a responsibility for maintaining health recreational fisheries, so too, industry and its constituency groups need to support effective fisheries conservation policies and projects to ensure stability and benefits they seek for industry.

B. *Provide goods and services, and information on fishing opportunities.* Anglers require a wide variety of high quality goods and services. The recreational fishing industry should provide these for the broad range of economic and physical abilities and angler preferences. With healthy fisheries and appropriate data, the industry should stimulate recreational fishing through marketing research promotion.

Governments, industry, and constituency groups can further fisheries conservation by increasing outreach efforts to beginning anglers, providing fishing instruction, and distributing information on fishing opportunities and fishery resources conservation.

Conclusion

This Policy is a first step toward developing a comprehensive national effort to improve the health and abundance of the Nation's fishery resources. Achieving Policy goals will provide improved fishing, more responsive and capable management, and a more informed and participatory private sector.

Local, State, tribal, and Federal governments have individual and common responsibilities for recreational fisheries. Constituency groups and industry have their own organizational mandates to guide them. This Policy provides a framework of common goals and objectives that each entity can advance individually or cooperatively.

All of these groups must commit to translating the goals of the National Recreational Fisheries Policy into productive actions so that all Americans can continue to enjoy this Nation's recreational fisheries.

Glossary

Fish. Finfish and aquatic invertebrates including shellfish and crustaceans.

Angler. One who takes or attempts to take fish for recreational purposes.

Recreational fisheries. A population or populations of fish, their habitat, and the activities associated with their use by man for recreation and/or personal use.

Recreational fishing industry. Collectively, the businesses providing goods and services to recreational anglers.

Habitat. The sum of the biological, physical, and chemical components that constitute the fish's environment.

Fishery resources. Fish and the habitats on which they depend.

Stewardship. Responsibility to protect, conserve, enhance, and manage fishery resources for public benefit.

Conservation. Wise use.

Restoration. Treatment to recover lost production.

Enhancement. Treatment to increase production.

Governments. State, Federal, Tribal, and local governments.

Private. Non-government.

Constituency groups. Organizations representing the interests of members in matters pertaining to fishery resources.

Mitigation. Appropriate avoidance, minimization, rectification, reduction by maintenance, and/or compensation of adverse impacts.

[FR Doc. 88-357 Filed 1-7-88; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Minerals Management Plan, Lake Mead National Recreation Area, Nevada and Arizona; Termination of the Environmental Impact Statement Process

SUMMARY: In Volume 51, Number 240, page 44952 of the **Federal Register** dated December 15, 1986, the National Park Service announced the intent to prepare an environmental impact statement (EIS) in conjunction with a Minerals Management Plan for the Lake Mead National Recreation Area, Arizona and Nevada. The Minerals Management Plan (MMP) is to be based on the decisions and recommendations contained in the recently completed General Management Plan (GMP) for Lake Mead. The Record of Decision for the General Management Plan and associated EIS was issued on December 4, 1986.

In scoping the proposed MMP, it was determined that the plan, in itself, will propose no new actions. The major federal action, establishment of resource development zones, was set forth and analyzed in the GMP and associated EIS for Lake Mead. The MMP will document approved management actions, regulatory guidelines, and subzone resource information. Also, it will provide cumulative impact information of all past mining activities upon existing conditions. Mining plans of operation submitted for lands within Lake Mead in the future will each require specific environmental assessments for the particular proposal. The MMP will guide such assessments. In view of the fact that a determination of the number of future mining proposals in Lake Mead would be purely speculative and that the MMP itself proposes no new action, there are no issues ripe for environmental analysis in conjunction with preparation of the MMP. Therefore, neither an EIS nor an environmental assessment will be prepared. This rationale and conclusion on the need for an EIS or environmental assessment in conjunction with the MMP is identical to that utilized for the Glen Canyon National Recreation Area.

A mining excepted areas map for Lake Mead, which reflects the zoning decisions made in the recently completed GMP, has been prepared and is available for inspection at the following addresses:

Headquarters, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City Nevada 89005

Copies of the GMP/EIS and Record of Decision can also be obtained from the Superintendent, Lake Mead at the above address or from the Western Regional Office, National Park Service, P.O. Box 36063, 450 Golden Gate Avenue, San Francisco, California 94102.

Date: December 23, 1987.

W. Lowell White,

Acting Regional Director, Western Region, National Park Service.

[FR Doc. 88-358 Filed 1-7-88; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Intent To Perform Interstate Transportation for Certain Nonmembers

Date: January 5, 1988.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, non-exempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the proprietary of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC.

(1) Western Dairymen Cooperative, Inc.

(2) 175 South West Temple G.L. #30, P.O. Box 2730, Salt Lake City, UT 84110–2730.

(3) 175 South West Temple G.L. #30, Salt Lake City, UT 84101.

(4) Scott Brown, P.O. Box 2730, Salt Lake City, UT 84110–2730.

Noreta R. McGee,

Secretary.

[FR Doc. 88–313 Filed 1–7–88; 8:45 am]

BILLING CODE 7035–01–M

Intention To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office:

H.E. Butt Grocery Company, 646 South Main Avenue, San Antonio, Texas 78204

2. Wholly-owned subsidiaries which will participate in the operations and state of incorporation:

Parkway Distributors, Inc., 5600 Business Park, San Antonio, Texas 78218; a Texas corporation

Parkway Transport, Inc., 5600 Business Park, San Antonio, Texas 78218; a Texas corporation

Noreta R. McGee,

Secretary.

[FR Doc. 88–314 Filed 1–7–88; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Bureau of Justice Assistance

State Reimbursement Program for Incarcerated Mariel-Cubans

AGENCY: Bureau of Justice Assistance, Justice.

ACTION: Notice of issuance of solicitation for applications to reimburse states for expenses incurred by the incarceration of Mariel-Cubans.

SUMMARY: The Bureau of Justice Assistance (BJA) is administering a program to reimburse states for expenses incurred by the incarceration of certain Mariel-Cubans in state facilities.

ADDRESS: Bureau of Justice Assistance, 633 Indiana Avenue, NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Louise Lucas, (202) 724–8374. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Bureau of Justice Assistance (BJA) is publishing a notice of issuance of solicitation to implement a State Reimbursement Program for Incarcerated Mariel-Cubans. The Department of Justice Appropriation Act for 1988 (Pub. L. 100–202) allocates up to $5 million for the purpose of making grants to states for their expenses for the incarceration of Mariel-Cubans in state facilities.

I. General Provisions

Statutory authority: The statutory authority is the Department of Justice Appropriations Act for 1988, Pub. L. 100–202.

Submission date: The submission date for state applications is no later than February 1, 1988.

Eligible applicants: All states are eligible to apply for and receive grants. *State* means any state of the United States and includes the District of Columbia and the Commonwealth of Puerto Rico.

Participating states: It is expected that the 32 states that participated last year will participate again this year, specifically, Alaska, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Iowa, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Virginia, Washington, and Wisconsin. There may be the possibility of a few additional states participating also.

II. Allocations and Use of Funds

Fund availability: The Act provides a total of $5 million for the purpose of making grants to states. The total amount of funds awarded will be on the basis that the certified number of incarcerated persons in a state bears to the total certified number of such incarcerated persons. The amount of reimbursement per prisoner, per annum, will not exceed $12,000.

Fund use: The intent of the public law is to reimburse the states for their expenses by reason of Mariel-Cubans having to be incarcerated in state facilities. A budget or expenditure plan is not required as the award will be solely for reimbursement. No match funds are required.

III. Application Content

(a) All state applicants *must* submit Standard Form 424 (Application for Federal Assistance), along with a *certified listing* of incarcerated Mariel-Cuban prisoners. We request that inmates previously verified be *separated* from newly submitted inmates. For those previously verified, there is no need to resubmit Items 13 & 14 below. The certified listing will include information in the following sequence:

(1) Name (last name first);

(2) AKA (also known as);

(3) Alien Identification Number (e.g., A24456789);

(4) Inmate Number;

(5) Date of Birth;

(6) Incarceration Date;

(7) Probable earliest release date;

(8) Conviction Offense (Criminal Offense Code No. not acceptable);

(9) Conviction date;

(10) Last known address;

(11) State facility housing the prisoner;

(12) State facility address;

(13) I–247 Form—Immigration Detainer Notice (If INS has filed a Detainer on this prisoner, submit a copy);

(14) Fingerprint card.

Submission of Mariel-Cuban data in an alternative format *must* be approved by the BJA prior to submission of an application. Please contact Louise Lucas, BJA, 202/724–8374.

(b) The certified listing *MUST* be signed by the Governor or his authorized representatives.

(c) The period of incarceration for reimbursement purposes is October 1, 1987 to September 30, 1988. The computation of funds will be based on an aggregate total of certified prisoners incarcerated for a 12-month period (e.g., if two prisoners are incarcerated for six months during the period, the state will be reimbursed the full amount for one year).

(d) The Act is specific in that the prisoner must have been paroled into the United States by the Attorney General during the 1980 influx of Mariel-Cubans. This means those Cubans who *Entered Without Inspection* (EWI), earlier arrivals (pre-boatlift), and/or later arrivals (post-boatlift), cannot be included and, thus, no expenses will be reimbursed.

(e) State law will prevail when a determination is required as to what constitutes a state facility and/or a state prisoner.

IV. Review of State Applications

State applications must be submitted in the form and at the time prescribed.

(a) The application and certified listing will be reviewed by BJA and a cross-check verification of prisoners will be made by the Immigration and Naturalization Service of the U.S. Department of Justice. This review will be accomplished no later than April 1, 1988, and grants will be immediately made to states.

(b) Compliance with Executive Order 12372, "Intergovernmental Review of Federal Programs." This program is covered by Executive Order 12372 and Department of Justice implementing regulations 28 CFR Part 30. States must submit grant applications to the state's *Single Point of Contact*, if there is a *Single Point of Contact*, and if this program has been selected for coverage by the state process, at the same time applications are submitted to the Federal agency. State processes have 60 days starting from the application deadline to comment on applications. Applicants should contact their state "Single Point of Contact" as soon as possible to alert them to the prospective application and receive instructions regarding the process.

(c) The BJA will notify the applicant in writing of the specific reasons for the disapproval of the application amendment, in whole or in part.

V. Civil Rights Assurances

The applicant State must specifically assure that it will comply, and that subgrantees and contractors will comply, with all applicable Federal non-discrimination laws and regulations, including the following:

(a) Title VI of the Civil Rights Act of 1964;

(b) Section 809(c) of Justic Assistance Act of 1984;

(c) Section 504 of the Rehabilitation Act of 1973, as amended;

(d) Title IX of the Education Amendments of 1972;

(e) The Age Discrimination Act of 1975; and,

(f) The Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts, C, D, E, and G.

Any application for $500,000 or more shall be accompanied by a copy of the current Equal Employment Opportunity Program of the corrections department in accordance with the provisions of 28 CFR 42.301 *et seq.* State applicants that previously applied for and received funding under this initiative, and had an Office of Justice Programs' approval of their Equal Employment Opportunity Program, need only submit a statistical update of the previously approved program.

George A. Luciano,

Director, Bureau of Justice Assistance.

[FR Doc. 88–292 Filed 1–7–88; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 267a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Part 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon Act and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor,

Employment Standards Administrations, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3504, Washington, DC 20210.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their date of notice in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Alabama:
- AL87–1(AL88–1) ..... Jan. 2, 1987.
- AL87–2(AL88–2) ..... Jan. 2, 1987.
- AL87–3(AL88–3) ..... Jan. 2, 1987.
- AL87–4(AL88–4) ..... Jan. 2, 1987.
- AL87–5(AL88–5) ..... Jan. 2, 1987.
- AL87–6(AL88–6) ..... Jan. 2, 1987.
- AL87–7(AL88–7) ..... Jan. 2, 1987.
- AL87–8(AL88–8) ..... Jan. 2, 1987.
- AL87–9(AL88–9) ..... Jan. 2, 1987.
- AL87–10(AL88–10) ..... Jan. 2, 1987.
- AL87–11(AL88–11) ..... Jan. 2, 1987.
- AL87–12(AL88–12) ..... Jan. 2, 1987.
- AL87–13(AL88–13) ..... Jan. 2, 1987.
- AL87–14(AL88–14) ..... Jan. 2, 1987.
- AL87–15(AL88–15) ..... Jan. 2, 1987.
- AL87–16(AL88–16) ..... Jan. 2, 1987.
- AL87–17(AL88–17) ..... Jan. 2, 1987.
- AL87–18(AL88–18) ..... Jan. 2, 1987.
- AL87–19(AL88–19) ..... Jan. 2, 1987.
- AL87–20(AL88–20) ..... Jan. 2, 1987.
- AL87–21(AL88–21) ..... Jan. 2, 1987.
- AL87–22(AL88–22) ..... Jan. 2, 1987.
- AL87–23(AL88–23) ..... Jan. 2, 1987.
- AL87–24(AL88–24) ..... Jan. 2, 1987.
- AL87–25(AL88–25) ..... Jan. 2, 1987.
- AL87–26(AL88–26) ..... Jan. 2, 1987.
- AL87–27(AL88–27) ..... Jan. 2, 1987.
- AL87–28(AL88–28) ..... Mar. 6, 1987.
- AL87–29(AL88–29) ..... Mar. 6, 1987.

Alaska:
- AL87–1(AK88–1) ..... Jan. 2, 1987.

Arizona:
- AZ87–1(AZ88–1) ..... Jan. 2, 1987.
- AZ87–2(AZ88–2) ..... Jan. 2, 1987.
- AZ87–3(AZ88–3) ..... Jan. 2, 1987.
- AZ87–4(AZ88–4) ..... Feb. 6, 1987.

Arkansas:
- AR87–1(AR88–1) ..... Jan. 2, 1987.
- AR87–2(AR88–2) ..... Jan. 2, 1987.
- AR87–3(AR88–3) ..... Jan. 2, 1987.
- AR87–4(AR88–4) ..... Jan. 2, 1987.
- AR87–5(AR88–5) ..... Jan. 2, 1987.
- AR87–6(AR88–6) ..... Jan. 2, 1987.
- AR87–7(AR88–7) ..... Jan. 2, 1987.

California:
- CA87–1(CA88–1) ..... Jan. 2, 1987.
- CA87–2(CA88–2) ..... Jan. 2, 1987.
- CA87–3(CA88–3) ..... Jan. 2, 1987.
- CA87–4(CA88–4) ..... Jan. 2, 1987.

Colorado:
- CO87–1(C088–1) ..... Jan. 2, 1987.
- CO87–2(C088–2) ..... Jan. 2, 1987.
- CO87–3(C088–3) ..... Jan. 2, 1987.
- CO87–4(C088–4) ..... Jan. 2, 1987.

Connecticut:
- CT87–1(CT88–1) ..... Jan. 2, 1987.
- CT87–2(CT88–2) ..... Jan. 2, 1987.

Delaware:
- DE87–1(DE88–1) ..... Jan. 2, 1987.
- DE87–2(DE88–2) ..... Jan. 2, 1987.

District of Columbus:
- DC87–1(DC88–1) ..... Jan. 2, 1987.
- DC87–2(DC88–2) ..... Jan. 2, 1987.

