3-25-88
Vol. 53 No. 58
Pages 9759-9852

federal register

Friday
March 25, 1988

Briefings on How To Use the Federal Register—
For information on briefings in Washington, DC and Boston, MA, see announcement on the inside cover of this issue.

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.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3283
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3283
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: April 15; at 9:00 a.m.
WHERE: Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC
RESERVATIONS: Carolyn Payne, 202–523–3187

BOSTON, MA

WHEN: April 19; at 9 a.m.
WHERE: Thomas P. O'Neill, Jr. Federal Building,
Auditorium,
10 Causeway Street,
Boston, MA.
RESERVATIONS: Call the Boston Federal Information Center, 617–565–8123

Contents

Federal Register
Vol. 53, No. 58
Friday, March 25, 1988

Separate Parts In This Issue

Part II
The President, 9850

Reader Aids
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.

3 CFR
Proclamations:
5779 9850
Executive Orders:
12171 (Amended by EO 12632) 9852
12632 9852

7 CFR
910 9759
Proposed Rules:
28 9774

14 CFR
1216 9559

17 CFR
200 9763
229 9767
230 9767
239 9767
240 9767
270 9767

27 CFR
9 9768
Proposed Rules:
4 9775

30 CFR
Proposed Rules:
702 9777

38 CFR
Proposed Rules:
1 9848
17 9778

43 CFR
11 9769

50 CFR
672 9772
Proposed Rules:
21 9781

Rules and Regulations

Federal Register
Vol. 53, No. 58
Friday, March 25, 1988

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 606]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 606 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 315,000 cartons during the period March 27 through April 2, 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 606 (§ 910.906) is effective for the period March 27 through April 2, 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 March 22, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a 12-1 vote, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market for lemons is good.

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 910.906 is revised to read as follows:

Note.—This section will not appear in the Code of Federal Regulations.

§ 910.906 Lemon Regulation 606

The quantity of lemons grown in California and Arizona which may be handled during the period March 27, 1988, through April 2, 1988, is established at 315,000 cartons.

Dated: March 23, 1988.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88-6686 Filed 3-24-88; 8:45 am]

BILLING CODE 3410-02-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1216

Environmental Quality

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: NASA is amending 14 CFR Part 1216, "Environmental Quality," by revising NASA organizational titles and making certain technical corrections throughout this regulation. Subpart 1216.1 establishes NASA policy on environmental quality and control and the responsibilities of NASA officials in carrying out these policies; Subpart 1216.2 prescribes procedures for floodplain and wetlands management; and Subpart 1216.3 sets forth NASA procedures for implementing provisions of the National Environmental Policy Act (NEPA).

EFFECTIVE DATE: March 25, 1988.

ADDRESS: Facilities Management Office, Code NX, National Aeronautics and Space Administration, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: G. Ted Ankrum, (202) 453–1965.

SUPPLEMENTARY INFORMATION: NASA organizational titles and changes in technical designations are being corrected in the following sections: 1216.103, 1216.202, 1216.204, 1216.205, 1216.301, 1216.302, 1216.303, 1216.304, 1216.305, 1216.306, 1216.308, 1216.309, 1216.310, 1216.311, 1216.313, 1216.315, 1216.316, 1216.318, 1216.319, 1216.320, and 1216.321. Since these changes are internal and administrative in nature and do not affect the existing regulations, notice and public comment are not required.

The National Aeronautics and Space Administration has determined that:

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, since it will not exert a significant economic impact on a substantial number of entities.

2. This rule is not a major rule as defined in Executive Order 12291.

List of Subjects in 14 CFR Part 1216

Environmental impact statements, Floodplains, Wetlands.

For reasons set out in the Preamble, 14 CFR Part 1216 is amended as follows:

PART 1216—ENVIRONMENTAL QUALITY

1. The authority citation for 14 CFR Part 1216 following the table of contents is removed.

Subparts 1216.1 and 1216.3—[Amended]

2. The authority citation for 14 CFR Part 1216 Subparts 1216.1 and 1216.3 is added to read as follows:

Authority: The National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451 *et seq.*); the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*); the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 *et seq.*); sec. 309 the Clean Air Act, as amended (42 U.S.C. 7609); E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977); the Council on Environmental Quality NEPA Regulations (40 CFR Part 1500–1508); and E.O. 12114, Jan. 4, 1979 (44 FR 1957).

Subparts 1216.2—[Amended]

2. The authority citation for 14 CFR Part 1216 Subpart 1216.2 is added to read as follows:

Authority: E.O. 11988 and E.O. 11990, as amended; 42 U.S.C. 2473(c)(1).

3. Section 1216.103 is amended by revising the introductory text of paragraph (a), and paragraph (b)(2) and (3), and (c)(2) to read as follows:

§ 1216.103 Responsibilities of NASA officials.

(a) The Associate Administrator for Management or designee shall: * * *

(b) * * *

(2) Coordinating environmental quality-related activities under their cognizance with the Associate Administrator for Management; and

(3) Supporting and assisting the Associate Administrator for Management on request.

(c) * * *

(2) In coordination with the Associate Administrator for Management, making available to other parties, both governmental and nongovernmental, advice and information useful in protecting and enhancing the quality of the environment.

* * * * *

4. Section 1216.202 is revised to read as follows:

§ 1216.202 Responsibility of NASA officials.

(a) Directors of Field Installations and, as appropriate, the Associate Administrator for Management at NASA Headquarters, are responsible for implementing the requirements and procedures prescribed in § 1216.204 and § 1216.205.

(b) The Assistant Associate Administrator for Facilities Management, NASA Headquarters, is responsible for overall coordination of floodplain and wetlands management activities, and for conducting periodic on-site reviews of each installation's floodplain and wetlands management activities to assure compliance with the Executive Orders.

5. Section 1216.204(a), (e)(2) and (f) are revised to read as follows:

§ 1216.204 General implementation requirements.

(a) Each NASA field installation shall prepare, if not already available, an installation base floodplain map based on the latest information and advice of the appropriate District Engineer, Corps of Engineers, or, as appropriate, the Director of the Federal Emergency Management Agency. The map shall delineate the limits of both the 100-year and 500-year floodplains. A copy of the map, approved by the Field Installation Director, will be provided to the Assistant Associate Administrator for Facilities Management, NASA Headquarters, by February 28, 1979. The map will conform to the definitions and requirements specified in the Floodplain Management Guidelines for Implementing Executive Order 11988.

* * * * *

(e) * * *

(2) Submit evidence of the successful completion of this consultation to the Assistant Associate Administrator for Facilities Management, NASA Headquarters, prior to the start of project construction.

(f) If NASA property used or visited by the general public is located in an identified flood hazard area, the installation shall provide on structures, in this area and other places where appropriate (such as where roads enter the flood hazard area), conspicuous delineation of the 100-year and 500-year flood levels, flood of record, and probable flood height in order to enhance public awareness of flood hazards. In addition, field installations shall review their storm control and disaster plans to assure that adequate provision is made to warn and evacuate the general public as well as employees. These plans will include the integration of adequate warning time into such plans. The results of this review shall be submitted to the Assistant Associate Administrator for Facilities Management, NASA Headquarters, by February 28, 1979.

* * * * *

6. Section 1216.205 is amended by revising paragraph (b)(9) to read as follows:

§ 1216.205 Procedures for evaluating NASA actions impacting floodplains and wetlands.

* * * * *

(b) * * *

(9) In accordance with § 1216.202(b), the Assistant Associate Administrator for Facilities Management, NASA Headquarters, will conduct periodic on-site reviews to assure that the action is carried out in accordance with the stated findings and plans for the proposed action, in compliance with the Executive Orders.

7. Section 1216.301 is amended by revising paragraph (b) to read as follows:

§ 1216.301 Applicability.

* * * * *

(b) The procedures established by this subpart apply to all NASA actions which may have an impact on the quality of the environment. These actions may fall within any of the four NASA budget categories: Research and Development (R&D), Construction of Facilities (CoF), Research and Program Management (R&PM), and Space Flight Control and Data Communications (SFCDC), or, if not involving budget authority or other congressional approval, may be separate from the categories.

8. Section 1216.302 is amended by revising paragraph (a) introductory text and adding paragraphs (a)(4) and (f) as follows:

§ 1216.302 Definition of key terms.

* * * * *

(a) *Budget line items.* The individual items in the annual NASA authorization legislation which are used here to classify the range of NASA actions. The four main budget line items are:

* * * * *

(4) *Space Flight, Control and Data Communications (SFCDC).* Has similar scope to R&D but covers activities which are primarily of a production and operational nature related to space flight. The content includes the national fleet of Space Shuttle orbiters, including main engines, launch site and mission operations, initial spares, production tooling and supporting activities, launch operations and tracking and data acquisition.

* * * * *

(f) *SFCDC project.* R&D type projects authorized under the SFCDC budget line item.

9. Section 1216.303 is amended by revising the introductory text of paragraph (a) and paragraph (c) to read as follows:

§ 1216.303 Responsibilities of NASA officials.

(a) The Associate Administrator for Management or designee, who is responsible for developing the procedures of this subpart and for ensuring that environmental factors are properly considered in all NASA planning and decisionmaking, shall:

* * * * *

(c) The Assistant Administrator for Congressional Relations Office is responsible for ensuring the legislative environmental impact statements accompany NASA recommendations or reports on proposals for legislation submitted to Congress. The Associate Administrator for Management, the NASA Comptroller, and the General Counsel will provide guidance as required.

10. Section 1216.304 is amended by revising the introductory text and paragraphs (a)(1) and (b)(1) as follows:

§ 1216.304 Major decision points.