Florida:
- FL87–1(FL88–1) ..... Jan. 2, 1987.
- FL87–2(FL88–2) ..... Jan. 2, 1987.
- FL87–3(FL88–3) ..... Jan. 2, 1987.
- FL87–4(FL88–4) ..... Jan. 2, 1987.
- FL87–5(FL88–5) ..... Jan. 2, 1987.
- FL87–6(FL88–6) ..... Jan. 2, 1987.
- FL87–7(FL88–7) ..... Jan. 2, 1987.
- FL87–8(FL88–8) ..... Jan. 2, 1987.
- FL87–9(FL88–9) ..... Jan. 2, 1987.
- FL87–10(FL88–10) ..... Jan. 2, 1987.
- FL87–11(FL88–11) ..... Jan. 2, 1987.
- FL87–12(FL88–12) ..... Jan. 2, 1987.
- FL87–13(FL88–13) ..... Jan. 2, 1987.
- FL87–14(FL88–14) ..... Jan. 2, 1987.
- FL87–15(FL88–15) ..... Jan. 2, 1987.
- FL87–16(FL88–16) ..... Jan. 2, 1987.
- FL87–17(FL88–17) ..... Jan. 2, 1987.
- FL87–18(FL88–18) ..... Jan. 2, 1987.
- FL87–19(FL88–19) ..... Jan. 2, 1987.
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- FL87–23(FL88–23) ..... Jan. 2, 1987.
- FL87–24(FL88–24) ..... Jan. 2, 1987.
- FL87–25(FL88–25) ..... Jan. 2, 1987.
- FL87–26(FL88–26) ..... Jan. 2, 1987.
- FL87–27(FL88–27) ..... Jan. 2, 1987.
- FL87–28(FL88–28) ..... Jan. 2, 1987.
- FL87–29(FL88–29) ..... Jan. 2, 1987.
- FL87–30(FL88–30) ..... Jan. 2, 1987.
- FL87–31(FL88–31) ..... Jan. 2, 1987.
- FL87–32(FL88–32) ..... Jan. 2, 1987.
- FL87–33(FL88–33) ..... Jan. 2, 1987.
- FL87–34(FL88–34) ..... Jan. 2, 1987.
- FL87–35(FL88–35) ..... Jan. 2, 1987.
- FL87–36(FL88–36) ..... Jan. 2, 1987.
- FL87–37(FL88–37) ..... Jan. 2, 1987.
- FL87–38(FL88–38) ..... Jan. 2, 1987.
- FL87–39(FL88–39) ..... Jan. 2, 1987.
- FL87–40(FL88–40) ..... Jan. 2, 1987.
- FL87–42(FL88–42) ..... Jan. 2, 1987.
- FL87–43(FL88–43) ..... Jan. 2, 1987.
- FL87–44(FL88–44) ..... Jan. 2, 1987.

Georgia:
- GA87–1(GA88–1) ..... Jan. 2, 1987.
- GA87–2(GA88–2) ..... Jan. 2, 1987.
- GA87–3(GA88–3) ..... Jan. 2, 1987.
- GA87–4(GA88–4) ..... Jan. 2, 1987.
- GA87–5(GA88–5) ..... Jan. 2, 1987.
- GA87–6(GA88–6) ..... Jan. 2, 1987.
- GA87–7(GA88–7) ..... Jan. 2, 1987.
- GA87–8(GA88–8) ..... Jan. 2, 1987.
- GA87–9(GA88–9) ..... Jan. 2, 1987.
- GA87–10(GA88–10) ..... Jan. 2, 1987.
- GA87–11(GA88–11) ..... Jan. 2, 1987.
- GA87–12(GA88–12) ..... Jan. 2, 1987.
- GA87–13(GA88–13) ..... Jan. 2, 1987.
- GA87–14(GA88–14) ..... Jan. 2, 1987.
- GA87–15(GA88–15) ..... Jan. 2, 1987.
- GA87–16(GA88–16) ..... Jan. 2, 1987.
- GA87–17(GA88–17) ..... Jan. 2, 1987.
- GA87–18(GA88–18) ..... Jan. 2, 1987.
- GA87–19(GA88–19) ..... Jan. 2, 1987.
- GA87–20(GA88–20) ..... Jan. 2, 1987.
- GA87–21(GA88–21) ..... Jan. 2, 1987.
- GA87–22(GA88–22) ..... Jan. 2, 1987.
- GA87–23(GA88–23) ..... May 8, 1987.
- GA87–24(GA88–24) ..... Sept. 25, 1987.
- GA87–25(GA88–25) ..... Sept. 25, 1987.
- GA87–26(GA88–26) ..... Sept. 25, 1987.
- GA87–27(GA88–27) ..... Sept. 25, 1987.
- GA87–28(GA88–28) ..... Sept. 25, 1987.
- GA87–29(GA88–29) ..... Sept. 25, 1987.
- GA87–30(GA88–30) ..... Sept. 25, 1987.

Guam:
- GU87–1(GU88–1) ..... Jan. 2, 1987.

Hawaii:
- HI87–1(HI88–1) ..... Jan. 2, 1987.

Idaho:
- ID87–1(ID88–1) ..... Jan. 2, 1987.
- ID87–2(ID88–2) ..... Jan. 2, 1987.
- ID87–3(ID88–3) ..... Jan. 2, 1987.
- ID87–4(ID88–4) ..... Jan. 2, 1987.
- ID87–5(ID88–5) ..... Jan. 2, 1987.

Illinois:
- IL87–1(IL88–1) ..... Jan. 2, 1987.
- IL87–2(IL88–2) ..... Jan. 2, 1987.
- IL87–3(IL88–3) ..... Jan. 2, 1987.
- IL87–4(IL88–4) ..... Jan. 2, 1987.
- IL87–5 (IL88–5) ..... Jan. 2, 1987.
- IL87–6 (IL88–6) ..... Jan. 2, 1987.
- IL87–7 (IL88–7) ..... Jan. 2, 1987.
- IL87–8 (IL88–8) ..... Jan. 2, 1987.
- IL87–9 (IL88–9) ..... Jan. 2, 1987.
- IL87–10 (IL88–10) ..... Jan. 2, 1987.
- IL87–11 (IL88–11) ..... Jan. 2, 1987.
- IL87–12 (IL88–12) ..... Jan. 2, 1987.
- IL87–13 (IL88–13) ..... Jan. 2, 1987.
- IL87–14 (IL88–14) ..... Jan. 2, 1987.
- IL87–15 (IL88–15) ..... Jan. 2, 1987.
- IL87–16 (IL88–16) ..... Jan. 2, 1987.
- IL87–17 (IL88–17) ..... Jan. 2, 1987.
- IL87–18 (IL88–18) ..... Jan. 2, 1987.
- IL87–19 (IL88–19) ..... Jan. 2, 1987.

Indiana:
- IN87–1 (IN88–1) ..... Jan. 2, 1987.
- IN87–2 (IN88–2) ..... Jan. 2, 1987.
- IN87–3 (IN88–3) ..... Jan. 2, 1987.
- IN87–4 (IN88–4) ..... Jan. 2, 1987.
- IN87–5 (IN88–5) ..... Jan. 2, 1987.
- IN87–6 (IN88–6) ..... Jan. 2, 1987.
- IN87–7 (IN88–7) ..... Jan. 2, 1987.
- IN87–8 (IN88–8) ..... Jan. 2, 1987.
- IN87–9 (IN88–9) ..... Jan. 2, 1987.
- IN87–10 (IN88–10) ..... Jan. 2, 1987.
- IN87–11 (IN88–11) ..... Jan. 2, 1987.
- IN87–12 (IN88–12) ..... Jan. 2, 1987.
- IN87–13 (IN88–13) ..... Jan. 2, 1987.
- IN87–14 (IN88–14) ..... Jan. 2, 1987.
- IN87–15 (IN88–15) ..... Mar. 7, 1987.

Iowa:
- IA87–1 (IA88–1) ..... Jan. 2, 1987.
- IA87–2 (IA88–2) ..... Jan. 2, 1987.
- IA87–3 (IA88–3) ..... Jan. 2, 1987.
- IA87–4 (IA88–4) ..... Jan. 2, 1987.
- IA87–5 (IA88–5) ..... Jan. 2, 1987.
- IA87–6 (IA88–6) ..... Jan. 2, 1987.
- IA87–7 (IA88–7) ..... Jan. 2, 1987.
- IA87–8 (IA88–8) ..... Jan. 2, 1987.
- IA87–9 (IA88–9) ..... Jan. 2, 1987.
- IA87–10 (IA88–10) ..... Apr. 11, 1987.
- IA87–11 (IA88–11) ..... May 2, 1987.
- IA87–12 (IA88–12) ..... July 25, 1987.

Kansas:
- KS87–1 (KS88–1) ..... Jan. 2, 1987
- KS87–2 (KS88–2) ..... Jan. 2, 1987.
- KS87–3 (KS88–3) ..... Jan. 2, 1987.
- KS87–4 (KS88–4) ..... Jan. 2, 1987.
- KS87–5 (KS88–5) ..... Jan. 2, 1987.
- KS87–6 (KS88–6) ..... Jan. 2, 1987.
- KS87–7 (KS88–7) ..... Jan. 2, 1987.
- KS87–8 (KS88–8) ..... Jan. 2, 1987.
- KS87–9 (KS88–9) ..... Jan. 2, 1987.

Kentucky:
KY87-1 (KY88-1) ..... Jan. 2, 1987.
KY87-2 (KY88-2) ..... Jan. 2, 1987.
KY87-83 (KY88-3) ..... Jan. 2, 1987.
KY87-4 (KY88-4) ..... Jan. 2, 1987.
KY87-5 (KY88-5) ..... Jan. 2, 1987.
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KY87-24 (KY88-24) ..... Jan. 2, 1987.
KY87-25 (KY88-25) ..... Jan. 2, 1987.
KY87-26 (KY88-26) ..... Jan. 2, 1987.
KY87-27 (KY88-27) ..... Jan. 2, 1987.
KY87-28 (KY88-28) ..... Jan. 2, 1987.
Louisiana:
LA87-1 (LA88-1) ..... Jan. 2, 1987.
LA87-2 (LA88-2) ..... Jan. 2, 1987.
LA87-3 (LA88-3) ..... Jan. 2, 1987.
LA87-4 (LA88-4) ..... Jan. 2, 1987.
LA87-5 (LA88-5) ..... Jan. 2, 1987.
LA87-6 (LA88-6) ..... Oct. 16, 1987.
Maine:
ME87-1 (ME88-1) ..... Jan. 2, 1987.
ME87-2 (ME88-2) ..... Jan. 2, 1987.
ME87-3 (ME88-3) ..... Jan. 2, 1987.
Maryland:
MD87-1 (MD88-1 ..... Jan. 2, 1987.
MD87-2 (MD88-2 ..... Jan. 2, 1987.
MD87-3 (MD88-3 ..... Jan. 2, 1987.
MD87-4 (MD88-4 ..... Jan. 2, 1987.
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MD87-13 (MD88-13 ..... Jan. 2, 1987.
MD87-14 (MD88-14 ..... Jan. 2, 1987.
MD87-15 (MD88-15 ..... Jan. 2, 1987.
Massachusetts:
MA87-1 (MA88-1) ..... Jan. 2, 1987.
MA87-2 (MA88-2) ..... Jan. 2, 1987.
MA87-3 (MA88-3) ..... Jan. 2, 1987.
Michigan:
MI87-1 (MI88-1) ..... Jan 2, 1987.
MI87-2 (MI88-2) ..... Jan 2, 1987.
MI87-3 (MI88-3) ..... Jan 2, 1987.
MI87-4 (MI88-4) ..... Jan 2, 1987.
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MI87-7 (MI88-7) ..... Jan 2, 1987.
MI87-8 (MI88-8) ..... Jan 2, 1987.
MI87-9 (MI88-9) ..... Jan 2, 1987.
MI87-10 (MI88-10) ..... Jan 2, 1987.
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Minnesota:
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MN87-3 (MN88-3) ..... Jan. 2, 1987.
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Mississppi:
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Missouri:
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Montana:
MT87-1(MT88-1) ..... Jan. 2, 1987.
MT87-2(MT88-2) ..... Jan. 2, 1987.
MT87-3(MT88-3) ..... Jan. 2, 1987.
Nebraska:
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NE87-2(NE88-2) ..... Jan. 2, 1987.
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NE87-9(NE88-9) ..... Jan. 2, 1987.
Nevada:
NV87-1(NV88-1) ..... Jan. 2, 1987
NV87-2(NV88-2) ..... Jan. 2, 1987
NV87-3(NV88-3) ..... Jan. 2, 1987
NV87-4(NV88-4) ..... Jan. 2, 1987
NV87-5(NV88-5) ..... July 10, 1987
New Hamsphire:
NH87-1(NH88-1) ..... Jan. 2, 1987.
NH87-2(NH88-2) ..... Jan. 2, 1987.
NH87-3(NH88-3) ..... Jan. 2, 1987.
NH87-4(NH88-4) ..... Jan. 2, 1987.
New Jersey:
NJ87-1(NJ88-1) ..... Jan. 2, 1987.
NJ87-2(NJ88-2) ..... Jan. 2, 1987.
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New Mexico:
NM87-1(NM88-1) ..... Jan. 2, 1987.
NM87-2(NM88-2) ..... Jan. 2, 1987.
NM87-3(NM88-3) ..... May 30, 1987.
New York:
NY87-1(NY88-1) ..... Jan. 2, 1987.
NY87-2(NY88-2) ..... Jan. 2, 1987.
NY87-3(NY88-3) ..... Jan. 2, 1987.
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NY87-18(NY88-18) ..... Jan. 2, 1987.
North Carolina:
NC87-1(NC88-1) ..... Jan. 2, 1987.
NC87-2(NC88-2) ..... Jan. 2, 1987.
NC87-3(NC88-3) ..... Jan. 2, 1987.
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NC87-31(NC88-31) ..... Jan. 2, 1987.
North Dakota:
ND87-1(ND88-1) ..... Jan. 2, 1987.
ND87-2(ND88-2) ..... Jan. 2, 1987.
ND87-3(ND88-3) ..... Mar. 14, 1987.
ND87-4(ND88-4) ..... Mar. 14, 1987.
Ohio:
OH87-1(OH88-1) ..... Jan. 2, 1987.
OH87-2(OH88-2) ..... Jan. 2, 1987.
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OH87-28(OH88-28) ..... Jan. 2, 1987.
OH87-29(OH88-29) ..... Jan. 2, 1987.
OH87-30(OH88-30) ..... Jan. 2, 1987.
OH87-31(OH88-31) ..... Jan. 2, 1987.
OH87-32(OH88-32) ..... June 19, 1987.
OH87-33(OH88-33) ..... June 19, 1987.

Oklahoma:
OK87-1(OK88-1) ..... Jan. 2, 1987.
OK87-2(OK88-2) ..... Jan. 2, 1987.
OK87-3(OK88-3) ..... Jan. 2, 1987.
OK87-4(OK88-4) ..... Jan. 2, 1987.
OK87-5(OK88-5) ..... Jan. 2, 1987.
OK87-6(OK88-6) ..... Jan. 2, 1987.
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OK87-13(OK88-13) ..... Jan. 2, 1987.
OK87-14(OK88-14) ..... Jan. 2, 1987.
OK87-15(OK88-15) ..... Jan. 2, 1987.
OK87-16(OK88-16) ..... Feb. 6, 1987.
OK87-17(OK88-17) ..... Feb. 6, 1987.
OK87-18 (OK88-18) ..... May 1, 1987.
OK87-18 (OK88-19) ..... May 1, 1987.
OK87-18(OK88-20) ..... July 17, 1987.

Oregon:
OR87-1 (OR88-1) ..... Jan. 2, 1987.
OR87-2 (OR88-2) ..... Jan. 2, 1987.
OR87-3 (OR88-3) ..... Jan. 2, 1987.

Pennsylvania:
PA87-1 (PA88-1) ..... Jan. 2, 1987.
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PA87-23 (PA88-23) ..... Jan. 2, 1987.
PA87-24 (PA88-24) ..... Jan. 2, 1987.

Puerto Rico:
PR87-1 (PR88-1) ..... Jan. 2, 1987.
PR87-2 (PR88-2) ..... Jan. 2, 1987.
PR87-3 (PR88-3) ..... Jan. 2, 1987.

Rhode Island:
RI87-1 (RI88-1) ..... Jan. 2, 1987.

South Carolina:
SC87-1 (SC88-1) ..... Jan. 2, 1987.
SC87-2 (SC88-2) ..... Jan. 2, 1987.
SC87-3 (SC88-3) ..... Jan. 2, 1987.
SC87-4 (SC88-4) ..... Jan. 2, 1987.
SC87-5 (SC88-5) ..... Jan. 2, 1987.
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SC87-19 (SC88-19) ..... Jan. 2, 1987.
SC87-20 (SC88-20) ..... Jan. 2, 1987.
SC87-21 (SC88-21) ..... Jan. 2, 1987.

South Dakota:
SD87-1 (SD88-1) ..... Jan. 2, 1987.
SD87-2 (SD88-2) ..... Jan. 2, 1987.
SD87-3 (SD88-3) ..... Feb. 27, 1987.
SD87-4 (SD88-4) ..... Oct. 9, 1987.

Tennessee:
TN87-1 (TN88-1) ..... Jan. 2, 1987.
TN87-2 (TN88-2) ..... Jan. 2, 1987.
TN87-3 (TN88-3) ..... Jan. 2, 1987.
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TN87-5 (TN88-5) ..... Jan. 2, 1987.
TN87-6 (TN88-6) ..... Jan. 2, 1987.
TN87-7 (TN88-7) ..... Jan. 2, 1987.
TN87-8 (TN88-8) ..... Jan. 2, 1987.
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TN87-14 (TN88-14) ..... Jan. 2, 1987.
TN87-15 (TN88-15) ..... Jan. 2, 1987.
TN87-16 (TN88-16) ..... Jan. 2, 1987.

Texas:
TX87-1 (TX88-1) ..... Jan. 2, 1987.
TX87-2 (TX88-2) ..... Jan. 2, 1987.
TX87-3 (TX88-3) ..... Jan. 2, 1987.
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TX87-36 (TX88-36) ..... Jan. 2, 1987.
TX87-37 (TX88-37) ..... Jan. 2, 1987.
TX87-38 (TX88-38) ..... Jan. 2, 1987.
TX87-39 (TX88-39) ..... Nov. 7, 1987.
TX87-40 (TX88-40) ..... Nov. 7, 1987.
TX87-41 (TX88-41) ..... Nov. 7, 1987.
TX87-42 (TX88-42) ..... Nov. 7, 1987.
TX87-43 (TX88-43) ..... Nov. 7, 1987.
TX87-44 (TX88-44) ..... Nov. 7, 1987.
TX87-45 (TX88-45) ..... Nov. 7, 1987.
TX87-46 (TX88-46) ..... Nov. 7, 1987.
TX87-47 (TX88-47) ..... Nov. 7, 1987.
TX87-48 (TX88-48) ..... Nov. 7, 1987.
TX87-49 (TX88-49) ..... Nov. 7, 1987.

Utah:
UT87-1 (UT88-1) ..... Jan. 2, 1987.
UT87-2 (UT88-2) ..... Jan. 2, 1987.
UT87-3 (UT88-3) ..... July 7, 1987.

Vermont:
VT87-1 (VT88-1) ..... Jan. 2, 1987.
VT87-2 (VT88-2) ..... Jan. 2, 1987.

Virginia:
VA87-1 (VA88-1) ..... Jan. 2, 1987.
VA87-2 (VA88-2) ..... Jan. 2, 1987.
VA87-3 (VA88-3) ..... Jan. 2, 1987.
VA87-4 (VA88-4) ..... Jan. 2, 1987.
VA87-5 (VA88-5) ..... Jan. 2, 1987.
VA87-6 (VA88-6) ..... Jan. 2, 1987.
VA87-7 (VA88-7) ..... Jan. 2, 1987.
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VA87-14 (VA88-14) ..... Jan. 2, 1987.
VA87-15 (VA88-15) ..... Jan. 2, 1987.
VA87-16 (VA88-16) ..... Jan. 2, 1987.

Virgin Islands:
VI87-1 (VI88-1) ..... Jan. 2, 1987.
VI87-2 (VI88-2) ..... Jan. 2, 1987.

Washington:
WA87-1 (WA88-1) ..... Jan. 2, 1987.
WA87-2 (WA88-2) ..... Jan. 2, 1987.
WA87-3 (WA88-3) ..... Jan. 2, 1987.
WA87-4 (WA88-4) ..... Jan. 2, 1987.
WA87-5 (WA88-5) ..... Jan. 2, 1987.
WA87-6 (WA88-6) ..... Jan. 2, 1987.
WA87-7 (WA88-7) ..... Jan. 2, 1987.
WA87-8 (WA88-8) ..... Jan. 2, 1987.
WA87-9 (WA88-9) ..... Jan. 2, 1987.

West Virginia:
WV87-1 (WV88-1) ..... Jan. 2, 1987.
WV87-2 (WV88-2) ..... Jan. 2, 1987.
WV87-3 (WV88-3) ..... Jan. 2, 1987.

Wisconsin:
WI87-1 (WI88-1) ..... Jan. 2, 1987.
WI87-2 (WI88-2) ..... Jan. 2, 1987.
WI87-3 (WI88-3) ..... Jan. 2, 1987.
WI87-4 (WI88-4) ..... Jan. 2, 1987.
WI87-5 (WI88-5) ..... Jan. 2, 1987.
WI87-6 (WI88-6) ..... Jan. 2, 1987.
WI87-7 (WI88-7) ..... Jan. 2, 1987.

WI87-8 (WI88-8)	Jan. 2, 1987.
WI87-9 (WI88-9)	Jan. 2, 1987.
WI87-10 (WI88-10)	Jan. 2, 1987.
WI87-11 (WI88-11)	Jan. 2, 1987.
WI87-12 (WI88-12)	Jan. 2, 1987.
WI87-13 (WI88-13)	Jan. 2, 1987.
WI87-14 (WI88-14)	Jan. 2, 1987.
WI87-15 (WI88-15)	Jan. 2, 1987.
WI87-16 (WI88-16)	Jan. 2, 1987.
Wyoming:	
WY87-1 (WY88-1)	Jan. 2, 1987.
WY87-2 (WY88-2)	June 12, 1987.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the Country. Subscriptions may be purchased from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. The subscription cost is $280.00 for Volume I, $312.00 for Volume II, and $250.00 for Volume III. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 29th day of December 1987.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 88-38 Filed 1-7-88; 8:45 am]

BILLING CODE 4510-27-M

Mine Safety and Health Administration

[Docket No. M-87-281-C]

Christian Energies, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Christian Energies, Inc., Route 1, Box 16, Williamsburg, Kentucky 40769 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Mine No. 1 (I.D. No. 15-15763) located in Knox County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on any electric face cutting equipment, continuous monitor, longwall face equipment and loading machine and shall be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitors in lieu of methane monitors on three wheel tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize the battery tractor immediately. Production will cease and will not resume until the methane level is lower than one percent;

(d) A spare continuous monitor will be available to assure that all coal hauling tractors will be equipped with a continuous monitor;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 8, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: December 29, 1987.

[FR Doc. 88-304 Filed 1-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-277-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidated Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Buchanan Mine (I.D. No. 44-04856) located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that barriers be established and maintained around oil and gas wells penetrating coal beds.

2. As an alternate method, petitioner proposes to seal the Pocahontas No. 3 Coal Seam from the surrounding strata at the affected wells using specific techniques and specific procedures as outlined in the petition.

3. In addition, petitioner states that before the well is plugged to the Pocahontas No. 3 coalbed, a directional survey will be run on the well to determine the exact location of the wellbore in the coalbed; but if it does not penetrate athe wellbore in mining, petitioner will continue mining until the well is located. Gamma ray and caliper logs will, if physically possible, be run in the well to determine the exact depth of the coalbed;

(a) Petitioner will, during its normal mining cycle, mine through and remove that segment of the plug existing between the mine pavement and roof. A Federal Mine Inspector will be notified and have the opportunity to be present during the mining through operation;

(b) All personnel in the affected area will be instructed to proceed with caution when mining into and through

the well-support pillar; and to maintain a gas-free atmosphere; and

(c) Methane examinations will be made by qualified personnel using approved methane detection equipment at least once during each shift during development and retreat mining and the date and time of such examinations will be recorded on a fireboss date board which will be placed in the area.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 8, 1988. Copies of the petition are available for inspection at that address.

Date: December 29, 1987.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-305 Filed 1-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-260-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, 1951 Barrett Court, Henderson, Kentucky 42420-1990 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its Martwick Underground Mine (I.D. No. 15-14074) located in Muhlenberg County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that underground transformer stations, shops, and permanent pumps be housed in fireproof structures or areas.

2. As an alternate method, petitioner proposes to enclose the battery-charging station in metal housings.

3. In support of this request, petitioner states that—

(a) The charging station is located at the mechanic's work area and is attended by the mechanic;

(b) The brattice person will be working in this immediate area as brattices are advanced; and

(c) The scoop operator will be in this immediate area while cleaning up and distributing supplies.

4. The power is deenergized to the charging station when miners leave the area for more than 30 minutes.

5. The charging station is vented to the return air.

6. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 8, 1988. Copies of the petition are available for inspection at that address.

Date: December 29, 1987.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-306 Filed 1-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-268-C]

Poor Boy Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Poor Boy Coal Company, Inc., Route 1, Box 211, Woodbine, Kentucky 40771 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Mine No. 1 (I.D. No. 15-15696) located in Knox County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on any electric face cutting equipment, continuous monitor, longwall face equipment and loading machine and shall be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitors in lieu of methane monitors on three wheel tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize the battery tractor immediately. Production will cease and will not resume until the methane level is lower than one percent;

(d) A spare continuous monitor will be available to assure that all coal hauling tractors will be equipped with a continuous monitor;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 8, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: December 29, 1987.

[FR Doc. 88-307 Filed 1-7-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-269-C]

Raven Mining Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Raven Mining Company, Inc., Route 2, Box 327B, Rockhold, Kentucky 40759 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Mine No. 1 (I.D. No. 15-15126) located in Knox County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on any electric face cutting equipment, continuous monitor, longwall face equipment and loading machine and shall be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitors in lieu of methane monitors on three wheel tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractors in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize the battery tractor immediately. Production will cease and will not resume until the methane level is lower than one percent;

(d) A spare continuous monitor will be available to assure that all coal hauling tractors will be equipped with a continuous monitor;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 8, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: December 29, 1987.

[FR Doc. 88-308 Filed 1-7-88; 8:45 am]

BILLING CODE 4510-43-M

MERIT SYSTEMS PROTECTION BOARD

Market Compensation for Contingent Fee Agreements

AGENCY: Merit Systems Protection Board.

ACTION: Notice of opportunity to file amicus briefs.

SUMMARY: The Merit Systems Protection Board provides an opportunity to file amicus briefs on significant issues concerning the degree to which the relevant market compensates contingent fee agreements differently from other fee agreements.

DATE: Amicus briefs submitted in response to this notice shall be filed with the Clerk of the Board on or before February 8, 1988.

ADDRESS: All briefs shall be captioned "Market Compensation for Contingent Fee Agreements," and entitled "Amicus Brief." All briefs shall also contain separate, numbered headings for each issue discussed. The original and seven (7) copies of each amicus brief submitted in response to this notice shall be filed with the Office of the Clerk of the Board and addressed to Robert E. Taylor, Clerk of the Board, Merit Systems Protection Board, Attn: Market Compensation for Contingency Fee Agreements, 1120 Vermont Ave. NW., Washington, DC 20419.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Clerk, Merit Systems Protection Board, (202) 653-7262.

SUPPLEMENTARY INFORMATION: The Merit Systems Protection Board has before it a remand from the United States Court of Appeals for the Federal Circuit. *Crumbaker* v. *Merit Systems Protection Board*, 827 F.2d 761 (Fed. Cir. 1987). This case raises several significant legal and factual issues related to making a determination of whether particular relevant markets compensate contingent fee cases as a class differently, and, if so, whether an enhancement of counsel's requested fee is appropriate.

This notice represents the Board's offer to receive and consider amicus briefs from interested parties on the following issues:

1. What legal issues, if any, must the Board resolve in order to determine whether the relevant market compensates contingent fee agreements differently from other fee agreements;

2. What subsidiary factual issues must the Board resolve in order to determine whether the relevant market compensates contingent fee agreements differently from other fee agreements;

3. What kinds of evidence must the appellant submit in order to prevail; and

4. If the appellant establishes that the relevant market compensates contingent fee agreements differently, what legal and factual issues must the Board resolve in order to determine whether an enhancement is warranted in a particular case and, if so, to calculate the appropriate amount of the enhancement.

Dated: January 5, 1988.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 88-356 Filed 1-7-88; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Dance Advisory Panel (Choreographers Fellowship Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel (Choreographers Fellowship Section) to the National Council on the Arts will be held on January 11, 1988, from 9:00 a.m.-5:00 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

If time permits a portion of this meeting will be open to the public on January 11, 1988 from 4:00 p.m.–5:00 p.m. The topic for discussion will be policy issues.

The remaining session of this meeting on January 11, 1988, from 9:00 a.m.–4:00 p.m. Is for the purpose of application review. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Date: January 4, 1988.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 88–378 Filed 1–7–88; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–275/50–323]

Pacific Gas & Electric Co.; Exemption

I.

Pacific Gas & Electric Company holds Facility Operating License Nos. DPR–80 and DPR–82, which authorize operation of the Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2. The two units collectively are called the facilities. The licenses provide, among other things, that the facilities are subject to all rules, regulations and orders of the Nuclear Regulatory Commisison (the Commission) now or hereafter in effect. These facilities are pressurized water reactors located in San Luis Obispo County, California.

II.

Appendix A of 10 CFR Part 20, "Standards for Protection Against Radiation," defines protection factors for respirators. Footnote d–2(c) of this Appendix states that "No allowance is to be made for the use of sorbents against radioactive gases or vapors."

By letters dated April 18, 1986, as supplemented July 15, 1986, Pacific Gas and Electric Company (PG&E or licensee) requested an exemption to 10 CFR Part 20, Appendix A, footnote d–2(c). The licensee submitted this request in accordance with 10 CFR Part 20.103(e) and provided further justification for the exemption in response to our request for additional information.

Test data and canister qualification information have been provided by PG&E by reference to Mine Safety Appliances Company (MSA) data submitted in conjunction with similar exemption requests for Farley 1 & 2 by Alabama Power Company dated January 13, 1984, and for San Onofre 1, 2, and 3 by Southern California Edison Company dated March 20, 1985. PG&E has provided a detailed response to all NRC staff concerns relating to the request for exemption to 10 CFR Part 20, Appendix A, footnote d–2(c). The exemption would allow the use of a radioiodine protection factor of 50 for MSA GMR–I canisters to be used at the Diablo Canyon 1 & 2 power reactor facilities. Criteria and background information used for the evaluation includes 10 CFR Part 20.103, 10 CFR Part 19.12, Regulatory Guide 8.15, "Acceptable Programs for Respiratory Protection," Regulatory Guide 8.20, "Applications of Bioassay for I–125 and I–131," NUREG/CR–3403, "Criteria and Test Methods for Certifying Air Purifying Respirator Cartridges and Canisters Against Radioiodine," and Regulatory Guide 8.8, "Information Relevant to Ensuring that Occupational Radiation Exposures at Nuclear Power Stations Will Be As Low As Is Reasonably Achievable." The NRC staff's discussion and evaluation of the request for exemption follows.

Since a NIOSH/MSHA testing and certification schedule for sorbents for use for protection against radioiodine gases and vapors has not been developed, the NRC staff has evaluated PG&E's request and verified, as required by 10 CFR Part 20.103(e), that the licensee has demonstrated through reliable test data and adequate quality assurance measures that the material and performance characteristics of the MSA GMR–I canister can provide the proposed degree of protection (i.e., a protection factor of 50) under the anticipated conditions of use, for 8 hours. Canister efficiency and service life, and the effects of temperature, poisons, relative humidity, challenge concentration and breathing rates on canister efficiency and service life were considered in the staff's technical evaluation. The staff's programmatic evaluations considered quality control/quality assurance, administrative controls, and radiation protection/ALARA, including task preparation and planning, on-the-job and post-task evaluations, use of engineering controls, radiological surveillance, and radiological training.

The licensee has provided reliable test information which verifies that the MSA GMR–I canister will provide a protection factor of 50 over a period of 8 hours of continuous use, provided that the total challenge of radioactive and nonradioactive iodine and other halogenated compounds does not exceed 1 ppm, and temperature does not exceed 110°F, or up to 120°F provided the dewpoint does not exceed 107°F. The data provided by MSA showed the breakthrough point to be well beyond 8 hours.

Testing has been conducted under acceptable conditions of cyclic flow, and under worst case conditions for those environmental factors affecting service life: temperature, relative humidity, and challenge concentration of CH_3I (methyliodide/methyl radioiodide), which is the most penetrating of the challenge forms. Data provided from MSA indicate that the MSA GMR–I canisters perform adequately under the accepted test conditions. These conditions—the criteria and test methods—are consistent with those derived for the canisters by the staff from NUREG/CR–3403, and are acceptable.