The possible environmental effects of a proposed action must be considered, along with technical, economic, and other factors, in the earliest planning. At that stage, the responsible Headquarters official shall begin the necessary steps to comply with all the requirements of section 102(2) of the National Environmental Policy Act of 1969. Major NASA activities, particularly R&D (or SFCDC) and facility projects, generally have four distinct phases: The conceptual study phase; the detailed planning/definition phase; the development/construction phase; and the operation phase. (Other NASA activities have fewer, less well-defined phases, but can still be characterized by phases representing general or feasibility study, detailed planning or definition, and implementation.) Environmental documentation shall be linked to major decision points as follows:

(a) * * *

(1) Proposal of an R&D (or SFCDC) project for detailed planning and project definition;

(b) * * *

(1) Proposal of an R&D (or SFCDC) project for development/construction;

* * * * *

11. Section 1216.305 is amended by revising paragraphs (d)(1), (d)(4), and (d)(5) as follows:

§ 1216.305 Criteria for actions requiring environmental assessments.

* * * * *

(d) * * *

(1) R&D (or SFCDC) activities in space science (e.g., Physics and Astronomy Research and Analysis, Planetary Exploration Mission Operations and Data Analysis) other than specific spacecraft development and flight projects.

* * * * *

(4) R&D (or SFCDC) activities in space transportation systems engineering and scientific and technical support operations, routine transportation operations, and advanced studies.

* * * * *

(5) R&D (or SFCDC) activities in space tracking and data systems.

* * * * *

12. Section 1216.306 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 1216.306 Preparation of environmental assessments.

(a) For each NASA action meeting the criteria of 14 CFR 1216.305(b) and for other actions as required, the responsible Headquarters official shall prepare an environmental assessment (40 CFR 1501.3 and 1508.9 of the CEQ Regulations) and, on the basis of that assessment, determine if an EIS is required; except where action meeting the criteria is strictly of a local nature under the purview of the Field Installation Director.

(b) If the determination is that no environmental impact statement is required, the Headquarters official or Field Installation Director, shall, in coordination with the Associate Administrator for Management, prepare a "Finding of No Significant Impact." (See 40 CFR 1508.13 of the CEQ Regulations.) The "Finding of No Significant Impact" shall be made available to the affected public through direct distribution and publication in the **Federal Register**, or coordinated with the State Single Point of Contact pursuant to E.O. 12372, as amended, "Intergovernmental Review of Federal Programs," as appropriate.

(c) If the determination is that an environmental impact statement is required, the Headquarters official shall proceed with the "notice of intent to prepare an EIS" (see 40 CFR 1508.22 of the CEQ Regulations). The Headquarters official shall transmit this notice to the Associate Administrator for Management for review and subsequent publication in the **Federal Register** (see 40 CFR 1507.3(e) of the CEQ Regulations). The Headquarters official shall then apply procedures set forth in 14 CFR 1216.307 to determine the scope of the EIS and proceed to prepare and release the environmental statement in accordance with the CEQ Regulations and the procedures of this subpart.

* * * * *

13. Section 1216.308 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1216.308 Preparation of draft statement.

(a) The responsible Headquarters official shall prepare the draft environmental impact statement in the manner provided in 40 CFR Part 1502 of the CEQ Regulations and shall submit the draft statement and any attachments to the Associate Administrator for Management for NASA review prior to any formal review outside NASA. This submission shall be accompanied by a list of Federal, State, and local officials (40 CFR Part 1503 of the CEQ Regulations) and a list of other interested parties (40 CFR 1506.6 of the CEQ Regulations) from whom comments should be requested.

(b) After the NASA review is completed, the Associate Administrator for Management shall submit the approved draft statement to the Environmental Protection Agency (EPA), Office of Federal Activities, and shall seek the views of appropriate agencies and individuals in accordance with 40 CFR Part 1503 and § 1506.6 of the CEQ Regulations.

* * * * *

14. Section 1216.309 is revised to read as follows:

§ 1216.309 Public involvement.

(a) Interested persons can get information on NASA environmental impact statements and other aspects of NASA's NEPA process by contacting the Assistant Associate Administrator for Facilities Management, Code NX, NASA Headquarters, Washington, DC 20546, 202–453–1965. Pertinent information regarding any aspect of the NEPA process may also be mailed to the above address.

(b) Responsible Headquarters officials and NASA Field Installation Directors shall identify those persons, community organizations, and environmental interest groups who may be interested or affected by the proposed NASA action and who should be involved in the NEPA process. They shall submit a list of such persons and organizations to the Associate Administrator for Management at the same time they submit:

(1) A recommendation regarding a "Finding of No Significant Impact,"

(2) A "Notice of Intent to Prepare an EIS,"

(3) A recommendation for public hearings,

(4) A preliminary draft EIS,

(5) A preliminary final EIS,

(6) Other preliminary environmental documents (14 CFR 1216.321(d)).

(c) The Associate Administrator for Management may modify such lists referred to in paragraph (b) of this section as appropriate to ensure that NASA shall comply, to the fullest extent practicable, with 40 CFR 1506.6 of the CEQ Regulations and § 2–4(d) of Executive Order 12114.

(d) The decision whether to hold public hearings shall be made by the Associate Administrator for Management in consultation with the General Counsel.

15. Section 1216.310 is amended by revising paragraph (a) to read as follows:

§ 1216.310 Preparation of final statements.

(a) After conclusion of the review process with other Federal, State, and local agencies and the public, the responsible Headquarters official shall consider all suggestions, revise the statement as appropriate, and forward the proposed final statement to the Associate Administrator for Management. The Associate Administrator for Management shall submit the approved final statement to the EPA Office of Federal Activities, to all parties who commented, and to other interested parties in accordance with CEQ Regulations.

* * * * *

16. Section 1216.311 is revised to read as follows:

§ 1216.311 Record of the decision.

At the time of the decision on the proposed action, the originating Headquarters official shall consult with the Associate Administrator for Management and prepare a concise public record of the decision. (See 40 CFR 1505.2 of the CEQ Regulations.)

17. Section 1216.313 is amended by revising paragraph (b) and designating the text following paragraph (b) as paragraph (c) and revising it to read as follows:

§ 1216.313 Implementing and monitoring the decision.

* * * * *

(b) The responsible Headquarters official shall, as necessary, conduct the required monitoring and shall provide periodic reports as required by the Associate Administrator for Management.

(c) If the monitoring activity indicates that resulting environmental effects differ from those described in the current documents, the Headquarters official shall reassess the environmental impact and consult with the Associate Administrator for Management to determine the need for additional mitigation measures and whether to prepare a supplement to the EIS (see 40 CFR 1502.9 of the CEQ Regulations).

18. Sections 1216.315 and 1216.316 are revised to read as follows:

§ 1216.315 Processing legislative environmental impact statements.

(a) Preparation of a legislative environmental impact statement shall conform to the requirements of 40 CFR 1506.8 of the CEQ Regulations. The responsible Headquarters official, in coordination with the Associate Administrator for Management, shall identify those NASA recommendations or reports on legislation that would require preparation of environmental impact statements in accordance with criteria set forth in 14 CFR 1216.305.

(b) For the purposes of this provision, "legislation" not only excludes requests for appropriations (40 CFR 1508.17 of the CEQ Regulations), but also excludes the annual authorization bill submitted to the Congress.

§ 1216.316 Cooperating with other agencies and individuals.

(a) The Associate Administrator for Management, in coordination with the Associate Administrator for External Relations, shall ensure that NASA officials have an opportunity to cooperate with other agencies and individuals. He/she shall keep abreast of the activities of Federal, state, and local agencies, particularly activities in which NASA has expertise or jurisdiction by law (see 40 CFR 1508.15 of the CEQ Regulations). He/she shall inform the responsible Headquarters official of the need for cooperation as necessary.

(b) At the request of the Associate Administrator for Management, Headquarters officials shall initiate discussions with another Federal agency concerning those activities which may be the subject of that agency's EIS on which NASA proposes to comment.

(c) At the request of the Associate Administrator for Management, the responsible Headquarters official shall, in the interest of eliminating duplication, prepare joint analyses, assessments, and statements with state and local agencies. These joint environmental documents shall conform with the requirements of these procedures and overall NASA policy.

(d) Because of the uniqueness of the NASA's aerospace activities, it is unlikely that NASA will have the opportunity to "adopt" environmental statements prepared by other agencies (40 CFR 1506.3 of the CEQ Regulations). However, should the responsible NASA offical wish to adopt a Federal draft or final environmental impact statement or portion thereof, he/she shall consult with the Associate Administrator for Management to determine whether that statement meets NASA requirements.

(e) From time to time, there may be disagreements between NASA and other Federal agencies regarding which agency has primary responsibility to prepare an environmental impact statement in which both parties are involved. The Headquarters official with primary responsibility for the activity in question shall consult with the Associate Administrator for Management to resolve such questions in accordance with 40 CFR 1501.5 of the CEQ Regulations.

(f) Responsibility for the environmental analyses and any necessary environmental assessments and environmental impact statements required by permits, leases, easements, etc., proposed for issuance to non-Federal applicants rests with the Headquarters official responsible for granting of that permit, lease, easement, etc. The responsible Headquarters official shall consult with the Associate Administrator for Management for advice on the type of environmental information needed from the applicant and on the extent of the applicant's participation in the necessary

environmental studies and their documentation.

19. Sections 1216.318 and 1216.319 are revised and the undesignated center heading is republished to read as follows:

§ 1216.318 Deviations.

From time to time there will arise good and valid reasons for a deviation from these procedures. These procedures are not intended to be a substitute for sound professional judgment. Accordingly, if and as problems arise which justify a deviation, the proposed deviation and supporting rationale shall be forwarded to the Associate Administrator for Management. Unless such documentation is received, it will be assumed that each planning and decisionmaking action is in accordance with these procedures.