The licensee, through a planned verification and acceptance of MSA QA controls, has provided commitments that the MSA GMR–I canisters used with a protection factor at Diablo Canyon will meet standards for quality assurance and quality control which are recognized by NIOSH, compatible with NRC staff positions, and are therefore acceptable. This includes a commitment by MSA to establish a 1% AQL (Acceptable Quality Limit) in a 5 to 10 ppm challenge concentration of CH_3I, 90% relative humidity, 110°F, 64 LPM cyclic flow, for a service life of 8 hours or more at penetration equal to 1% of the challenge concentration. Testing data referenced by the licensee demonstrated the performance (i.e., service life) of canisters at 100% relative humidity is acceptable.

Coupled with the use of a full facepiece with the capability of providing a protection factor of greater than 100, to be determined by fit test, the protection factor of 50 is conservative under these conditions. Canister efficiency will be retained for the radioiodine gas or vapors of interest (CH_3I, I_2, HOI) for this time period. To

preclude aging, service life will be calculated from unsealing time, including periods of non-use, and the canister will not be used in the presence of organic solvents or in temperatures in excess of 110°F. Canisters will be stored in sealed humidity-barrier packaging in a cool, dry environment, and discarded after the 8-hour use period to prevent reuse. Through usage restrictions and air sampling, the licensee will preclude exposures to organic vapors and chemicals (such as hexane, toluene, xylene and their derivatives, trichloroethane, methylenechloride, trichlorofloroethane, and Stoddard Solvent) which could cause aging, poisoning or desorption of the absorbed radioiodines. Plant procedures describing air sampling and administrative controls for detecting and precluding the presence of organic vapors and chemicals will be developed.

Certain limitations and precautions based on NUREG/CR-3403 guidance are necessary for utilization of the sorbent canisters. The staff agrees with the following such limitations and usage restrictions as proposed by the licensee:

1. Protection factor equal to 50 as a maximum value.
2. The maximum permissible continuous use time is eight hours after which the canister will be discarded.
3. Canisters are not to be used in the presence of organic solvent vapors.
4. Canisters are to be stored in sealed, humidity-barrier packaging in a cool, dry environment.[1]
5. The allowable service life for sorbent canisters is to be calculated from the time of unsealing the canister, including periods of non-exposure.
6. The canister is to be used with a full facepiece capable of providing protection factors greater than 100.
7. Canisters are not to be used in total challenge concentrations of organic iodines and other halogenated compounds greater than 1 ppm, including nonradioactive compounds.
8. Canisters are not to be used in environments where temperatures are greater than 110°F.

In addition to the limitations and usage restrictions noted above, administrative and procedural controls will be utilized by the licensee as follows:

1. Temperatures will be measured prior to and/or coincidently with the use of GMR-I canisters to assure that work temperatures do not exceed 110°F.

[1] Sorbent canisters will be stored in Class A storage conditions with temperatures controlled between 80°F and 90°F, and relative humidity between 30% and 60%, in accordance with Nuclear Power Administrative Procedure (NPAP) D-538, "Control of Materials at DCPP."

2. In the initial implementation of sorbent canister use, the following program verification measures will be used:

a. Weekly whole body counts for individuals using the sorbent canister for radioiodine protection;

b. For individuals who exceed 30 MPC hours in seven consecutive days, a whole body count will be required prior to their next entry into a radioiodine atmosphere (i.e., effectively a 30 MPC hour stay time);

c. If an individual measures 35 nCi or greater iodine uptake to the thyroid during a whole body count, the individual's entry into radioiodine atmospheres will be restricted pending health physics evaluation;

d. A whole body count/survey data-base will be compiled to evaluate the results of the program.

3. Certain air contaminants which could affect GMR-I performance will be controlled under procedures governing performance of plant charcoal and HEPA air filtration systems. These procedures, Specifications for Supplier Quality Assurance Program (SPD-0), Surveillance Test Procedures M-4, M-5, and M-6A, and AP D-360, effect controls similar to those needed for GMR-I use.

4. Specific plant procedures will be modified to incorporate the limitations and usage restrictions, listed as 1 through 8 above, prior to GMR-I canister use.

5. Existing respiratory protection program requirements and restrictions (e.g., physicals, fit tests, Part 20 requirements, Appendices A and B) still apply.

The primary bases for PG&E's request for exemption are the potentials for both work effort reduction and dose reduction. The utilization of air purifying respirators in lieu of air-supplied or self-contained apparatuses, where possible, can result in person-rem reductions estimated overall at 30% for tasks requiring radioiodine protection, and up to 50% for some major tasks. The light weight, less cumbersome air purifying respirators (i.e., sorbent canisters) can provide increased comfort and mobility in most cases, and result in increased worker efficiency and decreased time on-the-job. The licensee has provided a task analysis which shows that the use or sorbent canisters at Diablo Canyon result in significant dose savings and should be an effective ALARA measure.

Other actions taken by PG&E to assure that exposures to radioiodine are as low as is reasonably achievable (ALARA) are: radioiodine air sampling before and during activities involving the use of sorbent canisters for radioiodine protection; engineering controls such as portable HEPA ventilation and temporary containments to control leakage and reduce airborne levels to ALARA levels; purification and degasification of the primary coolant conducted prior to refueling resulting in reduced radioiodine levels; and area decontamination to control contamination levels. Whole body counts will be conducted routinely (e.g., weekly and at 30 MPC hours) and radioiodine data will be trended to detect problems; and investigation level for radioiodine uptakes has been established (at 35 nCi); training of workers and health physics technicians in the use and restrictions for use or sorbent canisters for radioiodine protection will be conducted prior to their use; and procedures iterating the controls, restrictions, and requirements have been developed and will be implemented. The licensee's efforts to keep exposure ALARA are consistent with positions in Regulatory Guide 8.8 and are acceptable.

In summary, the NRC staff's review of the licensee's proposal indicates that the actions proposed by PG&E can result in significant dose savings over alternative methods while still providing effective protection. This exemption would enable the licensee to use a protection factor for air purifying radioiodine gas and vapor respirators in estimating worker exposures from radioiodine gases and vapors. The licensee has provided usage restrictions and controls which can assure an effective radioiodine protection program. The proposed criteria and test methods for verifying the effectiveness and quality of GMR-I canisters are consistent with NRC criteria. The licensee's proposed exemption, with the controls and limitations, meets the positions in NUREG/CR-3403 and Regulatory Guide 8.8, and is acceptable. The actions proposed by the licensee are consistent with the requirements of 10 CFR 20.103(e), and form an acceptable basis to authorize the granting of an exemption in accordance with the provisions of 10 CFR 20.103(e) and 20.501.

III.

Accordingly, the Commission has determined that, pursuant to 10 CFR 20.501, the exemption is authorized by law and will not result in undue hazard to life or property. The Commission hereby grants an exemption from the requirements of Footnote d-2(c) of Appendix A to 10 CFR Part 20.

The Commission has prepared an Environmental Assessment and Finding

of No Significant Impact related to this action which was published in the **Federal Register** on December 28, 1987 (52 FR 48887). The Environmental Assessment concluded that this action will not have a significant effect on the quality of the human environment, and therefore the Commission has determined not to prepare an environmental impact statement for this exemption.

For further details with respect to this action, see the application for exemption dated April 18, 1986 and supplemental information provided by letter dated July 15, 1986, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Bethesda, Maryland, this 4th day of January, 1988.

For the Nuclear Regulatory Commission

Dennis M. Crutchfield,

Director, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 88-316 Filed 1-7-88; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

January 4, 1988.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Digital Communications Associates, Inc.
Common Stock, $.10 Par Value (File No. 7-0961)
Lands' End
Common Stock, $.01 Par Value (File No. 7-0962)
American Land Cruisers, Inc.
Common Stock, $.01 Par Value (File No. 7-0963)
Saatchi/& Saatchi Company PLC
American Depository Shares (File No. 7-0964)
CLC of American, Inc.
Common Stock, $.01 Par Value (File No. 7-0965)
Flowers Industries, Inc. (Delaware)
Common Stock, $.625 Par Value (File No. 7-0966)
PHM Corporation
Common Stock, $.01 Par Value (File No. 7-0967)
Tenneco Inc.
$7.40 Cumulative Preference Stock, No Par Value (File No. 7-0968)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 25, 1988, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-338 Filed 1-7-88; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading, Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

January 4, 1988.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Newmark & Lewis
Common Stock, $.05 Par Value (File No. 7-0969)
Putnam Master Income Trust
Shares of Beneficial Interest, No Par Value (File No. 7-0970)
Triton Group Ltd.
Common Stock, $1.00 Par Value (File No. 7-0971)
U.S. Surgical Corp.
Common Stock, $.10 Par Value (File No. 7-0972)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 25, 1988, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-339 Filed 1-7-88; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Disaster Loan Area #2302]

Tennessee; Declaration of Disaster Loan Area

Shelby County and the adjacent Counties of Tipton and Fayette in the State of Tennessee constitute a disaster area because of damages from severe storms and flooding which occurred December 24–27, 1987. Applications for loans for physical damage may be filed until the close of business on March 3, 1988, and for economic injury until the close of business on October 4, 1988, at the address listed: Disaster Area 2 Office, Small Business Administration, 120 Ralph McGill Blvd., 14th Floor, Atlanta, GA 30308, or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations)	9.000

The number assigned to this disaster is 230206 for physical damage and for economic injury the number is 658800.

(Catalog of Federal Domestic Assistance Programs Nos. 99002 and 59008)

Date: January 4, 1988.

James Abdnor,

Administrator.

[FR Doc. 88-300 Filed 1-7-88; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/07-0082]

Abbott Capital Corp.; Surrender of License

Notice is hereby given that Abbott Capital Corporation, 9933 Lawler Avenue, Evanston, Illinois 60077, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Abbott Capital Corporation was licensed by the Small Business Administration on January 11, 1971.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was accepted on December 11, 1987 and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

Dated: December 23, 1987.

[FR Doc. 88-294 Filed 1-7-88; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/15-002]

Michigan Capital & Service, Inc.; Surrender of License

Notice is hereby given that Michigan Capital & Service, Inc. (MCS), 201 South Main Street, Ann Arbor, Michigan 48104, has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (Act). MCS was licensed by the Small Business Administration on August 30, 1966.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was effective on October 15, 1987, and accordingly, all rights, privileges, and franchises therefrom have been terminated.

(Catalog of Federal Domestic Assistance Progran No. 59.011, Small Business Investment Companies)

Dated: January 4, 1988.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc 88-295 Filed 1-7-88; 8:45 am]

BILLING CODE 8025-01-M

[License Application No. 04/04-5243]

Alabama Small Business Investment Company, Inc.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company (SBIC) under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661 *et seq.*), has been filed by Alabama Small Business Investment Company, Inc., 500 First National—Southern Natural Building, 5th Avenue North and 20th Street, Birmingham, Alabama 35203, with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1987).

The officers, directors and principal shareholder of the Applicant are as follows:

Name and address	Title or relationship	Percent of ownership
William J. Billingsley, 3304 Pembroke Lane, Hoover, Alabama 35226.	President, Director.	
William H. Caughran, Jr., 1517 Valley Avenue, Birmingham, Alabama 35226.	Secretary	
Gilchrist & Company, Inc. (GCI), 206 North 24th Street, Birmingham, Alabama 35203.	Manager	
Harold Gilchrist, 1457 Miami Drive, Birmingham, Alabama 35214.	President, CEO, Director, Majority owner of GCI.	
Eddie L. Blankenship, 1928 Center Street, South Birmingham, Alabama 35205.	Director	
Barry Copeland, 397 East Glenwood Drive, Birmingham, Alabama 35209.	Director	
Fred C. Crum, 1375 Anglewood Drive, Vestavia, Alabama 35216.	Director	
William B. Hutchins, III, 1620 Colesbury Circle, Birmingham, Alabama 35226.	Director	
Myrtis Y. Myles, 1201 Pike Road, Birmingham, Alabama 35218.	Employee of GCI.	
Doyal L. Reed, 739 East Forestwood Drive, Birmingham, Alabama 35314.	Employee of GCI.	
Bunny Stokes, Jr., 1423 Mohican Drive, Birmingham, Alabama 35214.	Director	
Alexander S. Williams, III, 3340 Faring Road, Birmingham, Alabama 35223.	Director	
Randall R. Williams, Route 2, Box 19A, Columbiana, Alabama 35051.	Director	
Gary C. Youngblood, 1225 Lincoya Drive, Vestavia Hills, Alabama 35216.	Director	
AmSouth Bank, N.A., P.O. Box 11007, Birmingham, Alabama 35288.		19.9

AmSouth Bank, N.A., the only more-than-10 percent shareholder of the Applicant, is a wholly-owned subsidiary of AmSouth Bancorporation, a bank holding company registered under the Bank Holding Company Act of 1956, as amended. At November 3, 1987, AmSouth Bancorporation had approximately 9,600 owners of record.

The Applicant, an Alabama corporation, will begin operations with a capitalization of $1.0 million and will conduct its operations principally in the State of Alabama.

As an SBIC licensed to operate under section 301(d) of the Act, the Applicant will provide financial and managerial assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Birmingham, Alabama.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 23, 1987.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 88-296 Filed 1-7-88; 8:45 am]

BILLING CODE 8025-01-M

[License No. 03/03-0182]

Jiffy Lube Capital Corp.; Issuance of a Small Business Investment Company License

On October 9, 1987, a notice was published in the **Federal Register** (52 FR 37866) stating that an application has been filed by Jiffy Lube Capital Corporation, with the Small Business Administration (SBA) pursuant to the Regulations governing small business investment companies (13 CFR 107.102 (1987)) for a license as a small business investment company.

Interested parties were given until close of business November 9, 1987 to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 03/03-0182 on December 9, 1987, the Jiffy Lube Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 23, 1987.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 88-298 Filed 1-7-88; 8:45 am]

BILLING CODE 8025-01-M

[License No. 03/03-0185]

Morgan Investment Corp.; Issuance of a Small Business Investment Company License

On October 6, 1987, a notice was published in the **Federal Register** (52 FR 37391) stating that an application has been filed by Morgan Investment Corporation, with the Small Business Administration (SBA) pursuant to the Regulations governing small business investment companies (13 CFR 107.102 (1987)) for a license as a small business investment company.

Interested parties were given until close of business November 6, 1987 to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 03/03-0185 on December 10, 1987, to Morgan Investment Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 23, 1987.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 88-299 Filed 1-7-88; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0175]

Walden Capital Partners; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Walden Capital Partners (WCP), 750 Battery Street, San Francisco, California 94111, a Federal Licensee under the Small Business Investment Act of 1958 (Act), as amended, has filed an application with the Small Business Administration (SBA), pursuant to § 107.903(b) of the SBA Regulations, governing small business investment companies (13 CFR 107.903 (1987)), for approval of a conflict of interest transaction.

Subject to such approval, WCP proposes to provide a second round of financing in the amount of $50,000 to Simborg Systems Corporation (Simborg), 100 Drakes Landing, Greenbrae, California 94904. At the same time, other affiliated non-SBIC Walden partnerships will provide $350,000 in financing to Simborg.

The proposed financing is brought within the preview of § 107.903 since WCP and the affiliated non-SBIC Walden partnerships had participated in a first round of financing of Simborg on June 18, 1986, whereby WCP owned 1.5 percent and the affiliated non-SBIC Walden partnerships owned 18.5 percent of Simborg's Series A and B preferred stock. The proposed financing will be used to purchase a portion of Simborg's Series C preferred stock. After the Series C financing, the combined Walden funds will own approximately 17 percent of Simborg including WCP's ownership of 1.5 percent. Accordingly, the non-SBIC Walden partnerships are considered by SBA to be Associates of WCP.

Notice is hereby given that any interested person may, not later than ten (10) days from the date of publication of this Notice, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 4, 1988.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 88-297 Filed 1-7-88; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ending December 31, 1987

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed by close of business, Monday, January 11, 1988.

Docket No. 45333

Parties: Air Transport Association.

Date Filed: December 31, 1987.

Subject: Application of Air Transport Association pursuant to sections 412 and 414 of the Act, and Parts 302 and 303 of the DOT Rules of Practice, requests prior DOT approval with full antitrust immunity of the agreement which sets forth the planned operations for Los Angeles International Airport reached during air carrier discussions authorized by DOT Order 87-12-32.

Phyllis T. Kaylor,

Chief, Documentary Service Division.

[FR Doc. 88-392 Filed 1-7-88; 8:45 am]

BILLING CODE 4910-62-M

Office of the Secretary

Fitness Determination of GCS Air Service, Inc.

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 88-1-8, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find that GCS Air Service, Inc., is fit, willing and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act.

Responses: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Service Analysis Division, P-53, Room 5100, Department of Transportation, 400 7th Street SW., Washington, DC 20590, and serve them on all persons listed in Appendix A of the order. Responses shall be filed no later than January 15, 1988.

FOR FURTHER INFORMATION: John R. McCamant, Service Analysis Division, P–53, Room 5100, Department of Transportation, 400 7th Street SW., Washington, DC 20590 (202) 366–1060.

Dated: January 4, 1988.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 88–278 Filed 1–7–88; 8:45 am]

BILLING CODE 4910–62–M

Application of WestAir Airlines, Inc. for Certificate Authority Under Subpart Q

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of Order to Show Cause, (Order 88–1–4) Docket 45254.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding WestAir Airlines, Inc. d/b/a United Express fit and awarding it a certificate of public convenience and necessity to engage in domestic scheduled air transportation of persons, property and mail for a period of 181 days.

DATES: Persons wishing to file objections should do so no later than January 11, 1988.

ADDRESSES: Objections and answers to objections should be filed in Docket 45254 and addressed to the Documentary Services Division (C–55, Room 4107), U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Carol A. Woods, Air Carrier Fitness Division (P–56, Room 6420), U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, (202) 366–2340.

Dated: January 4, 1988.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 88–277 Filed 1–7–88; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

[AC No. 129–XX]

Proposed Advisory Circular—Maintenance Programs For U.S.-Registered Aircraft Under FAR Part 129

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on proposed AC 129–XX, maintenance programs for U.S.-registered aircraft under Part 129.

SUMMARY: The proposed AC provides information to be used by the foreign aviation community as guidance for preparation of maintenance programs for U.S.-registered aircraft used in common carriage by foreign air carriers and other foreign persons.

Comments Invited: Comments are invited on all aspects of the proposed AC. Commentators must identify file number AC 129–XX.

DATE: Comments must be received on or before February 8, 1988.

ADDRESS: Send all comments and requests for copies of the proposed AC to: Federal Aviation Administration, AFS–300, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Wayne Dixon, AFS–300, at the above address, telephone (202) 267–3781 (8:30 a.m. to 5:00 p.m. EST).

SUPPLEMENTARY INFORMATION: The maintenance programs discussed in this AC are required to be approved by Amendment 14 to FAR Part 129 on or before February 25, 1988, to the standards of ICAO Annex 6. Prior to this date, these airplanes are required to comply with the inspection program requirements of FAR Sections 91.169 and 125.247. The preamble for Amendment 14 to FAR Part 129 committed the FAA to publish an AC identifying requirements for a suitable maintenance program. This AC intends to fulfill that commitment.

Issued in Washington, DC on December 11, 1987.

William T. Brennan,

Acting Director of Flight Standards.

[FR Doc. 88–265 Filed 1–7–88; 8:45 am]

BILLING CODE 4910–13–M

Gainesville Regional Airport, Gainesville, FL; FAA Approval of Noise Compatibility Program

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the City of Gainesville, Florida under the provisions of Title I of the Aviation Safety and Noise Abatement Act (ASNA) of 1979 (Pub. L. 96–193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and non-Federal responsibilities in Senate Report No. 96–52 (1980). On April 30, 1987, the FAA determined that the noise exposure maps submitted by The City of Gainesville, Florida, under Part 150 were in compliance with applicable requirements. On October 19, 1987, the Administrator approved the Gainesville Regional Airport noise compatibility program. All of the recommendations of the program were approved. No program elements relating to new or revised flight procedures for noise abatement were proposed by the airport operator

EFFECTIVE DATE: The effective date of the FAA's approval of the Gainesville Regional Airport noise compatibility program is October 19, 1987.

FOR FURTHER INFORMATION CONTACT: C. Ed Howard, Airports Planning and Development Specialist, Federal Aviation Administration, Orlando Airports District Office, 4100 Tradecenter Street, Orlando, Florida 32827–5096, (305) 648–6583. Documents reflecting this FAA action may be obtained from the same individual.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Gainesville Regional Airport, effective October 19, 1987. Under section 104(a) the Aviation Safety and Noise Abatement Act (ASNA) of 1979 (hereinafter Referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with FAR Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Aviation Safety and Noise Abatement Act of 1979, and is limited to the following determinations:

The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150; Program measures are reasonably consistent with achieving the goals of

reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against type or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the Navigable Airspace and Air Traffic Control Systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitation with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA under the Airport and Airway Improvement Act of 1982. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office, Orlando, Florida. The City of Gainesville, Florida, submitted to the FAA on January 27, 1986, in conjunction with the September 29, 1986 supplement, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from June 18, 1984 through January 27, 1986. The Gainesville Regional Airport noise exposure maps were determined by the FAA to be in compliance with applicable requirements on April 30, 1987. Notice of this determination was published in the **Federal Register** on May 11, 1987.

The Gainesville Regional Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 1990. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on April 30, 1987 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained five proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective October 19, 1987.

Outright approval was granted for all of the specific program elements. The approval action was for the following program elements:

A—Measure No. 1, City of Gainesville—Acquire land in areas east and south of the Airport as shown in the Plan and relocate several residences.

B—Measure No. 1, Alachua County—Revise its land use regulations and regulatory development standards to incorporate the recommendations presented in the FAR Part 150 report.

C—Measure No. 2, Alachua County—Revise section 13 of the Zoning Regulations as it relates to the definition of noise sensitive district and noise attenuation area, permitted land uses, and the enforcement of the disclosure statement practices.

D—Measure No. 3, Alachua County—Revise its land use policies as identified in its Comprehensive Plan to incorporate the recommendations in the FAR Part 150 Study.

E—Measure No. 4, Alachua County—Conduct necessary public hearing to effect the above action items.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on October 19, 1987. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the City of Gainesville, Florida.

Issued in Orlando, Florida on November 16, 1987.

W. Robert Billingsley,

Acting Manager, Orlando Airports District Office.

[FR Doc. 88-262 Filed 1-7-88; 8:45 am]

BILLING CODE 4910-13-M

Approval of Noise Compatibility Program; Great Falls International Airport, Great Falls, MT

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Great Falls International Airport Authority under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and non-Federal responsibilities in Senate Report No. 96-52 (1980). On June 9, 1987, the FAA determined that the noise exposure maps submitted by the Airport Authority under Part 150 were in compliance with applicable requirements. On November 30, 1987, the Administrator approved the Great Falls International Airport noise compatibility program. Most of the program elements were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Great Falls International Airport noise compatibility program is November 30, 1987.

FOR FURTHER INFORMATION CONTACT: Dennis G. Ossenkop; Federal Aviation Administration; Northwest Mountain Region; Airports Division, ANM-611; 17900 Pacific Highway South; C-68966; Seattle, Washington 98168. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Great Falls International Airport, effective November 30, 1987.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such a program to be developed in consultation with interested and affected parties including the state, local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part

150 is a local program, not a Federal program. The FAA does not substitute its judgement for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures which can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA.

Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Helena, Montana.

The Airport Authority submitted to the FAA the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted at Great Falls International Airport. The Great Falls International Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on June 9, 1987. Notice of this determination was published in the **Federal Register** on June 24, 1987.

The Great Falls International Airport noise compatibility program contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 1990. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on June 9, 1987, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 15 proposed actions for noise mitigation on and off the airport and for review and monitoring of the program. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective November 30, 1987.

Outright approval was granted for 13 specific program elements. No action was taken on Program Element A.2(a) as the condition that prompted the proposed action no longer exists. No action was taken at this time on Program Element A.3 as it relates to flight procedures which require additional information and analysis.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on November 30, 1987. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of Great Falls International Airport.

Issued in Seattle, Washington on December 15, 1987.

Frederick M. Isaac,

Deputy Director, Northwest Mountain Region.

[FR Doc. 88-263 Filed 1-7-88; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-88-1]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: January 28, 1988.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on January 4, 1988.

Denise D. Hall,

Acting Manager, Program Management Staff.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
25231	Ameriflight, Inc	14 VFR 23.1301(d) and 135.143(b)	To allow petitioner to operate its aircraft with inoperative equipment within a framework of a controlled and sound program of repairs and parts replacement while maintaining compliance with applicable regulations.
25487	Donald E. Lyle	14 CFR 61.155(b)(2) and (b)(2)(i)	To allow petitioner to substitute for the total time and cross country time requirements for the airline transport pilot certificate petitioner's aeronautical experience gained as a Naval Flight Officer and aircrew member of U.S. Navy aircraft.
21991	United Airlines	14 CFR 63.39(b)(1) and (b)(2) and 121.425(a)(2)(i) and (a)(2)(ii).	To allow petitioner, its flight engineers and flight engineer applicants to use an FAA-approved pictorial means and an approved simulator, in lieu of an actual static airplane, for demonstrating the satisfactory performance of a preflight inspection and assigned flight engineer duties. GRANT, December 22, 1987.
25498	TPI International Airways, Inc	14 CFR 25.853(c) and 121.312(b)	To allow petitioner to operate certain aircraft without complying with the seat cushion flammability standards of § 25.853 beyond the implementation date of November 26, 1987. GRANT, December 18, 1987.
25500	Gulf Air, Inc	14 CFR 25.853(c) and 121.312(b)	To allow petitioner to operate certain aircraft without complying with the seat cushion flammability standards of § 25.853 beyond the implementation date of November 26, 1987. GRANT, December 18, 1987.

[FR Doc. 88-264 Filed 1-7-88; 8:45 am]
BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. IP-87-10; Notice 2]

Motor Vehicle Safety Standards; Petition by Automobiles Peugeot of Paris; France

This notice grants the petition by Automobiles Peugeot of Paris, France, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.208, Federal Motor Vehicle Safety Standard No. 208, "Occupant Crash Protection." The basis of the petition is that the noncompliance is inconsistent as it relates to motor vehicle safety.

Notice of the petition was published on August 19, 1987, and an opportunity afforded for comment (52 FR 31119).

Paragraph S7.3 of Standard No. 208 requires that a manual seat belt asssembly installed in a passenger car be equipped with a warning system that activates for a period of not less than 4 seconds and not more than 8 seconds a continuous or flashing warning light, visible to the driver, and a continuous or intermittent audible signal. A passenger car equipped with an automatic seat belt assembly is required by paragraph S4.5.3.3.(b) of Standard No. 208 to have a warning system that activates a continuous or intermittent audible signal for a period of not less than 4 seconds and not more than 8 seconds and that activates a continuous or flashing warning light visible to the driver for not less than 60 seconds (beginning when the vehicle ignition switch is move to the "on" or "start" position).

Automobiles Peugeot determined that 3,186, 1987 model year and 1,100 early 1988 model year Peugeot 505's manufactured between April 1986 and March 1987 do not comply with Standard No. 208. These vehicles are equipped with manual 3-point seat belts, however, the seat belt warning system is wired according to the requirements for automatic seat belts. The warning lights on these vehicles are illuminated for as long as the ignition switch is in the "on" or "start" position and the driver's belt is not fastened. Peugeot believes the noncompliance is inconsequential as it relates to motor vehicle safety, since the extended illumination of the seat belt warning light may encourage seat belt usage.

One comment was received on the petition, from Robert F. Schlegel, P.E., who recommended denial of it. Mr. Schlegel believes that drivers will take extraordinary measures to turn off red lamps in instrument clusters which stay on indefinitely, and, in his opinion, adverse driver reaction and annoyance, will cause a negative impact on safety.

The agency does not agree with Mr. Schlegel's assessment. The lamp in question may be extinguished at any time by the act of buckling up, and in this manner provide an additional impetus to safety. Thus Peugeot may be correct in its argument that extended illumination of the seat belt warning light may promote seat belt usage. To date the agency has received no complaints concerning extended illumination of seat belt warning lamps.

Accordingly, in consideration of the foregoing, it is hereby found that petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: January 4, 1988.

Barry Felrice,
Associate Administrator for Rulemaking.

FR Doc. 88-334 Filed 1-7-88; 8:45 am]
BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB) for Review

Date: December 31, 1987.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 2224, Main Treasury Building, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0023
Form Number: 720
Type of Review: Resubmission
Title: Quarterly Federal Excise Tax Return
Description: Form 720 is used to report excise taxes due from retailers and manufacturers on the sale or

manufacture of various articles to report taxes on facilities and services, and taxes on certain products and commodities (gasoline and windfall profit taxes, etc.). It enables IRS to monitor excise tax liability for various categories on a single form and to collect the tax quarterly in compliance with the law and regulations (Internal Revenue Code section 6011)
Respondents: Individuals or households, Businesses or other for-profit
Estimated Burden: 473,421 hours
Clearance Officer: Gerrick Shear (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,
Departmental Reports Management Officer.
[FR Doc. 88–302 Filed 1–7–88; 8:45 am]
BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

Date: January 5, 1988.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515–0139
Form Number: None
Type of Review: Reinstatement
Title: Withdrawal for Consumption or Withdrawal for Exportation of Articles Manufactured In-Bond
Description: Warehouse proprietors must submit a statement to Customs for each transaction or period of manufacture as proof of manufacture and exportation
Respondents: Businesses or other for-profit
Estimated Burden: 90 hours
OMB Number: 1515–0026
Form Number: 3078
Type of Review: Reinstatement
Title: Application for Identification Card
Description: Customs Form 3078 is used by licensed cartmen, lightermen, warehousemen, brokerage firms, foreign trade zones, container station operators, their employees, and employees requiring access to Customs security areas to apply for an identification card so that they may legally handle merchandise which is in Customs custody
Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations
Estimated Burden: 5,250 hours
Clearance Officer: B.J. Simpson, (202) 566–7529, U.S. Customs Service, Room 6426, 1301 Constitution Avenue NW., Washington, DC 20229
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,
Departmental Reports Management Officer.
[FR Doc. 88–303 Filed 1–7–88; 8:45 a.m.]
BILLING CODE 4810–25–M

VETERANS ADMINISTRATION

Commission to Assess Veterans' Education Policy; Meeting

The Veterans Administration gives notice that a meeting of the Commission to Assess Veteran's Education Policy, authorized by section 320 of Pub. L. 99–576, will be held in Suite 300 of the Postal Rate Commission, 1333 H Street, NW., Washington, DC 20268, on January 25, 1988, at 9 a.m. The purpose of this meeting will be to review various aspects of the administration of veterans' education programs for the purposes of making recommendations to the Administrator and the Congress as the Commission determines appropriate.

The meeting will be open to the public. Those wishing to attend should contact Ms. Babette V. Polzer, Executive Director, Commission to Assess Veterans' Education Policy (phone: (202) 233–2886) prior to January 20, 1988.

Interested persons may attend or submit prepared statements for the Commission. Statements may be filed with the Executive Director for the Commission, c/o the Veterans Administration (226D), 810 Vermont Avenue, NW., Room 427–D, Washington, DC 20420.

Dated: January 5, 1988.
By direction of the Administrator.

Dennis R. Boxx,
Deputy Associate Deputy, Administrator for Public Affairs.

[FR Doc. 88–471 Filed 1–8–88; 10:53 am]
BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 5
Friday, January 8, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

January 5, 1988.

TIME AND DATE: 10:00 a.m., Wednesday, January 13, 1988.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. *Rushton Mining Company*, Docket No. PENN 86-44-R, etc. (Issues include whether Rushton violated 30 CFR 75.1434(a)(2), and, if so, whether the violation was the result of Rushton's unwarrantable failure.

Any person intending to attend this hearing who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 20 CFR 2706.150(a)(3) and 2706.160(e).

TIME AND DATE: Immediately following oral argument.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c)(10).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Rushton Mining Company*, Docket No. PENN 86-44-R, etc. (see oral argument listing).
2. *Harlan L. Thurman v. Queen Ann Coal Company*, Docket No. SE 86-121-D. (Issues include whether the judge erred in finding that the operator did not discriminate against the complainant miner under Section 105(c)(1) of the Mine Act. 30 U.S.C. 815(c)(1).)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5629/(202) 566-2673 for TDD Relay

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 88-397 Filed 1-6-88; 12:58 pm]

BILLING CODE 6735-01-M

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Wednesday, January 13, 1988.