Other Requirements

§ 1216.319 Environmental resources document.

Each Field Installation Director shall ensure that there exists an environmental resources document which describes the current environment at that field installation, including current information on the effects of NASA operations on the local environment. This document shall include information on the same environmental effects as included in an environmental impact statement (see 14 CFR 1216.307). This document shall be coordinated with the Associate Administrator for Management and shall be published in an appropriate NASA report category for use as a reference document in preparing other environmental documents (e.g., environmental impact statements for proposed actions to be located at the NASA field installation in question). The Director of each NASA field installation shall ensure that existing resource documents are reviewed and updated, if necessary, by December 31, 1980, and at appropriate intervals thereafter.

20. Section 1216.320 is amended by revising paragraphs (a)(3) and (b) as follows:

§ 1216.320 Environmental review and consultation requirements

(a) * * *

(3) Executive Order 11988 (Floodplains Management) and Executive Order 11990 (Wetlands), as amended, and implemented by 14 CFR Subpart 1216.2—*Floodplains and Wetlands Management*, prescribe procedures to avoid adverse impacts associated with the occupancy and modification of floodplains and wetlands and require identification and evaluation of actions which are proposed for location in or which may affect a floodplain or wetland. A comparative evaluation of such actions shall be discussed in draft environmental impact statements and transmitted to appropriate State Single Point of Contact for comments.

(b) Other environmental review and consultation requirements peculiar to NASA, if any, may be identified in the NASA environmental impact implementation handbook.

21. Section 1216.321 is amended by revising paragraphs (a)(3) and (5), (c), (d), (e), and (f) to read as follows:

§ 1216.321 Environmental effects abroad of major Federal actions.

(a) * * *

(3) The export of products or facilities producing products (or emission/effluents) which in the United States are prohibited or strictly regulated because their effects on the environment create a serious public health risk. The Associate Administrator for Management will provide additional guidance regarding the types of chemical, physical, and biological agents involved.

* * * * *

(5) Potential environmental effects on natural and ecological resources of global importance and which the President in the future may designate (or which the Secretary of State designates pursuant to international treaty). A list of any such designations will be available from the Associate Administrator for Management.

* * * * *

(c) If the Headquarters official determines that the action will not have a significant environmental effect abroad, he/she shall prepare a memorandum for the record which states the reasoning behind such a determination. A copy of the memorandum shall be forwarded to the Associate Administrator for Management. Note that these procedures do not allow for categorical exclusions (E.O. 12114, section 2-5(d)).

(d) If the Headquarters official determines that an action may have a significant environmental effect abroad, he/she shall consult with the Associate Administrator for Management and the Director, International Relations Division. The Associate Administrator for Management, in coordination with the Director, International Relations Division, shall (as specified in E.O. 12114) make a determination whether the subject action requires:

(1) An environmental impact statement,

(2) Bilateral or multilateral environmental studies, or

(3) Concise reviews of environmental issues.

(e) When informed of the determination of the Associate Administrator for Management, the Headquarters official shall proceed to take the necessary actions in accordance with these implementing procedures.

(f) The Associate Administrator for Management shall, in coordination with the Associate Administrator for External Relations, determine when an affected nation shall be informed regarding the availability of documents referred to in paragraph (d) of this section and coordinate with the Department of State all NASA communications with foreign governments concerning environmental matters as related to E.O. 12114.

James C. Fletcher,

Administrator.

March 16, 1988.

[FR Doc. 88-6518 Filed 3-24-88; 8:45 am]

BILLING CODE 7510-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6761; 34-25484; 35-24603; 39-2151; IC-16322; IA-1109]

Approved Information Collections; Current OMB Expiration Dates

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending Subpart N of Part 200 relating to collection requirements under the Paperwork Reduction Act to reflect current OMB expiration dates for approved information collections.

EFFECTIVE DATE: March 25, 1988.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Fogash, Deputy Executive Director, SEC, 450 Fifth Street, NW., Washington, DC 20549 (202) 272-2142.

SUPPLEMENTARY INFORMATION: The Commission will amend Subpart N periodically to reflect current information.

The Commission finds that this amendment, concerning the display of the control numbers and expiration dates assigned to information collection requirements of the Commission by the Office of Management and Budget

pursuant to the Paperwork Reduction Act, pertains only to procedural matters; it is therefore not subject to the provisions of the Administrative Procedure Act, 5 U.S.C. 551 et seq., requiring advance notice and opportunity for comment. Accordingly, it is effective upon publication in the **Federal Register.**

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of Information, Privacy, Securities.

Text of Amendment

Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart N—Commission Information Collection Requirements Under the Paperwork Reduction Act: OMB Control Nos. and Expiration Dates

1. The authority citation for Part 200, Subpart N continues to read as follows:

Authority: 44 U.S.C. 3507(f); secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec 8, 68 Stat. 685; sec. 308(a)(2), 90 Stat. 57; secs. 3(b), 12, 13, 14, 15(d), 23(a), 48 Stat. 882, 902, 904, 905, 901; secs. 203(a), 1, 3, 8, 49 Stat. 704, 1375, 1377, 1379; sec. 202, 68 Stat. 686; secs. 4, 5, 6(d), 78 Stat. 569, 570–574; secs. 1, 2, 3, 82 Stat. 454, 455; 1503; secs. 8, 9, 10, 89 Stat. 117, 118, 119; sec. 308(b), 90 Stat. 57; sec. 18, 89 Stat. 155; secs. 202, 203, 204, 91 Stat. 1494, 1498–1500; sec. 20(a), 49 Stat. 833; sec. 319, 53 Stat. 1173; sec. 38, 54, Stat. 841; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78c(b), 781, 78m, 78n, 780(d), 78w(a), 796(a), 77sss(a), 80a–37.

2. Section 200.800 is amended by adding Rule 22d–1, Rule 6c–9, Rule 206(4)–4, Rule 34b–1, Rule 701, Rule 702, Rule 703, Form 701, Rule 24f–3, Rule 15Cal–1, Rule 15Ca2–2, Rule 19b–1 and Rule 10b–6; by deleting Rule 19d–2, Rule 48(b), 22d–4; and revising certain entries in paragraph (b) as follows:

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

* * * * *

(b) *Display.*

Information Collection Requirement	17 CFR Part or Section Where Identified and Described	Current OMB Control No.	Expiration date
Revise:			
* * * * * *			*
Rule 236	§ 230.236	3235–0095	Mar. 31, 1990.
* * * * *			*
Regulation B	§§ 230.300 through 230.345	3235–0093	Mar. 31, 1990.
Regulation C	§§ 230.400 through 230.494	3235–0074	Apr. 30, 1990.
Regulation D	§§ 230.501 through 230.506	3235–0076	Aug. 31, 1989.
Rule 604	§ 230.604	3235–0232	July 31, 1990.
Rule 605	§ 230.605	3235–0232	July 31, 1990.
Rule 606	§ 230.606	3235–0232	July 31, 1990.
Rule 607	§ 230.607	3235–0232	July 31, 1990.
Rule 609	§ 230.609	3235–0232	July 31, 1990.
Regulation F	§§ 230.651 through 230.656	3235–0094	Nov. 30, 1990.
* * * * * *			*
Form N–1A	§ 239.15A	3235–0307	Oct. 31, 1990.
Form S–6	§ 239.16	3235–0184	Sept. 30, 1990.
Form N–7	§ 239.16A	3235–0338	Apr. 30, 1990.
* * * * * *			*
Form S–4	§ 239.25	3235–0324	July 31, 1990.
Form S–18	§ 239.28	3235–0098	Nov. 30, 1989.
* * * * * *			*
Form F–4	§ 239.34	3235–0325	July 31, 1990.
* * * * * *			*
Form SR	§ 239.61	3235–0124	Nov. 30, 1990.
Form ET	§ 239.62	3235–0329	Oct. 31, 1989.
Form ID	§ 239.63	3235–0328	Oct. 31, 1989.
Form SE	§ 239.64	3235–0327	Oct. 31, 1989.
* * * * * *			*
Schedules A, B, C, D	§ 239.101	3235–0093	Mar. 31, 1990.
Form 1–G	§ 239.101	3235–0093	Mar. 31, 1990.
Form 3–G	§ 239.101	3235–0093	Mar. 31, 1990.
Form 144	§ 239.144	3235–0101	Feb. 28, 1990.
Form 1–E	§ 239.200	3235–0232	July 31, 1990.
Form 2–E	§ 239.201	3235–0233	Feb. 28, 1991.
Form 1–F	§ 239.300	3235–0094	Nov. 30, 1990.
Form D	§ 239.500	3235–0076	Aug. 31, 1989.
* * * * * *			*
Rule 6a–3	§ 240.6a–3	3235–0021	Apr. 30, 1990.
Rule 10b–7	§ 240.10b–7	3235–0201	Dec. 31, 1989.
Rule 11Ab2–1	§ 240.11Ab2–1	3235–0043	Oct. 31, 1990.
Rule 12a–5	§ 240.12a–5	3235–0079	Dec. 31, 1990.
Regulation 12B	§§ 240.12b–1 through 240.12b–36	3235–0062	Nov. 30, 1990.
Rule 12d1–3	§ 240.12d1–3	3235–0109	Nov. 30, 1990.
Rule 12d2–1	§ 240.12d2–1	3235–0081	Dec. 31, 1990.
Rule 12d2–2	§ 240.12d2–2	3235–0080	Dec. 31, 1990.
Rule 12f–1	§ 240.12f–1	3235–0128	Dec. 31, 1990.
Rule 12f–2	§ 240.12f–2	3235–0248	Jan. 31, 1991.
Rule 12f–3	§ 240.12f–3	3235–0249	Jan. 31, 1991.
* * * * * *			*
Rule 13e–3	§ 240.13e–3	3235–0007	June 30, 1989.
Rule 13e–4	§ 240.13e–4	3235–0203	Sept. 30, 1990.
Schedule 13e3	§ 240.13e–100	3235–0007	June 30, 1989.
Schedule 13e–4	§ 240.13e–101	3235–0203	Sept. 30, 1990.
Regulation 14A	§§ 240.14a–1 through 240.14a–12	3235–0059	July 31, 1990.

Information Collection Requirement	17 CFR Part or Section Where Identified and Described	Current OMB Control No.	Expiration date
Schedule 14A	§ 240.14a-101	3235-0059	July 31, 1990.
Schedule 14B	§ 240.14a-102	3235-0059	July 31, 1990.
Regulation 14C	§ 240.14c-1	3235-0057	July 31, 1990.
Schedule 14C	§ 240.14c-101	3235-0057	July 31, 1990.
Regulation 14D	§§ 240.14d-1 through 240.14d-9	3235-0102	Sept. 30, 1990.
Schedule 14d-1	§ 240.14d-100	3235-0102	Sept. 30, 1990.
Schedule 14d-9	§ 240.14d-101	3235-0102	Sept. 30, 1990.
Regulation 14E	§§ 240.14e-1 through 240.14e-2	3235-0102	Sept. 30, 1990.
Rule 14f-1	§ 240.14f-1	3235-0108	Nov. 30, 1990.
Rule 15a-4(a)	§ 240.15a-4(a)	3235-0010	Aug. 31, 1989.
Rule 15Aa-1	§ 240.15Aa-1	3235-0030	Oct. 31, 1990.
Rule 15Aj-1	§ 240.15Aj-1	3235-0044	Oct. 31, 1990.
Rule 15b1-1	§ 240.15b1-1	3235-0012	May 31, 1990.
Rule 15b1-2	§ 240.15b1-2	3235-0012	Aug. 31, 1989.
•	•	•	•
Rule 15b1-4	§ 240.15b1-4	3235-0016	Aug. 31, 1989.
•	•	•	•
Rule 15b3-1	§ 240.15b3-1	3235-0013	Oct. 31, 1990.
Rule 15b6-1(a)	§ 240.15b6-1(a)	3235-0018	Nov. 30, 1989.
•	•	•	•
Rule 15Ba2-2	§ 240.15Ba2-2	3235-0080	Dec. 31, 1990.
Rule 15Ba2-4	§ 240.15Ba2-4	3235-0089	Dec. 31, 1990.
Rule 15Ba2-5	§ 240.15Ba2-5	3235-0088	Oct. 31, 1990.
Rule 15Ba2-6	§ 240.15Ba2-6	3235-0086	Dec. 31, 1990
Rule 15Bc3-1	§ 240.15Bc3-1	3235-0087	Nov. 30, 1990.
Rule 15c2-5	§ 240.15c2-5	3235-0198	Jan. 31, 1991.
Rule 15c2-11	§ 240.15c2-11	3235-0202	Mar. 31, 1989.
Rule 15c3-1	§ 240.15c3-1	3235-0200	June 30, 1990
Rule 15c3-3	§ 240.15c3-3	3235-0078	Aug. 31, 1990
Rule 15c1-7	§ 240.15c1-7	3235-0134	Dec. 31, 1990
Rule 17a-1	§ 240.17a-1	3235-0208	Oct. 31, 1989.
Rule 17a-2	§ 240.17a-2	3235-0201	Dec. 31, 1989.
Rule 17a-3	§ 240.17a-3	3235-0033	Sept. 30, 1989
Rule 17a-4	§ 240.17a-4	3235-0279	Sept. 30,1989.
Rule 17a-5	§ 240.17a-5	3235-0123	Oct. 31, 1989.
•	•	•	•
Rule 17a-7	§ 240.17a-7	3235-0131	Oct. 31, 1989.
Rule 17a-8	§ 240.17a-8	3235-0092	Jan. 31, 1991.
Rule 17a-10	§ 240.17a-10	3235-0122	Dec. 31, 1990.
Rule 17a-11	§ 240.17a-11	3235-0085	Oct. 31, 1990.
Rule 17a-13	§ 240.17a-13	3235-0035	Oct. 31, 1990.
Rule 17a-19	§ 240.17a-19	3235-0133	Dec. 31, 1990.
Rule 17a-22	§ 240.17a-22	3235-0196	Dec. 31, 1990.
Rule 17Ab2-1 (a) and (e)	§ 240.17Ab2-1 (a) and (e)	3235-0195	Jan. 31, 1991.
•	•	•	•
Rule 17Ac3-1(a)	§ 240.17Ac3-1	3235-0151	Nov. 30, 1990.
Rule 1Ad2 (c), (d) and (h)	§ 240.17Ad2 (c), (d) and (h)	3235-0130	Dec. 31,1990.
•	•	•	•
Rule 17Ad-6	§ 240.17Ad-6	3235-0291	Aug. 31, 1989.
Rule 17Ad-7	§ 240.17Ad-7	3235-0136	Aug. 31, 1989.
Rule 17Ad-10	§ 240.17Ad-10	3235-0273	July 31, 1990.
•	•	•	•
Rule 17f-1(g)	§ 240.17f-1-(g)	3235-0290	Nov. 30, 1989.
•	•	•	•
Rule 17f-2(c)	§ 240.17f-2(c)	3235-0029	Oct. 31, 1990.
Rule 17f-2(d)	§ 240.17f-2(d)	3235-0028	Oct. 31, 1990.
Rule 17f-2(e)	§ 240.17f-2(e)	3235-0031	Nov. 30, 1990.
•	•	•	•
Rule 19b-4	§ 240.19b-4	3235-0045	Oct. 31, 1990.
Rule 19d-1(b)(i)	§ 240.19d-1(b)(i)	3235-0206	Aug. 31, 1989.
Rule 19d-3(b)	§ 240.19d-3(b)	3235-0240	Jan. 31, 1989.
Rule 19h-1(a), (c)-(e), (g)	§ 240.19h-1(a), (c)-(e), (g)	3235-0259	Oct. 31, 1989.
Rule 24b-1	§ 240.24b-1	3235-0194	Jan. 31, 1991.
•	•	•	•
Form 25	§ 249.25	3235-0080	Dec. 31, 1990.
Form 26	§ 249.26	3235-0079	Dec. 31, 1990.
Form 27	§ 249.27	3235-0248	Jan. 31, 1991.
Form 28	§ 249.28	3235-0249	Jan. 31, 1991.
Form 3	§ 249.103	3235-0104	Nov. 30, 1990.
•	•	•	•
Form 8-A	§ 249.208a	3235-0056	Nov. 30, 1990.
•	•	•	•
Form 20-F	§ 249.220f	3235-0288	May 31, 1990.
•	•	•	•
Form 8-K	§ 249.308	3235-0060	Aug. 31, 1990.
•	•	•	•
Form 10-C	§ 249.310c	3235-0191	Dec. 31, 1990.
Form 11-K	§ 249.311	3235-0082	Mar. 31, 1990