PLACE: 1776 G Street, NW., Washington, DC 20456, 7th Floor, Filene Board Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Economic Commentary.
3. Central Liquidity Facility Report and Review of CLF Lending Rate.
4. Insurance Fund Report.
5. Request by Columbia Community Federal Credit Union to Expand its Community Field of Membership.
6. Request by Peninsula Community Federal Credit Union to Expand its Community Field of Membership.
7. Request by State for Exemption from NCUA Lending Rules.
8. Update on the Personnel Computer Program for State Credit Union Regulatory Agencies.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m., Wednesday, January 13, 1988.

PLACE: 1776 G Street, NW., Washington, DC 20456, 7th Floor, Filene Board Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Request for Exemption from Part 701.21(h), NCUA Rules and Regulations. Closed pursuant to exemption (8).
3. Administrative Action under section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).
4. Mergers. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).
5. Delegations of Authority. Closed pursuant to exemptions (2), (8), and (9)(B).
6. Budget Modification. Closed pursuant to exemption (2).

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 357-1100.

Becky Baker,

Secretary of the Board.

[FR Doc. 88-405 Filed 1-6-88, 2:06 pm]

BILLING CODE 7535-01-M

POSTAL RATE COMMISSION

TIME AND DATE: 9:30 a.m. and 2:00 p.m. on January 14, 15, 20, 26, 27, 28 and February 1, 2, 3, and 4; and 9:30 a.m. on January 21, 1988.

PLACE: Conference Room, 1333 H Street, NW., Suite 300, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: A series of 21 closed meetings to discuss evidence in Docket No. R87-1.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 300, 1333 H Street, NW., Washington, DC 20268-0001, Telephone (202) 789-6840.

[FR Doc. 88-399 Filed 1-6-88; 1:08 pm]

BILLING CODE 7715-01-M

UNITED STATES INSTITUTE OF PEACE

TIME AND DATE: 9:00 a.m.—5:00 p.m., Thursday and Friday, January 14 and 15, 1988.

PLACE: American Chemical Society, 1155 16th Street, NW., Washington, DC 20036. Conference Rooms A and B, First Floor.

STATUS: Open (portions may be closed pursuant to subsection (c) of section 552(b) of title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Pub. L. 98-525).

AGENDA (TENTATIVE): Meeting of the Board of Directors convened. Chairman's Report. President's Report. Committee Reports. Consideration of the minutes of the nineteenth meeting. Consideration of individual grant applications.

CONTACT: Mrs. Olympia Diniak. Telephone: (202) 457-1700.

Dated: January 5, 1988.

Samuel W. Lewis,

President, United States Institute of Peace.

[FR Doc. 88-361 Filed 1-5-88; 4:58 pm]

BILLING CODE 3155-01-M

Corrections

Federal Register
Vol. 53, No. 5
Friday, January 8, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 337

Unsafe and Unsound Banking Practices

Correction

In rule document 87-28627 beginning on page 47379 in the issue of Monday, December 14, 1987, make the following corrections:

1. On page 47380, in the second column, in the third paragraph, in the 14th line, after most, insert "cost".

2. On the same page, in the third column, in the 28th line, after "sold"insert "and".

3. On page 47381, in the third column, in paragraph 19, in the second line from the bottom, "log" should read "logo".

4. On the same page and column, in paragraph 20, in the second line, "aid" should read "ad"

5. On the same page and column, in paragraph 21, in the third line, after "instrument" insert "is denominated with a name similar to the bank's".

6. On page 47384, in the second column, in the last line of the first incomplete paragraph, "of" should read "for".

7. On page 47386, in the second column, in the first complete paragraph, in the ninth line, "of" should read "or".

§ 337.4 [Corrected]

8. On page 47387, in the first column, in paragraph 3, in the fourth line, remove the second "(v)", and in the sixth line insert "(v)" after "(iv)".

9. On the same column, in the paragraph (3), in the 26th line, "by" should read "be".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Central Gulf of Mexico, Proposed Oil and Gas Lease Sale 113 (March 1988)

Correction

In clarification notice document 87-29683 appearing on page 48883 in the issue of Monday, December 28, 1987, make the following correction:

In the first column, in the table, in entry 8, in the block column, "337" should read "377".

BILLING CODE 1505-01-D

federal register

Friday
January 8, 1988

Part II

State Justice Institute

Program Guideline; Proposed Rule

STATE JUSTICE INSTITUTE

Program Guideline

AGENCY: State Justice Institute.

ACTION: Proposed Program Guideline.

SUMMARY: This guideline presents the Institute's funding program for FY 1988, including a description of Special Interest categories and the procedures for requesting Institute funds.

DATES: The Institute invites public comment on the guideline until February 8, 1988.

ADDRESS: Comments should be sent to: State Justice Institute, 120 S. Fairfax St., Alexandria, VA 22314.

FOR FURTHER INFORMATION CONTACT: David I. Tevelin, Executive Director, or Richard Van Duizend, Deputy Director, at the above address, or at (703) 684–6100.

SUPPLEMENTARY INFORMATION: Pursuant to the State Justice Institute Act of 1984, Pub. L. 98–620, 42 U.S.C. 10701, *et seq.*, the Institute is authorized to award grants, cooperative agreements, and contracts to State and local courts, nonprofit organizations, and others for the purpose of improving the administration and quality of justice in the State courts of the United States. Approximately $10 million will be available for award in FY 1988. The Institute's funding program is governed by the SJI Grant Guideline published in the **Federal Register** at 52 FR 26208 (July 13, 1987). Copies are available from the Institute.

The program guideline proposed for comment below is primarily intended to set forth the Institute's Special Interest Program Areas for FY 1988. The proposed guideline would revise all or a portion of the following sections of the Grant Guideline: "Summary"; section I ("Background"); section II ("Special Interest Program Areas"); section V ("Types of Projects/Amounts of Award"); section VI ("Concept Paper Submission Requirements"); section VII ("Application Review Procedures"); section VIII ("Compliance Requirements"); section IX ("Application Requirements"); section XI ("Financial Requirements"); and section XIII ("Grant Adjustments").

For the sake of clarity, the Summary and sections II, V, VI, VII, and IX B., C., D. and E. are published in full below. Only the proposed changes in the other sections are set forth. Unless expressly changed below, all provisions of the Grant Guideline apply to the FY 1988 award process.

The proposed FY 1988 SJI grant program will be substantially similar to the FY 1987 program. All parties seeking financial assistance from the Institute will be required to submit concept papers. The Institute's Board of Directors will invite formal applications from those parties submitting the most promising concept papers. Awards will be made on the basis of a competitive review of the applications received.

Proposed Changes for FY 1988

Three major changes are proposed in the Program Guideline: (1) Institute funds will be awarded in one round of funding rather than the two conducted in FY 1987; (2) several new Special Interest categories will be added and others revised or eliminated; and (3) a portion of available funds will be allocated for projects that address a critical need in a locality, but have little or no replicability nationally.

Under the proposed timetable for FY 1988 grants, concept papers would be due on April 11, 1988. Following the Board's review of the papers in early June, applications would be due in mid-July. Funding decisions are expected to be made by the Board in late August.

The most significant changes to be made in the list of Special Interest areas are as follows:

The "judicial career enhancement" program area would be eliminated;

The "domestic violence" and "victim/witness" special interest areas would be combined into one area, with greater emphasis on child sexual abuse;

The "alternative dispute resolution" (ADR) area would be focused on evaluation of the impact of ADR programs on court workload and the quality of justice; and

The impact of AIDS on the courts, courthouse security, the future of the courts, and the unique problems of the nation's largest urban trial courts would be added as new Special Interest categories.

In addition, the Board proposes to set aside a portion of the grant funds to support projects that address a critical need of a single State or local court but that may not be transferable to other jurisdictions. Comment is specifically invited on this proposal and on how large a portion of available funds should be set aside for such projects.

Other changes in emphasis have been made, and illustrative examples of possible topics have been added in some areas. The guideline has also been revised to set forth criteria for continuation funding, to explain the roles of the Board and the staff in the review process, to clarify that materials and services developed under Institute grants should be disseminated as widely and at as low a cost as possible, and to require prior Institute approval of changes in key project staff.

In addition to these changes in the guideline, the Institute is publishing: (1) Its plans to define more specifically its role in the area of judicial education, and (2) grantwriting recommendations to potential applicants.

Judicial Education

During FY 1988, the Institute plans to conduct an in-depth assessment of what its role should be in the area of judicial education and training. The Board of Directors believes that the Institute is uniquely situated to assure that existing national and State judicial educators deliver, in the most effective manner possible, education and training that addresses the topics of greatest concern to judges, court managers and other court personnel around the country. In seeking to meet that objective in its first year of activity, the Board found that many judicial educators presented similar ideas for meeting a variety of needs, but had not actively coordinated with each other to minimize unnecessary duplication or cost. In an effort to increase coordination among education providers, the Institute awarded grants to establish a Judicial Education Network and a judicial education newsletter, and funded several joint projects proposed by judicial educators.

Judicial education proposals accounted for over one-third of the concept papers received by the Institute in FY 1987. The volume of these proposals, and their diversity, have led the Board to consider a number of possible alternatives to the funding approach used in FY 1987. Should, for example, a fixed, or a maximum or minimum percentage of grant funds be allocated to judicial education and training? Should a certain share of that allocation go to national providers and a certain share to State providers? Should funds be awarded to sustain the operations of major educational organizations, or should those organizations be required to develop innovative specific projects for funding consideration every year? Should a share of the Institute's funds be awarded on a formula basis to State judicial educators for the purpose of sending court personnel to out-of-State training they would otherwise be unable to attend?

In order to determine how the Institute can most effectively use its funds in this important area, the Board has developed an approach that would draw on the expertise of objective, independent experts and the views of

the judicial educators themselves. The Institute plans to contract with three persons who will provide the Board independent assessments of the "state of judicial education" and the needs of educators, judges, and court personnel. They will address their task from three perspectives: one will be a judge with substantial experience as a "consumer" of judicial education; one will have substantial experience as a judicial educator; and one will be well-versed in adult education techniques.

The Institute envisions entering into these contracts in early 1988, with the expectation that, during the summer, each contractor will provide a "white paper" for the Board's consideration. Every major judicial education provider will have an opportunity to provide each contractor with a complete statement of its history, mission, activities, and goals, as well as its views about SJI's role. The Board will consider these papers at a meeting in the fall of 1988, and will formulate its policies in the judicial education area for inclusion in the FY 1989 Program Guideline. Public comment is specifically invited on the Board's proposed approach to defining the Institute's role in judicial education.

In the interim, no major revisions are being made in the education and training section of the FY 1988 Program Guideline. The section has been modified, however, to emphasize that judicial education and training programs "should apply innovative approaches to training which employ well-defined adult education techniques; sound methods for evaluating the effectiveness of the training; and new or revised curricula on key topics of concern to the judiciary."

Public comment is invited on all the special interest categories proposed for FY 1988 as well as the focus and scope of the issues presented.

Recommendations to Grantwriters

In Fiscal Year 1987, Institute staff reviewed over 325 concept papers. On the basis of those reviews, inquiries from applicants, and the views of the Board, the Institute would like to offer recommendations to help potential applicants present workable, understandable proposals that can meet the funding criteria set forth in this guideline. The Institute suggests that applicants consider the following questions in developing concept papers:

1. *What is the problem you wish to address?* Describe the problem and how it affects the courts and the public; discuss how your approach will rectify the situation or advance the state-of-the-art or knowledge; and explain why it is the most appropriate approach to take.

2. *What do you want to do?* The purpose of a project should be stated in simple, straightforward terms. To the greatest extent possible, an applicant should avoid a specialized vocabulary which is not readily understood by the general public. Technical or academic jargon does not enhance a paper.

3. *How will you do it?* All proposed tasks should be set forth so that a reviewer can see a logical progression of tasks and relate those tasks directly to accomplishment of the project's goals. When in doubt about whether to provide a more detailed explanation or to assume a particular level of knowledge or expertise on the part of the reviewers, err on the side of caution and provide the additional information. A description of project tasks will also help identify necessary budget items. All staff positions and project costs should relate directly to the tasks described.

4. *How will you know it works?* Many concept papers did not present a defined plan for determining whether the proposed training, procedure, service, or technology accomplished the objective it was designed to meet. Every project design should include an evaluation component which describes the specific measures that will be used to evaluate the project's effectiveness and identify program elements which will require further modification. The description should include how the evaluation will be conducted, when it will occur during the project period, who will conduct it, and what the evaluation criteria will be. In most instances, the evaluation should be conducted by persons not connected with the performance or administration of the project.

5. *How will others find out about it?* Every project design should include a plan to disseminate the results of the training, research, or demonstration beyond the jurisdictions and individuals directly affected by the project. The plan should identify the specific methods which will be used to inform the field about the project, such as the publication of law review or journal articles, presentations at appropriate conferences, or the distribution of key materials. It is not sufficient to say that a report or research findings "will be made available to" the field. The specific means of distribution or dissemination should be identified. Reproduction and dissemination costs are allowable budget items.

6. *What are the specific costs involved?* The budget for the project should be clearly presented and well justified. As presented in 3. above, the budgeted figures should relate directly to the various tasks of the project. Major budget categories such as personnel, benefits, travel, supplies, and equipment should be clearly identified. If indirect costs are to be applied to the project, a brief description of the proposed indirect cost rate should be included. Generally, an outline of costs involved and the basis used for determining those costs is sufficient for a concept paper.

Charges for Grant-Related Products

The development of some type of product is a requirement of every Institute grant. Although some projects include dissemination of key materials or products in their design, this is not currently an Institute requirement. It would be a heavy financial burden for the Institute to bear the costs of reproduction and dissemination of all key materials developed with the assistance of Institute funds; however, the Institute encourages grantees to make grant-related products easily accessible to the courts community and other interested parties. Consequently, the Institute has adopted the following policy governing charges for products developed in connection with Institute grants:

1. When Institute funds fully cover the cost of developing, producing, and disseminating a product, the document or software should be distributed to the field without charge.

2. When Institute funds only partially cover the development, production, and dissemination costs, the grantee may recover its out-of-pocket expenses from those requesting the material.

In addition, consistent with the standard government policy adopted in the SJI Grant Guideline, grantees are permitted to copyright materials and retain royalties subject to reservation by the Institute of a royalty-free, nonexclusive and irrevocable right to reproduce, publish, use, and authorize others to use the materials for purposes consistent with the legislation under which the grant was authorized.

Contact Persons for State Agencies Administering Institute Grants to State and Local Courts.

The Institute would appreciate receiving updated information regarding the name, title, address and telephone number of the person designated by the State Supreme Court to be responsible for overseeing the administration of Institute grants awarded to the courts of the State.

Proposed State Justice Institute Program Guideline

The following FY 1988 Program Guideline is proposed for public comment:

Summary

This guideline sets forth the programmatic, financial, and administrative requirements of grants, cooperative agreements, and contracts awarded by the State Justice Institute. The Institute, a private nonprofit corporation established by an Act of Congress, is authorized to award grants, cooperative agreements and contracts to State and local courts and their agencies; national nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branch of State governments; and national nonprofit organizations for the education and training of judges and support personnel of the judicial branch of State governments.

The Institute may also award funds to other nonprofit organizations with expertise in judicial administration; institutions of higher education; individuals, partnerships, firms, or corporations; and private agencies with expertise in judicial administration if the objectives of the funded program can be better served by such an entity. Funds may also be awarded to Federal, State or local local agencies and institutions other than courts for services that cannot be provided for adequately through nongovernmental arrangements.

Approximately $10 million is available for grants, contracts, and cooperative and cooperative agreements from FY 1988 appropriations. The Institute may also provide financial assistance in the form of interagency agreements with other grantors. The Institute will consider applications for funding support that address any of the areas specified in its enabling legislation; however, the Board of Directors of the Institute has designated certain program categories as being of special interest.

The Institute has established one round of competition for FY 1988 funds, with a concept paper submission deadline of April 11, 1988. This guideline applies to concept papers and formal applications submitted for FY 1988 funding.