Information Collection Requirement	17 CFR Part or Section Where Identified and Described	Current OMB Control No.	Expiration date
* * * * * * *			*
Form 12b-25	§ 249.322	3235-0058	Mar. 31, 1991
Form 15	§ 249.323	3235-0167	Nov. 30, 1989.
Form 13F	§ 249.325	3235-0006	Feb. 28, 1991
Form N-SAR	§ 249.330	3235-0330	Aug. 31, 1990.
Form SE	§ 249.444	3235-0327	Oct. 31, 1989.
Form ET	§ 249.445	3235-0329	Oct. 31, 1989.
Form ID	§ 249.446	3235-0328	Oct. 31, 1989.
Form 8	§ 249.460	3235-0141	Mar. 31, 1990.
Form BD	§ 249.501	3235-0012	Mar. 31, 1991
Form BDW	§ 249.501a	3235-0018	Nov. 30, 1989
Form X-17A-5	§ 249.617	3235-0123	Oct. 31, 1989.
Form X-17A-19	§ 249.635	3235-0133	Dec. 31, 1990.
Form X-17A-1	§ 249.717	3235-0208	Oct. 31, 1989.
Form X-15AA-1	§ 249.801	3235-0030	Oct. 31, 1990.
Form X-15AJ-1	§ 249.802	3235-0044	Oct. 31, 1990.
Form X-15AJ-2	§ 249.803	3235-0044	Oct. 31, 1990.
Form 19b-4	§ 249.819	3235-0045	Oct. 31, 1990.
Form SIP	§ 249.1001	3235-0043	Oct. 31, 1990.
* * * * * * *			*
Form MSDW	§ 249.1110	3235-0087	Nov. 30, 1990.
* * * * * * *			*
Form TA-W	§ 249b.101	3235-0151	Nov. 30, 1990.
* * * * * * *			*
Form CA-1	§ 249b.200	3235-0195	Jan. 31, 1991
* * * * * * *			*
Rule 1(c)	§ 250.1(c)	3235-0164	Nov. 30, 1989.
* * * * * * *			*
Rule 45	§ 250.45	3235-0154	July 31, 1990.
* * * * * * *			*
	Part 257	3235-0306	Nov. 30, 1989.
* * * * * * *			*
Form ET	§ 259.601	3235-0329	Oct. 31, 1989.
Form ID	§ 259.602	3235-0328	Oct. 31, 1989.
Form SE	§ 259.603	3235-0327	Oct. 31, 1989.
Rules 7a-15 through 7a-37	§§ 260.7a-15 through 260.7a-37	3235-0132	Nov. 30, 1990.
Form T-1	§ 269.1	3235-0110	Nov. 30, 1990.
Form T-2	§ 269.2	3235-0111	Nov. 30, 1990.
Form T-3	§ 269.3	3235-0105	Nov. 30, 1990
Form T-4	§ 269.4	3235-0107	Dec. 31, 1990.
Form ET	§ 269.5	3235-0329	Oct. 31, 1989.
Form ID	§ 269.6	3235-0328	Oct. 31, 1989.
Form SE	§ 269.7	3235-0327	Oct. 31, 1989.
Rule 2A-7	§270.2a-7	3235-0268	Sept. 30, 1990.
* * * * * * *			*
Rule 6c-6	§ 270.6c-6	3235-0245	Nov. 30, 1989.
Rule 6c7	§ 270.6c-7	3235-0276	Jan. 31, 1989.
Rule 6e	§ 270.6e-2(b)(9)	3235-0177	Feb. 28, 1991.
Rule 7d	§ 270.7d-(b)(8)(i), (iii) & (viii)	3235-0176	May 31, 1990.
Rule 8b-11	§ 270.8b-11	3235-0176	Jan. 31, 1990.
Rule 8b-16	§ 270.8b-16	3235-0176	Jan. 31, 1990.
Rule 8b-20	§ 270.8b-20	3235-0176	Jan. 31, 1990.
Rule 8b-21(b)	§ 270.8b-21(b)	3235-0176	Jan. 31, 1990
Rule 8b-25	§ 270.8b-25	3235-0176	Jan. 31, 1990.
Rule 8b-32(b)	§ 270.8b-32(b)	3235-0176	Jan. 31, 1990.
Rule 10f-3	§ 270.10f-3	3235-0226	Nov. 30, 1989
* * * * * * *			*
Rule 12b-1	§ 270.12b-1	3235-0212	Nov. 30, 1989.
Rule 17a-7	§ 270.17a-7	3235-0214	Feb. 28, 1991.
Rule 17a-8	§ 270.17a-8	3235-0235	Feb. 28, 1991.
Rule 17e-1	§ 270.17e-1	3235-0217	Oct. 31, 1990.
Rule 17f-1	§ 270.17f-1	3235-0222	Feb. 28, 1991
* * * * * * *			*
Rule 17f-4	§ 270.17f-4	3235-0225	July 31, 1990.
* * * * * * *			*
Rule 17j-1	§ 270.17j-1	3235-0224	Nov. 30, 1989.
Rule 18f-1	§ 270.18f-1	3235-0211	Feb. 28, 1991.
Rule 19a-1	§ 270.19a-1	3235-0216	Feb. 28, 1991.
Rule 20a-1(b)	§ 270.20a-1(b)	3235-0158	Sept. 30, 1988
Rule 20a-2	§ 270.20a-2	3235-0158	Sept. 30, 1988
Rule 20a-3	§ 270.20a-3	3235-0158	Sept. 30, 1988.
* * * * * * *			*
Rule 24f-1	§ 270.24f-1	3235-0155	Feb. 28, 1991.
Rule 24f-2	§ 270.24f-2	3235-0159	Feb. 28, 1991.
Rule 26a-3	§ 270.26a-3	3235-0333	Apr. 30, 1990.
Rule 30a-1	§ 270.30a-1	3235-0219	Feb. 28, 1991
Rule 30b2-1	§ 270.30b2-1	3235-0220	Feb. 28, 1991
Rule 30d-1	§ 270.30d-1	3235-0025	Dec. 31, 1990

Information Collection Requirement	17 CFR Part or Section Where Identified and Described	Current OMB Control No.	Expiration date
Rule 31a-1	§ 270.31a-1	3235-0178	July 31, 1990.
Rule 31a-2	§ 270.31a-2	3235-0179	June 30, 1990.
• • • • • •			•
Form N-8A	§ 274.10	3235-0175	Jan. 31, 1991.
• • • • • •			•
Form N-1A	§ 274.11a	3235-0307	Oct. 31, 1990.
Form N-2	§ 274.11a-1	3235-0026	Dec. 31, 1990.
Form N-3	§ 274.11b	3235-0316	Apr. 30, 1990.
Form N-4	§ 274.11c	3235-0318	Apr. 30, 1990.
Form N-8B-2	§ 274.12	3235-0186	Apr. 30, 1990.
Form N-7	§ 274.12a	3235-0338	Apr. 30, 1990.
Form N-8B-3	§ 274.13	3235-0166	Dec. 31, 1990.
Form N-8B-4	§ 274.14	3235-0247	Dec. 31, 1990.
Form N-6F	§ 274.15	3235-0238	Feb. 28, 1991.
Form N-18f	§ 274.51	3235-0211	Feb. 28, 1991.
Form N-SAR	§ 274.101	3235-0330	Aug. 31, 1990.
Form N-17d-1	§ 274.200	3235-0229	Feb. 28, 1991.
Form N-23C-1	§ 274.201	3235-0230	Feb. 28, 1991.
Form N-8F	§ 274.218	3235-0157	Feb. 28, 1991.
Form N-6EI-1	§ 274.301	3235-0177	Feb. 28, 1991.
Form ET	§ 274.401	3235-0329	Oct. 31, 1989.
Form ID	§ 274.402	3235-0328	Oct. 31, 1989.
Form SE	§ 274.403	3235-0327	Oct. 31, 1989.
• • • • • •			•
Form N-54A	§ 2745.53	3235-0237	Feb. 28, 1991.
Form N-54C	§ 275.54	3235-0236	Feb. 28, 1991.
• • • • • •			•
Rule 203-2	§ 275.203-2	3235-0313	Jan. 31, 1989.
• • • • • •			•
Rule 204-2	§ 275.204-2	3235-0278	Jan. 31, 1991.
• • • • • •			•
Rule 206(3)-2	§ 275.206(3)-2	3235-0243	June 30, 1989.
• • • • • •			•
Form ADV-S	§ 279.3	3235-0046	Sept. 30, 1990.
• • • • • •			•
Add:			
Rule 701	§ 230.701	3235-0347	Mar. 31, 1990.
Rule 702	§ 230.702	3235-0347	Mar. 31, 1990.
Rule 703	§ 230.703	3235-0347	Mar. 31, 1990.
Rule 701	§ 239.701	3235-0347	Mar. 31, 1990.
Rule 10b-6	§ 240.10b-6	3235-0355	Sept. 30, 1990.
Rule 15Cal-1	§ 240.15Cal-1	3235-0351	Jan. 31, 1990.
Rule 15Ca2-2	§ 240.15Ca2-2	3235-0352	Apr. 30, 1990.
Rule 19b-1	§ 240.19b-1	3235-0354	July 31, 1990.
Rule 6c-9	§ 270.6c-9	3235-0344	Oct. 31, 1989.
Rule 22d-1	§ 270.22d-1	3235-0310	May 31, 1988.
Rule 24f-3	§ 270.24f-3	3235-0348	Apr. 30, 1990.
Rule 34b-1	§ 270.34b-1	3235-0346	Nov. 30, 1989.
Rule 206(4)-4	§ 275.206(4)-4	3235-0345	Sept. 30, 1989.
Remove:			
Rule 19d-2	§ 240.19d-2	3235-0205	Nov. 30, 1987.
Rule 48(b)	§ 250.48(b)	3235-0156	Sept. 30, 1988.
Rule 22d-4	§ 270.22d-4	3235-0234	Jan. 31, 1988.

Jonathan G. Katz,

Secretary.

March 18, 1988.

[FR Doc. 6446 Filed 3-24-88; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Parts 229, 230, 239, 240, and 270

[Release Nos. 34-25217A; IC-16181A; File No. S7-19-87 and 33-6714B; IC-15752B; File No. S7-28-86]

Proxy Rules; Amendments to Eliminate Filing Requirements for Certain Preliminary Proxy Material; Amendments With Regard to Rule 14a-8, Shareholder Proposals and Elimination of Certain Pricing Amendments and Revision of Prospectus Filing Procedures; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Final rules; correction.

SUMMARY: This document corrects the amendatory language in two final rules published on December 29, 1987 and June 5, 1987.

FOR FURTHER INFORMATION CONTACT: Elizabeth M. Murphy or Alexander G. Shtofman, Office of Disclosure Policy, Division of Corporation Finance (202) 272-2589.

In FR Doc 87-29707 appearing in the **Federal Register** of Tuesday, December 29, 1987 (52 FR 48977) the amendatory language for number 7 on page 48984 column 1 should be corrected as follows:

"7. By amending § 240.14a-101 by adding a second sentence to paragraph (a)(2) of Item 4 and revising paragraph (a)(2), the first sentence of (a)(3), and

paragraphs (b)(2)(ii)(C) and (G) of Item 10 as follows:".

In FR Doc. 87-12707 appearing in the Federal Register of Friday, June 5, 1987 (52 FR 21252) the amendatory language for number 6 on page 21262 column 1 should be corrected as follows:

"6. Paragraph (a)(4) of § 230.482 is revised to read as follows:".

Jonathan G. Katz,

Secretary.

Dated: March 21, 1988.

[FR Doc. 88-6539 Filed 3-24-88; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-269; Ref: Notice No. 641]

Cayuga Lake Viticultural Area, NY

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in New York State, within the counties of Seneca, Tompkins, and Cayuga, to be known as "Cayuga Lake." The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: April 25, 1988.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226, (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow for the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as an appellation of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in Subpart C of Part 9. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Knapp Farms, Inc. and Plane's Cayuga Vineyard, Inc. petitioned ATF for the establishment of a viticultural area in west central New York State, to be known as "Cayuga Lake."

In response to this petition, ATF published a notice of proposed rulemaking (Notice No. 641) in the Federal Register on September 16, 1987 (52 FR 34927), proposing the establishment of the Cayuga Lake viticultural area.

General Description

The Cayuga Lake viticultural area is located in New York State, within the counties of Seneca, Tompkins, and Cayuga. It surrounds and is adjacent to Cayuga Lake, between Seneca Lake and Owasco Lake, and is situated within the approved Finger Lakes viticultural area. It includes eight bonded wineries and 18 vineyards, with approximately 460 acres of grapes.

Historical and current evidence regarding the name as well as the boundaries of the viticultural area includes:

(a) The body of water called Cayuga Lake received its name from the Cayuga Indians, who originally inhabited the region bordering the lake.

(b) The name figures prominently in identifying the area in the diaries of General Sullivan during his campaign to open land in upstate New York to settlers in the 1700's.

(c) Cayuga Lake is the name used by the first permanent settlers in Seneca County in 1789, and has remained the same to the present time.

(d) The large state park located in the northern section of the viticultural area is named Cayuga Lake State Park.

(e) State Route 89, which runs the length of the viticultural area, is also known as Cayuga Lake Boulevard.

Geographical features of the Cayuga Lake viticultural area include the following:

(a) Bedrock of different kinds is the main source of soil material in New York State. Within the Cayuga Lake viticultural area, the bedrock is predominantly shale. To the north of the viticultural area, it is alternating limestone and slate formations, and to the south, it is interbedded sandstone and shale.

(b) The maximum elevation within the viticultural area is no more than 800 feet above the surface of Cayuga Lake. The elevation of the areas to the east, west and south of the viticultural area, however, is 1,000-2,000 feet.

(c) The Cayuga Lake basin is one of two major land formations in the Finger Lakes that resulted from glacial activity in the Pleistocene epoch. As consistently stated in O.D. von Engeln's *The Finger Lakes Region: Its Origin and Nature*, the Cayuga Lake basin is separated from the second major basin, Seneca Lake (west of Cayuga Lake), by both topography and soil type.

(d) The micro-climate of the viticultural area is created by both Cayuga Lake and its adjacent hills. This is discussed in an article that appeared in the July 1986 issue of *Geographical Review*, entitled "Vines, Wines, and Regional Identity in the Finger Lakes Region." As mentioned in the article, due to the cold air drainage down the valley slopes in summer, and the release of heat stored in Cayuga Lake, the risk of an early frost is reduced. This results in an extended growing season on the slopes, from an average of 145 days for much of the Finger Lakes region, to between 165 and 170 days for the Cayuga Lake viticultural area.

(e) The moderating effects of Cayuga Lake and its adjacent hills have resulted in the viticultural area having an extended heat summation period, from 2,200-2,300 degree days for much of the Finger Lakes area, to 2,400-2,500 degree days for the Cayuga Lake viticultural area.

Boundaries of the Area

The boundaries of the Cayuga Lake viticultural area may be found on one United States Geological Survey (U.S.G.S.) map (Elmira, New York; Pennsylvania).

The boundaries, as proposed by the petitioners, are described in § 9.127.

Public Comment

In response to Notice No. 641, 23 comments were received, all in support of the proposed viticultural area.

Miscellaneous

ATF does not want to give the impression that, by approving "Cayuga Lake" as a viticultural area, it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct, but not better than other areas. By approving this area ATF will allow wine producers to claim

a distinction on labels and in advertisements as to the origin of the grapes. Any commercial advantage can only come from consumer acceptance of "Cayuga Lake" wines.

Regulatory Flexibility Act

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

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

Executive Order 12291

In compliance with Executive Order 12291, the Bureau has determined that this regulation is not a major rule since it will not result in:

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

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

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

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4412, Office of Public Affairs and Disclosure, 1200 Pennsylvania Avenue, NW., Washington, DC.

Drafting Information

The principal author of this document is James P. Ficaretta, Wine and Beer Branch, Bureau of Alcohol, Tobacco, and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for 27 CFR Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the heading of § 9.127 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.127 Cayuga Lake.

Par. 3. Subpart C is amended by adding § 9.127 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.127 Cayuga Lake.

(a) *Name.* The name of the viticultural area described in this section is "Cayuga Lake."

(b) *Approved maps.* The appropriate map for determining the boundaries of the Cayuga Lake viticultural area is one U.S.G.S. map scaled 1:250,000, titled "Elmira, New York; Pennsylvania," 1962 (revised 1978).

(c) *Boundaries.* The Cayuga Lake viticultural area is located within the counties of Seneca, Tompkins, and Cayuga, in the State of New York, within the Finger Lakes viticultural area. The boundaries are as follows:

(1) Commencing at the intersection of State Route 90 with State Route 5 in Cayuga County, north of Cayuga Lake.

(2) Then south along State Route 90 to a point approximately one mile past the intersection of State Route 90 with State Route 326.

(3) Then south along the primary, all-weather, hard surface road, approximately ¾ mile, until it becomes State Route 90 again at Union Springs.

(4) Then south/southeast along State Route 90 until it intersects the light-duty, all-weather, hard or improved surface road, approximately 1.5 miles west of King Ferry.

(5) Then south along another light-duty, all-weather, hard or improved surface road, approximately 4 miles, until it intersects State Route 34B, just south of Lake Ridge.

(6) Then follow State Route 34B in a generally southeast direction until it intersects State Route 34, at South Lansing.

(7) Then south along State Route 34, until it meets State Route 13 in Ithaca.

(8) Then southwest along State Routes 34/13, approximately 1.5 miles, until it intersects State Route 79, in Ithaca.

(9) Then west along State Route 79, approximately ½ mile, until it intersects State Route 96.

(10) Then along State Route 96, in a generally northwest direction, until it intersects State Routes 414 and 96A in Ovid.

(11) Then north along State Routes 96/414, until they divide, approximately 2.5 miles north of Ovid.

(12) Then along State Route 414, in a generally northeast direction, until it meets U.S. Route 20 in the town of Seneca Falls.

(13) Then along U.S. Route 20, in a northeast direction, until it intersects State Routes 318, 89, and 5.

(14) Then along U.S. Route 20/State Route 5, in a northeast direction, to the beginning point, at the intersection with State Route 90.

Signed: February 26, 1988.

Stephen E. Higgins,

Director.

Approved: March 7, 1988.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Trade and Tariff Enforcement).

[FR Doc. 88–6515 Filed 3–24–88; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 11

Natural Resource Damage Assessments

AGENCY: Department of the Interior.

ACTION: Final rule; correction.

SUMMARY: On March 20, 1987 (52 FR 9042), the Department of the Interior (the Department) published a final "type A" natural resource damage assessment rule, codified at 43 CFR Part 11. The type A rule established simplified procedures for assessing damages to natural resources in coastal and marine environments where those damages result from a discharge of oil or a release of a hazardous substance and

are compensable under either the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or under the Clean Water Act (CWA, also known as the Federal Water Pollution Control Act). The type A rule incorporated by reference a technical document entitled "Measuring Damages to Coastal and Marine Natural Resources: Concepts and Data Relevant to CERCLA Type A Damage Assessments" (NRDAM/CME technical document). The NRDAM/CME technical document contained a computer model that must be used then a type A assessment of damages is conducted pursuant to Subpart D of 43 CFR Part 11 for coastal and marine environments. This rule amends the citations in the type A rule to effect technical corrections to the NRDAM/CME technical document incorporated by reference in the type A rule and explains the technical corrections to the source code of the NRDAM/CME computer model.

DATE: The effective date of this final rule is March 25, 1988. The incorporation by reference of certain technical corrections to the publication listed in § 11.18 of this rule was approved by the Director of the Federal Register and is effective March 25, 1988.

ADDRESS: Office of Environmental Project Review, Room 4239, Department of the Interior, 1801 C Street NW., Washington, DC 20240 (regular business hours are 7:45 a.m. to 4:15 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: David Rosenberger or Linda Burlington, (202) 343–1301.

SUPPLEMENTARY INFORMATION:

I. Background

Section 301(c) of CERCLA requires the promulgation of rules for the assessment of damages for injury to, destruction of, or loss of natural resources resulting from a discharge of oil or a release of a hazardous substance for the purposes of CERCLA and section 311(f) (4) and (5) of the CWA. Two types of procedures have been developed consistent with the requirements of section 301(c)(2) of CERCLA. The type B procedures, published August 1, 1986, at 51 FR 21674, included alternative methodologies for conducting assessments in individual cases. Type A procedures, published March 20, 1987, at 52 FR 9042, provided standard procedures for simplified assessments requiring minimal field observation.

The type A rule established simplified procedures that may be used to assess damages for injuries to natural resources in coastal and marine environments where those damages result from either a discharge of oil or a release of a hazardous substance. The procedures in the type A rule use a computer model called the Natural Resource Damage Assessment Model for Coastal and Marine Environments (NRDAM/CME). A general overview of the NRDAM/CME, its interactive submodels, data bases, and user inputs was published in the preamble to the final type A rule (see 52 FR 9045). A detailed description of the NRDAM/CME can be found in the NRDAM/CME technical document. A hard copy of the source code for the NRDAM/CME is listed in Appendix H of the NRDAM/CME technical document. Also, four computer diskettes containing the operational NRDAM/CME are provided in Appendix I of the NRDAM/CME technical document.