The awards made by the State Justice Institute are governed by the requirements of this guideline and the authority conferred by Pub. L. 98–620, Title II, 42 U.S.C. 10701, *et seq.*

I. Background

* * * * *

The Institute's program budget for Fiscal Year 1988 is approximately $10 million.

* * * * *

II. Scope of the Program

During FY 1988, the Institute will consider applications for funding support that address any of the areas specified in its enabling legislation. The Board has, however, designated certain program categories as being of "special interest." See section II.B.

A. Authorized Program Areas

The State Justice Institute Act authorizes the Institute to fund projects addressing one or more of the following program areas:

1. Assistance to State and local court systems in establishing appropriate procedures for the selection and removal of judges and other court personnel and in determining appropriate levels of compensation;

2. Education and training programs for judges and other court personnel for the performance of their general duties and for specialized functions, and national and regional conferences and seminars for the dissemination of information on new developments and innovative techniques;

3. Research on alternative means for using judicial and nonjudicial personnel in court decisonmaking activities, implementation of demonstration programs to test such innovative approaches, and evaluations of their effectiveness;

4. Studies of the appropriateness and efficacy of court organizations and financing structures in particular States, and support to States to implement plans for improved court organization and financing;

5. Support for State court planning and budgeting staffs and the provision of technical assistance in resource allocation and service forecasting techniques;

6. Studies of the adequacy of court management systems in State and local courts, and implementation and evaluation of innovative responses to records management, data processing, court personnel management, reporting and transcription of court proceedings, and juror utilization and management;

7. Collection and compilation of statistical data and other information on the work of the courts and on the work of other agencies which relate to and affect the work of courts;

8. Studies of the causes of trial and appellate court delay in resolving cases, and establishing and evaluating experimental programs for reducing case processing time;

9. Development and testing of methods for measuring the performance of judges and courts and experiments in the use of such measures to improve the functioning of judges and the courts;

10. Studies of court rules and procedures, discovery devices, and evidentiary standards to identify problems with the operation of such rules, procedures, devices, and standards; and the development of alternative approaches to better reconcile the requirements of due process with the need for swift and certain justice, and testing of the utility of those alternative approaches;

11. Studies of the outcomes of cases in selected areas to identify instances in which the substance of justice meted out by the courts diverges from public expectations of fairness, consistency, or equity; and the development, testing and evaluation of alternative approaches to resolving cases in such problem areas;

12. Support for programs to increase court responsiveness to the needs of citizens through citizen education, improvement of court treatment of witnesses, victims, and jurors, and development of procedures for obtaining and using measures of public satisfaction with court processes to improve court performance;

13. Testing and evaluating experimental approaches to provide increased citizen access to justice, including processes which reduce the cost of litigating common grievances and alternative techniques and mechanisms for resolving disputes between citizens; and

14. Others programs, consistent with the purposes of the Act, as may be deemed appropriate by the Institute, including projects dealing with the relationship between Federal and State court systems in areas where there is concurrent State-Federal jurisdiction and where Federal courts, directly or indirectly, review State court proceedings.

Funds will *not* be made available for the ordinary, routine operation of court systems in any of these areas.

B. Special Interest Program Areas

1. General Description

The Institute is interested in funding both innovative programs and programs of proven merit that can be replicated in other jurisdictions. Although applications in any of the statutory program areas are eligible for funding in FY 1988, the Institute is especially interested in funding those projects that:

(a) Formulate new procedures and techniques, or creatively enhance existing arrangements to improve the courts;

(b) Address aspects of the State judicial systems that are in special need of serious attention;

(c) Have national significance in terms of their impact or replicability; and

(d) Either develop products that are easily available to and transferable among State and local courts, or provide technical assistance to transfer effective programs and procedures in any of the "special interest" categories to other State and local jurisdictions.

A project will be identified as a "Special Interest" project if it meets the four criteria set forth above and (1) it falls within the scope of the "special interest" program areas designated below or (2) information coming to the attention of the Institute from the State courts, their affiliated organizations, the research literature, or other sources demonstrates that the project responds to another special need or interest of the State courts.

2. Specific Categories

The Board has designated the areas set forth below as "Special Interest" program categories. The order of listing does not imply any ordering of priorities among the categories.

a. *Education and Training for Judges and Other Key Court Personnel.* This category includes the improvement of existing court education programs; the preparation of State court education plans to ensure a comprehensive training program and the effective allocation of limited court education resources; and the development of quality in-service and pre-service training programs and materials that transform ideas and communicate content in such a way that the performance of judges and/or court personnel is substantively improved.

Court education programs should apply innovative approaches to training which employ well-defined adult education techniques; sound methods for evaluating the effectiveness of the training; and new or revised curricula on key topics of concern to the judiciary, such as those identified in the SJI Special Interest categories and other topics that judges and court personnel themselves have identified as important.

b. *Alternative Dispute Resolution.* This category includes the evaluation of new and existing dispute resolution procedures and programs that have a substantial likelihood of resolving disputes more fairly, more expeditiously and less expensively than the traditional court process, with particular emphasis on the impact of those procedures and programs on the quality of justice provided and on court workload and case processing.

c. *The Future and the Courts.* This category includes research on the changing demands and circumstances that will face the courts in the 21st century, and the modifications that may be needed in court organization, financing, procedures, services, personnel, and facilities to respond to those demands and circumstances.

d. *Application of Technology.* This category includes the testing of innovative applications of technology to improve the operation of court management systems and judicial practices at both the trail and appellate court levels, including, e.g., the publication of a court technology bulletin to assist judges and court managers in selecting technology appropriate to a court's needs; assessment of the usefulness of on-bench computer terminals; establishment and assessment of electronic bulletin boards for judges and other court personnel; and local experiments with promising but untested applications of technology in the courts (See paragraph XI.H.2.b. regarding the limits on the use of grant funds to purchase equipment and software.)

e. *Jury System Management.* This catgegory includes the development, implement and evaluation of legal and administrative procedures relating to jurors to ensure the representativeness of the juror pool, clarify jury instructions, expedite the jury selection and empanelment process without affecting fairness, and otherwise reduce the cost and enhance the fairness of the jury process.

f. *Reduction of Litigation Expense and Delay.* This category includes the implementation and evaluation of innovative programs and procedures designed to reduce substantially the expense and delay in civil, criminal, domestic relations, juvenile, and other types of litigation at the trial or appellate level or both, and the collection, compilation, and analysis of statistical data necessary for determining the causes of unnecessary expense and delay, isolating areas of concern, and evaluating the efficacy of solutions.

g. *Enforcement of Fines and Orders to Pay.* This category includes the implementation and evaluation of procedures for effectively imposing, collecting, and enforcing orders to pay fines, restitution, assessments, the cost of appointed or assigned counsel, and other obligations.

h. *Implications of AIDS for the Courts.* This category includes research regarding the implications of Acquired Immune Deficiency Syndrome for court decisions, procedures, and policies, including but not limited to such matters as pretrial release, sentencing, child custody, termination of parental rights, and the right to and termination of medical treatment.

i. *Programs and Procedures for Victims and Witnesses.* This category includes the implementation and evaluation of innovative court-based programs and procedures for providing fairer treatment for victims of crimes and witnesses in civil, criminal, domestic relations, juvenile and other types of cases, including procedures for the fair, effective, and efficient handling of domestic violence and child sexual abuse cases, the issuance and enforcement of protective orders, and the obtaining of testimony from children.

j. *Courthouse Security and Operation.* This category includes the implementation and evaluation of innovative techniques for improving courthouse security including methods for ensuring the safety of litigants, witnesses, counsel, court personnel and judges, other than through the hiring of additional security personnel or the purchase of alarm or other security systems.

k. *The Relationship Between State and Federal Courts.* This category includes research to develop creative ideas and procedures that could improve the administration of justice in the State courts and at the same time reduce the work burdens of the Federal courts. Such research projects might address innovative State court procedures for:

- Reducing the burdens attendant to Federal habeas corpus cases involving State convictions;
- Handling civil, criminal, domestic relations or other types of cases in which a party is also subject to a Federal bankruptcy proceeding;
- Processing complex multistate litigation in the State courts;
- Facilitating the adjudication of Federal law questions by State courts with appropriate opportunities for review; and
- Otherwise allocating judicial burdens between and among Federal and State courts.

Other areas of research would include studies examining the likely impact of the elimination or restriction of Federal diversity jurisdiction on the State courts and the factors that motivate litigants to select the Federal or State courts in cases in which there is concurrent jurisdiction.

l. *Special Needs of the Largest Urban Courts.* The Board is particularly interested in receiving concept papers from State or local court systems

regarding the implementation and evaluation of innovative programs and procedures to address critical areas of need in the limited and general jurisdiction trial courts serving the nation's largest cities (those with a population of at least 1,000,000 persons). Such programs might include the development and testing of improved methods to assist those courts in selecting, retaining and removing judges, or projects to relieve acute problems in the courts' ability to handle civil, criminal, domestic relations, juvenile and other types of cases in a fair and timely manner. The Board will consider awarding grants of up to $500,000 each to support projects in this category.

Concept papers and applications which address a "Special Interest" area will be accorded a preference in the rating process. (See the selection criteria listed in section VI—"Concept Paper Review Procedures" and VII—"Application Review Procedures".)

C. Programs Addressing a Critical Need of a Single State or Local Jurisdiction

1. The Board has set aside a portion of available grant funds to support State and local projects that do not meet the criteria regarding innovativeness, national significance, and transferability set forth in sections II.B.1.(a), (c), and (d). In Fiscal Year 1988, the Board will consider supporting a limited number of projects that fall within one of the "Special Interest" categories set forth above, but that relate only to a single State or local jurisdiction.

2. Concept papers and applications requesting funds for projects under this section must meet the requirements of sections VI ("Concept Paper Submission Requirements") and VII ("Application Review Procedures") of the Grant Guideline, respectively, and must demonstrate that:

a. The proposed project is essential to meeting a critical need of the jurisdiction; and

b. The need cannot be met with State and local resources.

V. Types of Projects and Amounts of Awards

The Institute has placed no limitation on the overall number of awards or the number of awards in each area of interest. The general types of projects are:

A. Education and training;

B. Research and evaluation;

C. Demonstration; and

D. Technical assistance.

Except as specified below, concept papers and applications may request funding in amounts up to $300,000. Awards in excess of $200,000 are likely to be rare and to be made, if at all, only for highly promising proposals that will have a significant impact nationally. A project addressing the needs of the largest urban courts under Special Interest category 1, may, however, receive support of up to $500,000.

Proposed grant periods for all projects should not exceed 24 months.

VI. Concept Paper Submission Requirements

Concept papers are an extremely important part of the application process because they enable the Institute to learn the program areas of primary interest to the courts and to explore innovative ideas, without imposing heavy burdens on prospective applicants. The use of concept papers also permits the Institute to better project the nature and amount of grant awards. Because of their importance, the Institute requires all parties requesting financial assistance from the Institute to submit concept papers prior to submitting a formal grant application. This requirement may be waived by the Board only if it determines that extraordinary circumstances exist to justify the waiver.

A. Format and Content

Concept papers must be no more than 10 double-spaced pages on 8½ by 11 inch paper. Margins should not be less than 1 inch. The papers should contain:

1. A title describing the proposed project;

2. A brief indication of the statutory program area(s), and "special interest" category(ies), if any, addressed by the paper;

3. An explanation of the need for the project;

4. A summary description of the approach to be taken;

5. A summary description of how the project will be evaluated including the evaluation criteria;

6. A description of the products that will result, the degree to which they will be applicable to courts across the nation, and the manner in which the products and results of the project will be disseminated;

7. An explanation of the expected benefits to be derived from the project;

8. The identity of the key staff (if known) and a summary description of their qualifications;

9. A preliminary budget estimate including the anticipated costs for personnel, fringe benefits, travel, equipment, supplies, contracts, indirect costs, and other anticipated major expenditure categories;

10. The amount, nature (cash or non-cash), and source of match to be provided (see section VIII.C. below); and

11. A statement of whether financial assistance for the project has been or will be sought from other sources.

The Institute will not accept concept papers exceeding 10 pages. The page limit does not include letters of cooperation or endorsements. Additional material should not be attached unless it is essential to impart a clear understanding of the project.

B. Special Requirements for Continuation Projects

Concept papers requesting continued funding of SJI-supported projects may summarize the needs to be addressed, statement of the approach, anticipated products and benefits, and key staff descriptions if these elements are unchanged from those presented in the approved application. However, changes in any of these elements, the scope or focus or the project, or the intended audience must be fully explained. In addition, concept papers describing continuation projects must address the following:

1. Key findings or recommendations contained in the most recent evaluation of the project, if any, with an explanation of how the project will address them during the next project period;

2. The degree to which the courts community is using the service, training, or project, e.g., the number and types of court personnel trained, the number and types of requests for information, etc.; and

3. The reasons why other sources of support are inadequate, inappropriate or unavailable.

C. Selection Criteria

1. All concept papers will be evaluated by the staff on the basis of the following criteria:

a. The demonstration of need for the project;

b. The soundness and innovativeness of the approach described;

c. The benefits to be derived from the project; and

d. The reasonableness of the proposed budget.

2. "Special Interest" category concept papers submitted pursuant to section II.B will also be rated on the proposed project's relationship to one of the "Special Interest" categories set forth in that section, and the degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions.

3. "Single jurisdiction" concept papers submitted pursuant to section II.C. will be rated on the proposed project's relation to one of the "Special Interest" categories set forth in section II.B, and on the special requirements listed in section II.C.2.

4. "Continuation" concept papers will also be rated on the following criteria:

a. The uniqueness of the training, service, or project;

b. The key findings or recommendations set forth in the most recent evaluation of the project, if any, and how they will be addressed during the next project period;

c. The credibility of the training, project, or service within the courts community;

d. The effect of termination of the training, project, or service on the range of services needed by the State courts; and

e. Significant changes in the scope or focus of the project, or key elements of the project design.

5. In determining which concept papers will be selected for development into full applications, the Institute will also consider the availability of financial assistance from other sources for the project, the amount and nature (cash of in-kind) of the submitter's anticipated match, and whether the submitter is a "priority applicant under the Institute's enabling legislation (see 42 U.S.C. 10705(b)(1) and section IV above).

D. Review Process

Concept papers will be competitively reviewed by the Board of Directors. Institute staff will prepare a narrative summary of each paper, and a rating sheet assigning points for each relevant selection criterion. Committees of the Board will review concept papers within assigned program areas and prepare recommendations to the full Board. The full Board of Directors will then decide which concept paper applicants should be invited to submit formal applications for funding. The decision to invite an application is solely that of the Board of Directors.

E. Submission Requirements

An original and six copies of all concept papers submitted for consideration in Fiscal Year 1988 must be RECEIVED by the Institute on or before 5:30 p.m. Eastern Daylight Time on April 11, 1988. All concept papers should be sent to State Justice Institute, 120 S. Fairfax Street, Alexandria, Virginia 22314.

Receipt of each concept paper will be acknowledged in writing. Extensions of the deadline for receipt of concept papers will not be granted.

The Board expects to meet in early June, 1988, to review the concept papers and invite applications. The Institute will send written notice to all persons submitting concept papers of the Board's decisions regarding their papers. Applications invited by the Board will be due approximately 45 days after the Board meeting. The Institute anticipates that Fiscal Year 1988 funding decisions will be made by the Board in late August 1988.

VII. Application Review Procedures

Except in extraordinary circumstances as specified in section VI, a formal application is to be submitted only upon invitation of the Board following review of a concept paper.

A. Preliminary Inquiries

The Institute staff will answer inquiries concerning application procedures. The staff contact will be named in the Institute's letter inviting submission of a formal application.

B. Selection Criteria

1. All applications will be rated on the basis of the criteria set forth below. The Institute will accord the greatest weight to the following criteria:

a. The soundness of the methodology including the evaluation design;

b. The qualifications of the project's staff;

c. The applicant's management plan and organizational capabilities;

d. The reasonableness of the proposed budget;

e. The demonstration of need for the project;

f. The products and benefits resulting from the project; and

g. The demonstration of cooperation and support of other agencies that may be affected by the project.

2. "Special Interest" applications submitted pursuant to section II.B will also be rated on the proposed project's relationship to one of the "Special Interest" categories set forth in that section, and the degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions.