The type A rule incorporated by reference the NRDAM/CME technical document, including the source code listing of Appendix H (43 CFR § 11.18(a)(4)). The rule also identified at § 11.41(g)(1)(i), that version 1.1 of the NRDAM/CME is to be used for the simplified assessment of damages in coastal and marine environments. This final rule amends the type A rule citation of incorporation by reference and the version designation of the NRDAM/CME that may be used for simplified natural resource damage assessments in coastal and marine environments. These amendments are based upon the technical correction of errors in the NRDAM/CME source code listing of Appendix H. The rule now designates that version 1.2 of the NRDAM/CME is to be used in place of version 1.1.

A separate Notice in this issue of the **Federal Register** announces the availability of the errata sheet for the NRDAM/CME technical document. That Notice is applicable to those individuals currently in possession of the NRDAM/CME technical document of March 20, 1987, containing version 1.1 of the NRDAM/CME. The Notice also provides instructions for returning version 1.1 diskettes to the Department for reformatting to version 1.2.

All new requests for version 1.2 of the NRDAM/CME and the NRDAM/CME technical document should continue to be made directly to the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; ph: (703) 487–4650. Orders to NTIS should specify document number PB87–142485, and the document title: "Measuring Damages to Coastal and Marine Natural Resources: Concepts and Data Relevant to CERCLA Type A Damage Assessments."

II. Summary of the Technical Corrections

As part of its ongoing responsibilities to promulgate the natural resource damage assessment regulations called for under section 301(c) of CERCLA, the Department is continuing to review and evaluate the regulations currently promulgated. As a result, several computer coding errors have been identified in version 1.1 of the NRDAM/CME. These coding errors are reflected in the source code listing of Appendix H to the NRDAM/CME technical document. As a result of these coding errors, version 1.1 of the NRDAM/CME may not, under certain user input conditions, perform correct mathematical computations consistent with the algorithms and the functional operations of the computer model described in the preamble to the final type A rule and in the NRDAM/CME technical document. Several of the coding errors in version 1.1 can, in some instances, result in incorrect computations of the losses and damages resulting from injury to waterfowl and beaches. Other errors pertain to specific operations of the NRDAM/CME and the graphics routines. Finally, two lines of code were inadvertently omitted from one page of the hard copy of the source code found in Appendix H of the NRDAM/CME technical document. These lines have been added. These technical corrections of coding errors have not altered the algorithms and functional operations of the NRDAM/CME, but have simply made those operations consistent with the descriptions in the final type A rule and the NRDAM/CME technical document. These coding errors and the technical corrections that have been made within version 1.2 of the NRDAM/CME are explained below.

Version Number

A new NRDAM/CME version number (1.2) has been assigned to this corrected code. Since the result of a simplified natural resource damage assessment for coastal and marine environments conducted pursuant to this rule is given the benefit of a rebuttable presumption in a court action or administrative proceeding, the Department must ensure that such assessments are performed using the corrected version. In order to do so, the Department has renumbered this corrected version of the NRDAM/CME as version 1.2 and has amended the rule at § 11.41(g)(1)(i) to reflect the renumbered version.

Physical Fates Submodel

The physical fates submodel contained an error in the graphics routine that at times provided an erroneous printout of the graphical plot of the sediment contamination levels. This graph is printed after the final mass balance output. For substances that sink to the sea floor, version 1.1 can incorrectly display sediment contamination levels within the pictorial boundary of land. The NRDAM/CME version 1.2 corrects this graphical plotting error. Changes in this plotting routine do not affect the numerical computations of the NRDAM/CME.

The physical fates submodel contains a coding routine that is used to identify the locations of a surface slick as that slick moves within the boundaries of a study area. A portion of that coding routine also detects the movement of the slick across a one-kilometer distance from a shoreline in those instances where a land boundary has been specified to occur at a study area limit. This information is used by the biological effects submodel to determine the presence or absence of waterfowl.

The biological data base, listed in Appendix B of the NRDAM/CME technical document, specifies that waterfowl are located only within one kilometer of a shoreline. Under version 1.1. of the NRDAM/CME, the coding routine did not, under some user input conditions, properly signify the movement of the slick crossing the one-kilometer distance from shoreline. As a result, a surface slick that moves beyond the one-kilometer distance from a shoreline incorrectly continued to recognize the presence of waterfowl. Also, a slick that came within the one-kilometer distance from a shoreline, under such conditions as a rapidly moving slick, was identified to have come ashore without first signifying that it had crossed the one-kilometer distance. Version 1.2 of the NRDAM/CME has corrected the coding routine to properly denote the movement of the slick crossing the one-kilometer distance from a shoreline. To effect this correction an additional "check slick location" has been added to the fates submodel. If the check signifies the movement of the slick crossing the one-kilometer distance, the frequency of write statements to the phys_bio.lnk file file is increased. (The phys_bio.lnk file is described in the section that follows.) This increased frequency of write statements is to ensure that the biological effects submodel records the slick crossing the one-kilometer distance. This additional check may result in slight changes in the estimates of losses in fish and shellfish in cases where a surface slick crosses the one-kilometer distance from a shoreline.

Physical Fates/Biological Effects Submodel Interactions

The physical fates and biological effects submodels are linked and exchange information through an internal data file called "phys_bio.lnk." This file is created within the NRDAM/CME to hold information developed by the physical fates submodel for use in the biological effects submodel. For each timestep of the physical fates submodel information is computed relating to time, location, and concentration of the substance discharged or released and sent (written) to the "phys_bio.lnk" file. At the end of the computations of the physical fates submodel, the biological effects submodel then obtains (reads) the information in that file for use in determining the effect of the discharge or release on biological organisms. The effect of the substance on biological organisms is determined based on the time, location, and concentration written to the "phys_bio.lnk" file by the physical fates submodel.

In version 1.1 of the NRDAM/CME, an inconsistent application of format coding occurred in the size of a number that was written to the "phys_bio.lnk" file by the physical fates submodel versus the size of the same number expected to be read by the biological effects submodel (i.e., a write-read mismatch). This write-read mismatch occurred in that portion of the coding that signified the movement of a slick across a one-kilometer distance from a shoreline. This write-read mismatch affected, under certain user input conditions, the proper identification of the presence or absence of waterfowl. Version 1.2 has corrected this write-read mismatch. In addition, new lines of computer code were added to ensure that the "phys_bio.lnk" file can always be located and properly accessed by the biological effects submodel. This latter correction does not affect the mathematical calculations performed by the NRDAM/CME.

Biological Effects/Economic Damages Submodel Interactions

The biological effects and economic damages submodel are linked by an internal data file called "bio_econ.lnk." This file performs functions comparable to those of the "phys_bio.lnk" file described above. New lines of code were added to ensure that the "bio_econ.lnk" file can always be located and properly accessed by the economic damages submodel. This correction does not affect the mathematical calculations performed by the NRDAM/CME.

Economic Damages Submodel

The economic damages submodel contained three coding errors. These errors relate to the computations pertaining to public beaches and waterfowl hunting losses. In computing the damages due for waterfowl, the economic damages submodel contains several routines that perform arithmetic rounding of numbers. The correct routine requires multiplication of each dollar value by 100, addition of these values, and division of this sum by 100. For waterfowl hunting losses, version 1.1 of the NRDAM/CME did not include the multiplication by 100 in the rounding routine. This error has been corrected in version 1.2 of the NRDAM/CME.

In computing damages for closure of public beaches, the economic damages submodel multiplies the length of beach closed, the number of days closed, and the monthly damage coefficient (i.e., the lost value per day per meter of beach) for the province and season of the incident. The submodel contains a coding routine that assigns an index number to each month of the year. These index numbers are cross-indexed in the code to both the number of days and damage coefficient for each month of the year. A coding error occurred in version 1.1 that assigned the index number "0" to the month of December rather than the correct index number, "12." As a result, the submodel was unable to correctly cross-index and identify the number of days and damage coefficient for the month of December. This index number has been corrected in version 1.2 of the NRDAM/CME. The discounting of beach damages was also inadvertently omitted from version 1.1 of the NRDAM/CME. This error has also been corrected in version 1.2 of the NRDAM/CME.

III. Good Cause for Immediate Effective Date

The technical computer coding corrections discussed in Section II of this preamble are necessary to ensure that the mathematical computations performed by the NRDAM/CME comply with the descriptions in the type A rule and the NRDAM/CME technical document. The type A rule was published as a proposed rule on May 5, 1986 (at 51 FR 16636), and both the draft NRDAM/CME and NRDAM/CME technical document were also made available at that time. In response to that proposed rule, the draft NRDAM/CME technical document, and the draft NRDAM/CME, over a thousand pages of

comments were received by the Department. Upon review of these comments, revisions were made to the type A rule, the NRDAM/CME technical document, and to the draft NRDAM/CME. In the final type A rule, published on March 20, 1987 (at 52 FR 9042), the Department responded to the comments received on the proposed type A rule, the draft NRDAM/CME technical document, and to the draft NRDAM/CME. Because of this extensive review, the areas covered by the type A rule and the technical workings of the NRDAM/CME were given full and careful consideration. The technical corrections discussed in the preamble to this final rule do not introduce new issues or factors into that final rule, nor does it change the algorithms or data bases in the NRDAM/CME technical document. A delay in the implementation of these technical corrections in order to afford the opportunity for further public comment is, therefore, unnecessary since no new regulatory provisions or requirements are created in this final rule.