3. "Single jurisdiction" applications submitted pursuant to section II.C. will also be rated on the proposed project's relation to one of the "Special Interest" categories set forth in section II.B. and on the special requirements listed in section II.C.2.

4. "Continuation" applications will also be rated on the following criteria:

a. The uniqueness of the training, service, or project;

b. The key findings or recommendations set forth in the most recent evaluation of the project, if any, and how they will be addressed during the next project period;

c. The credibility of the training, project, or service within the courts community;

d. The effect of termination of the training, project, or service on the range of services needed by the State courts; and

e. Significant changes in the scope or focus of the project, or key elements of the project design.

5. In determining which applicants to fund, the Institute will also consider the applicant's standing in relation to the statutory priorities discussed in section IV above; the availability of financial assistance from other sources for the project; and the amount and nature (cash or in-kind) of the applicant's match.

C. Review and Approval Process

Applications will be competitively reviewed by the Board of Directors of the Institute. The Institute staff will prepare a narrative summary of each application, and a rating sheet assigning points for each relevant selection criterion. When necessary, applications may also be reviewed by outside experts. Committees of the Board will review applications within assigned program categories and prepare recommendations to the full Board. The full Board of Directors will then decide which applications to approve for a grant. The decision to award a grant is solely that of the Board of Directors.

Awards approved by the Board will be signed by the Chairman of the Board on behalf of the Institute.

D. Return Policy

Unless a specific request is made, unsuccessful applications will not be returned. Applicants are advised that Institute records are subject to the provisions of the Federal Freedom of Information Act, 5 U.S.C. 552.

E. Notification of Intention to Award

The State Justice Institute will send written notice to applicants concerning all Board decisions to approve or deny their respective applications.

VIII. Compliance Requirements

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P. Charges for Grant-Related Products

When Institute funds fully cover the cost of developing, producing, and

disseminating a product, e.g., a document or software, the product should be distributed to the field without charge. When Institute funds only partially cover the development, production, and dissemination costs, the grantee may recover its costs for reproducing and disseminating the material to those requesting it.

Q. Approval of Key Staff

If the qualifications of a person assigned to a key project staff position are not described in the application or if there is a change of a person assigned to such a position, a recipient shall submit a description of the qualifications of the newly assigned person to the Institute. Prior written approval of the qualifications of the new person assigned to a key staff position must be received from the Institute before the salary of that person and associated costs may be paid or reimbursed from grant funds.

IX. Application Requirements

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B Project Abstract

The abstract should highlight the purposes, goals, methods and anticipated benefits of the proposed project. It should not exceed one single-spaced page on 8½ by 11 inch paper.

C. Program Narrative

The program narrative should not exceed 25 double-spaced pages on 8½ by 11 inch paper. Margins should not be less than 1 inch. The page limit does not include appendices containing resumes and letters of cooperation or endorsement. Additional background material may be attached only if it is essential to obtaining a clear understanding of the proposed project. Numerous and lengthy appendices are strongly discouraged.

The program narrative should address the following topics:

1. *Project Objectives.* A clear, concise statement of what the proposed project is intended to accomplish.

2. *Program Areas to be Covered.* A discussion of the relationship of the proposed work to the program areas listed in the State Justice Institute Act, and, if appropriate, the Institute's Special Interest program categories.

3. *Need for the Project.* If the project is to be conducted in a specific location(s), a discussion of the particular needs of the project site(s) to be addressed by the project and why those needs are not being met through the use of existing materials, programs, procedures, services or other resources.

If the project is not site specific, a discussion of the problems that the proposed project will address, and why existing materials, programs, procedures, services or other resources are not adequately resolving those problems. The discussion should include specific references to the relevant literature and to the experience in the field.

4. *Tasks and Methods.* A delineation of the tasks to be performed and the methods to be used for accomplishing each task. For example:

• *For research and evaluation projects,* the data sources, data collection strategies, variables to be examined, and analytic procedures to be used for conducting the research or evaluation and ensuring the validity and general applicability of the results.

• *For education and training projects,* the instructional methods to be used; the proposed number and length of the conferences, courses, seminars or workshops to be conducted; the materials to be provided and how they will be developed; the audience anticipated and how it will be obtained; the cost to participants; and the methods to be used for evaluating the usefulness and effectiveness of the training.

• *For demonstration projects,* how the sites will be identified and their cooperation obtained; how the program or procedures will be implemented and monitored; and how the results of the demonstration will be determined and assessed.

• *For technical assistance projects,* the types of assistance that will be provided; the particular program area(s) for which assistance will be provided, how requests will be obtained and the type of assistance determined; how suitable providers will be selected and briefed; how reports will be reviewed; the cost to recipients; and how the usefulness and impact of the technical assistance will be determined and assessed.

If the cooperation of courts, organizations, agencies, or individuals other than the applicant is required to conduct the project, written assurances of cooperation and availability should be attached as an appendix.

5. *Project Management.* A detailed management plan including the starting and completion date for each task, the time commitments to the project of key staff and their responsibilities regarding each project task; and the procedures that will be used to ensure that all tasks are performed on time, within budget, and at the highest level of quality. The management plan must also provide for the submission of Quarterly Progress and Financial Reports within 30 days of the close of each calendar quarter.

6. *Products.* A description of the products to be developed by the project (e.g., monographs, training curricula and materials, videotapes, articles, handbooks), including when they will be submitted to the Institute. The application must explain how and to whom the products will be disseminated; identify development, production, and dissemination costs covered by the project budget; and present the basis on which products and services develped or provided under the grant will be offered to the courts community and the public at large.

7. *Applicant Status.* A statement demonstrating whether the applicant (if the applicant is not a State or local court) qualifies as either a national non-profit organization controlled by, operating in conjunction with, and serving the judicial branches of State governments; or a national non-profit organization for the eduction and training of State court judges and support personnel. See section IV (52 FR 26208, July 13, 1987). An applicant other than a State or local court that may qualify as a priority recipient pursuant to 42 U.S.C. 10705(b) (1)(B) or (1)(C) must set forth the basis for designation as a priority recipient in its application. If the applicant is neither such an organization nor a State court, this section must demonstrate how it will serve the objectives of the relevant program area(s) in terms of replicability and other appropriate factors. Applicants that are non-judicial units of Federal, State, or local government must demonstrate that the proposed services are not available from non-governmental sources.

8. *Staff Capability.* A summary of the training and experience of the key staff members that qualify them for conducting and managing the proposed project. If one or more key staff members are not known at the time of the application, a description of the criteria that will be used to select persons for these positions should be included.

9. *Organizational Capacity.* A statement describing the capacity of the applicant to administer grant funds including the financial systems used to monitor project expenditures (and income, if any), documentation of the applicant's 501(c) tax exempt status as determined by the Internal Revenue Service, and a summary of the applicant's past experience in administering grants, as well as any resources or capabilities that the applicant has that will particularly

assist in the successful completion of the project.

If the applicant is a non-profit organization (other than a university), it must also provide a copy of a current certified audit report. For purposes of this requirement, "current" means no earlier than two years prior to the current calendar year. If a current audit report is not available, the Institute will require the organization to complete a financial capability questionnaire which must be certified by a Certified Public Accountant. Other applicants may be required to provide a current audit report, a financial capability questionnaire, or both, if specifically requested to do so by the Institute.

D. Budget Narrative

The budget narrative should provide the basis for the computation of all project-related costs. Additional background or schedules may be attached only if they are essential to obtaining a clear understanding of the proposed budget. Numerous and lengthy appendices are strongly discouraged. The budget narrative should address the following items.

1. *Justification of Personnel Compensation.* The applicant should address the basis for personnel compensation and explain any deviations from current rates or established written organization policies.

2. *Fringe Benefit Computation.* The applicant should provide a description of the fringe benefits provided to employees. If percentages are used, the authority for such use should be presented as well as a description of the elements included in the determination of the percentage rate.

3. *Consultant/Contractual Services.* The applicant should describe the type of each service to be provided. The basis for compensation rates and the method for selection should also be included. Rates for consultant services must be set in accordance with Section XI.H.2 of this guideline.

4. *Travel.* Transportation amounts and per diem rates must be in accordance with the policies of the applicant organization. If the applicant does not have an established travel policy, then travel rates shall be consistent with those established by the Institute. (A copy of the Institute's travel policy is available upon request.) The budget narrative should include a description of the rate method used and address per diem rates separate from transportation expenses. The purpose for travel should also be included in the narrative.

5. *Equipment.* Grant funds may be used to purchase or lease only that equipment which is essential to accomplishing the objectives of the project. The applicant should describe the equipment to be purchased or leased and explain why the acquisition of that equipment is essential to accomplish the project's goals and objectives. The narrative should clearly identify which equipment is to be leased and which is to be purchased.

The method of procurement should also be described. Purchases for automatic data processing equipment must be in accordance with section XI.H.2. of this Guideline.

6. *Supplies.* The applicant should provide a general description of the supplies necessary to accomplish the goals and objectives of the grant.

7. *Construction.* Construction expenses are prohibited except for the limited purposes set forth in Section VIII.G.2 of this guideline. Any allowable construction or renovation expense should be described in detail in the budget narrative.

8. *Telephone.* Applicants should include anticipated telephone charges, distinguishing between monthly charges and long distance charges in the budget narrative.

9. *Postage.* Anticipated postage costs for project-related mailings should be described in the budget narrative. The cost of special mailings such as for a survey or for announcing a workshop should be distinguished from routine operational mailing costs.

10. *Printing/Photocopying.* Anticipated costs for printing or photocopying should be included in the budget narrative.

11. *Indirect Costs.* Applicants should describe the indirect cost rates applicable to the grant in detail. These rates must be established in accordance with Section XI.H.3 of this guideline.

12. *Match.* The applicant should describe the source of any matching contribution and the nature of the match provided. Any additional contributions to the project should be described in this section of the budget narrative as well.

E. Special Requirements for Continuation Projects

Applications requesting continuation funding may summarize the descriptions of the needs to be addressed, the tasks and methods, anticipated products, staff capability, and organizational capacity if these elements are unchanged from those presented in the previous application. However, changes to any of these elements, the scope or focus of the project, or the intended audience must be fully explained. In addition, applications requesting continuation funding include the following:

1. A description of how the training, service, or project uniquely meets an important need of its intended audience.

Uniqueness encompasses specific aspects of the training, service, or project itself as well as the specific audience (e.g., appellate court judges) for whom it is intended.

2. A discussion of the degree to which the courts community is using the training, service, or project during the previous project period.

Use should be measured in terms of the length of time the project or service has been offered and the frequency with which the courts took advantage of the project or service.

3. A discussion of the key findings or recommendations set forth in the most recent evaluation, if any, of the project, and an explanation of how they will be addressed during the next project period.

Enhancements to the original project design in response to evaluation findings should be described or, conversely, the reasons why improvements are not required should be presented.

4. A discussion of the effects of termination of this project or service on the State courts.

To what extent would the efficient administration of the courts or the quality of justice suffer if this research, training, or service were not available?

5. An explanation of why other sources of support are inadequate, inappropriate or unavailable.

An explanation should be provided of steps taken to obtain other support, e.g., from State legislatures, existing operating funds, or those served by the program.

6. An explanation of any increase or decrease in the amount of funds requested from that previously requested.

Changes in funding levels should be discussed in terms of corresponding increases or decreases in the scope of activities or services to be rendered. The Institute may also request applicants to develop a plan for phasing out Institute support.

XI. Financial Requirements

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G. Payments and Financial Reporting Requirements

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2. Financial Reporting

In order to obtain financial information concerning the use of funds, the Institute requires that grantees/

subgrantees of these funds submit timely reports for review.

The Financial Status Report is required from all grantees for each active quarter on a calendar-quarter basis. This report is due within thirty days after the close of the calendar quarter. It is designed to reflect financial information relating to Institute funds, State and local matching shares, and any other fund sources included in the approved project budget. The report contains information on obligations as well as outlays. A copy of the Financial Status Report, along with instructions for its preparation, will be included in the official Institute Award package. In circumstances where an organization requests substantial payments for a project prior to the completion of a given quarter, the Institute may request a brief summary of the amount requested, by object class, in support of the Request for Advance or Reimbursement.

H. Allowability of Costs

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2. Costs Requiring Prior Approval

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b. *Equipment.* Grant funds may be used to purchase or lease only that equipment which is essential to accomplishing the goals and objectives of the project. The written prior approval of the Institute is required when the amount of automated data processing (ADP) equipment to be purchased or leased exceeds $10,000 or the software to be purchased exceeds $3,000.

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J. Audit Requirements

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2. Implementation

Each grantee (including a State or local court receiving a subgrant from the State Supreme Court) shall provide for an annual fiscal audit. The audit may be of the entire grantee organization or of the specific project funded by the Institute. The audit shall be conducted by an independent Certified Public Accountant, or a State or local agency authorized to audit government agencies. The audit shall be conducted in compliance with generally accepted auditing standards established by the American Institute of Certified Public Accountants. A written report shall be prepared upon completion of the audit. Grantees are responsible for submitting copies of the reports to the Institute within thirty days after the acceptance of the report by the grantee, for each year that there is financial activity involving Institute funds.

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XII. Grant Adjustments

A. Grant Adjustments Requiring Prior Written Approval

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7. The assignment of a person to a key staff position whose qualifications were not described in the application, or a change of a person assigned to a key project staff position (see section VIII.Q).

8. A successor in interest or name change agreements.

9. A transfer or contracting out of grant-supported activities (see section XII.H. (52 FR 26208, July 13, 1987)).

10. Preagreement costs, the purchase of automated data processing equipment and software, and consultant rates, as specified in section XI.H.2 (52 FR 26208, July 13, 1987).

* * * * *

State Justice Institute Board of Directors

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[FR Doc. 88-290 Filed 1-7-88; 8:45 am]

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Vol. 53, No. 5

Friday, January 8, 1988

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FEDERAL REGISTER PAGES AND DATES, JANUARY

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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LIST OF PUBLIC LAWS

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 1454/Pub. L. 100-230

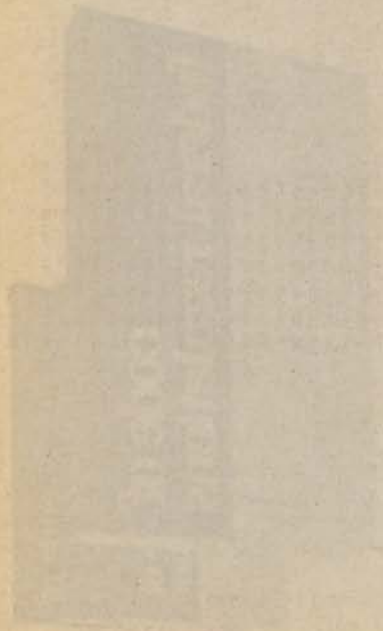
To permit certain private contributions for construction of the Korean War Veterans Memorial to be invested temporarily in Government securities until such contributed amounts are required for disbursement for the memorial. (Jan. 5, 1988; 101 Stat. 1563; 2 pages) Price: $1.00

H.R. 2401/Pub. L. 100-231

Renewable Resources Extension Act Amendments of 1987. (Jan. 5, 1988; 101 Stat. 1565; 1 page) Price: $1.00

H.R. 3435/Pub. L. 100-232

Charitable Assistance and Food Bank Act of 1987. (Jan. 5, 1988; 101 Stat. 1566; 2 pages) Price: $1.00



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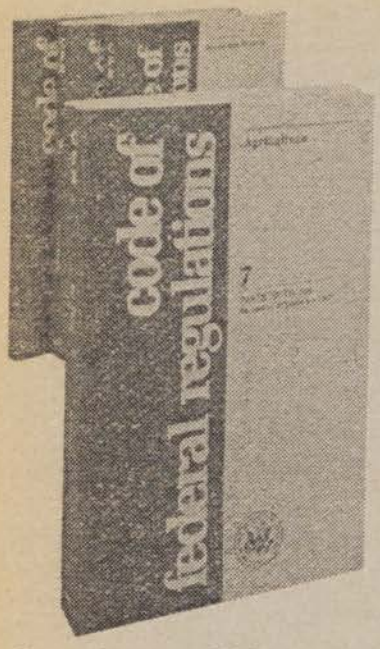

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