Further, section 301(c) of CERCLA called for the type A procedure to be a simplified procedure requiring minimal field observation. The type A procedure that is the subject of today's action meets this requirement by use of the computer model known as the NRDAM/CME. A reproposal of this procedure to effect corrections in the technical computations performed by the NRDAM/CME could deprive natural resource trustees of the use of this simplified method of assessing damages in the coastal and marine environments. If the type A rule were reproposed, trustees might be precluded from performing simplified assessments of damages for those incidents and having those assessments receive a rebuttable presumption for their assessments, the major advantage bestowed by Congress to the trustees. Thus, until version 1.2 could be codified in a final rule, trustees would only have version 1.1 available to perform the simplified assessments. However, version 1.1 contains technical errors that, under certain user input conditions, may result in incorrect computations. Therefore, use of version 1.1 for simplified assessments could call into question the validity of those assessments. Since it might not be generally cost-effective to perform the type B procedures, found at 43 CFR Part 11, in the type of incident for which the NRDAM/CME was designed, the trustees might not have a means to assess natural resource damages and receive a rebuttable presumption. This inability to perform an assessment and receive a rebuttable presumption for that assessment is contrary to the public interest.

Reproposing the type A rule to effect the technical corrections discussed in Section II of this preamble is unnecessary and contrary to the public interest. For these reasons, the Department finds that there is good cause under sections 553(b)(B) and (d)(3) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) to make the corrections in a final rule without first issuing a notice of proposed rulemaking and to make the final rule immediately effective.

List of Subjects in 43 CFR Part 11

Continental shelf, Environmental protection, Fish, Forests and forest products, Grazing land, Incorporation by reference, Indian lands, Hazardous substances, Mineral resources, National forest, National parks, Natural resources, Oil pollution, Public lands, Wildlife, Wildlife refuges.

Under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and the Superfund Amendments and Reauthorization Act of 1986, and for the reasons set out in the preamble, Title 43, Subtitle A of the Code of Federal Regulations is amended as set forth below.

Dated: January 30, 1988.

Rick Ventura,

Assistant Secretary, Policy, Budget and Administration.

PART 11—NATURAL RESOURCE DAMAGE ASSESSMENTS

1. The authority citation for 43 CFR Part 11 continues to read:

Authority: 42 U.S.C. 9651(c), as amended.

Subpart A—Introduction

2. Section 11.18 is amended to revise paragraph (a)(4) to read as follows:

§ 11.18 Incorporation by reference

(a) * * *

(4) Volume I and Appendices A–H of Volume II, as revised November 1987, of "Measuring Damages to Coastal and Marine Natural Resources: Concepts and Data Relevant to CERCLA Type A Damage Assessments" (NRDAM/CME technical document), prepared for the U.S. Department of the Interior by Economics Analysis, Inc., Wakefield, RI, and Applied Sciences Associates, Narragansett, RI, DOI 14–01–0001–85–C–20, January 1987, revised November 1987, available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161; PB87–142485; ph: (703) 487–4650. Reference is made to this publication in §§ 11.33(b)(1) (i), (ii), (vi), and (xi), 11.41(a)(1), (c)(1)(i), and (g)(1)(i) of this part.

* * * * *

Subpart D—Type A Assessments

3. Section 11.41 is amended to revise paragraph (g)(1)(i) to read as follows:

§ 11.41 Coastal and marine environments.

* * * * *

(g) Coastal and marine environments—NRDAM/CME availability, security, and verification—(1) General. (i) The NRDAM/CME that may be used for assessment of damages to coastal and marine environments under this subpart is version 1.2 of "Measuring Damages to Coastal and Marine Natural Resources: Concepts and Data Relevant to CERCLA Type A Damage Assessments," U.S. Department of the Interior (incorporated by reference, see § 11.18).

* * * * *

[FR Doc. 88–6512 Filed 3–24–88; 8:45 am]
BILLING CODE 4310–RG–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 80333–8033]

Groundfish of the Gulf of Alaska; Correction

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

ACTION: Emergency interim rule; correction.

SUMMARY: This document corrects an error under "Definitions" in the regulatory text of the emergency interim

rule for the Goundfish of the Gulf of Alaska which was published March 11, 1988 (53 FR 7938).

DATE: Effective March 9, 1988, until June 7, 1988.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Biologist, NMFS), 907–586–7230.

In FR Doc. 88–5427, in the issue of March 11, 1988, beginning on page 7938, the following correction is made:

§ 672.2 [Corrected]

In § 672.2, paragraph (2), page 7940, column 3, the words "sablefish" which appear in lines 4 and 5 from the bottom of the page are corrected to read "groundfish".

(16 U.S.C. 1801 *et seq.*)

Dated: March 21, 1988.

Carmen J. Blondin,

Director, Office of Trade and Industry Services.

[FR Doc. 88–6596 Filed 3–24–88; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 53, No. 58
Friday, March 25, 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

Agricultural Marketing Service

7 CFR Part 28

Revision of User Fees for Cotton Classification

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would revise the cotton classification fees charged to cotton producers. The revision would decrease fees for cotton classification services under the Smith–Doxey amendment to the Cotton Statistics and Estimates Act in accordance with the formula provided in the Uniform Cotton Classing Fees Act of 1987. The Uniform Cotton Classing Fees Act provides a formula for setting the classification fee based on the estimated number of bales that will be produced in a given year and the projected operating reserve of the Cotton Division of the Agricultural Marketing Service. Reflected in the fee is an adjustment for inflation (Implicit Price Deflator for Gross National Product). The operating reserve for the 1988 season is estimated to be at a level that would warrant the addition of a surcharge which is authorized by the Uniform Cotton Classing Fees Act. No other adjustments would be warranted under the formula. The new fee would be $1.03 per sample.

DATE: Comments must be received by April 25, 1988.

ADDRESS: Fred S. Mullins, Cotton Division, AMS, USDA Room 2641–S, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Fred S. Mullins, (202) 447–2145.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in accordance with Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be "non-major" since it does not meet the criteria for a major regulatory action as stated in the order.

The Administrator, Agricultural Marketing Service (AMS, has certified that this action would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because: (1) The fees would be decreased, thereby, lessening any impact on the affected persons; (2) the cost decrease would not affect competition in the marketplace; (3) the use of classification services is voluntary. The proposed user fee revisions reflect the Secretary's authority under the Cotton Statistics and Estimated Act (7 U.S.C. 473a) to recover the costs, as nearly as practicable, of providing classification services under the provisions of the Uniform Cotton Classing Fees Act of 1987.

The information collection requirements contained in this proposed rule have been previously approved by the Office of Management and Budget and assigned OMB control numbers under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*)

Fees for Classification Under the Smith-Doxey Amendment to the Cotton Statistics and Estimates Act

The user fee charged to cotton producers for manual cotton classification services under the Smith–Doxey amendment to the Cotton Statistics and Estimates Act was $1.20 per sample during the 1987 harvest season (52 FR 35219), as determined using the formula provided in the Uniform Cotton Classing Fees Act of 1987. The changes cover salaries, cost of equipment and supplies, and other overhead and include administrative and supervisory costs. This proposed rule would decrease the fee for manual classification charged to producers from $1.20 to $1.03. This new fee would be calculated by using the 1987 base fee adjusted for the rate of inflation, the projected size of the crop and the addition of a surcharge necessary to maintain an adequate operating reserve. The 1987 base fee is $1.11. A 3.3 percent increase due to the implicit price deflator amounting to an increase of four cents would be added to the $1.11 resulting in a 1988 base fee of $1.15. The 1988 crop is currently estimated at 13,944,720 bales. The base fee would be decreased by 15 percent based on the estimated size of the 1988 crop (one percent for every 100,000 bales or portion thereof above the base of 12,500,000 bales). This percentage factor would amount to 17 cents and would be subtracted from the base fee of $1.15 resulting in a fee of $0.98. There would be a surcharge of 5 cents added to the $0.98 fee since the projected operating reserve is less than 25 percent. The projected operating reserve is 13.94 percent. This would establish the fee at $1.03. No further adjustments would be warranted under the formula.

Therefore, the fee for this service during the 1988 harvest season would be $1.03. The additional fee for High Volume Instrument (HVI) classification is 50 cents per sample (resulting in a total fee of $1.70 for 1987). Under this proposal, the fee for HVI classification would be revised to $1.53 per sample. As provided for in the Uniform Cotton Classing Fees Act of 1987, a five cent per sample discount would continue to be applied to voluntary centralized billing and collecting agents.

The fee for a manual review classification in § 28.911 would also be decreased from $1.20 to $1.03 per sample since this fee has been the same as the original classification fee. For the same reason the fee for HVI review classification would be decreased from $1.70 to $1.53 per sample.

List of Subjects in 7 CFR Part 28

Cotton samples, Standards, Cotton linters, Grades, Staples, Market news, Testing.

PART 28—[AMENDED]

1. The authority citation for Subpart D of Part 28 continues to read as follows:

Authority: Sec. 3a, 50 Stat. 62, as amended (7 U.S.C. 473a); Sec. 3c, 50) Stat. 62 (7 U.S.C. 473c); unless otherwise noted.

2. Paragraph (b) of § 28.909 would be revised to read as follows:

§ 28.909 Costs.

* * * * *

(b)The cost of manual cotton classification service to producers is $1.03 per sample.

* * * * *

3. Section 28.911 would be revised to read as follows:

§ 28.911 Review classification.

A producer may request one manual or one High Volume Instrument (HVI) review classification for each bale of eligible cotton. The fee for manual review classification is $1.03 per sample. The fee for HVI review classification is $1.53 per sample. Samples for review classification must be drawn by gins or warehouses licensed pursuant to § 28.20–28.22, or by employees of the United States Department of Agriculture. Each sample for review classification shall be taken, handled, and submitted according to § 28.908 and to supplemental instructions issued by the Director or an authorized representative of the Director. Costs incident to sampling, tagging, identification, containers, and shipment for samples for review classification shall be assumed by the producer. After classification, the samples shall become the property of the Government unless the producer requests the return of the samples. The proceeds from the sale of samples that become Government property shall be used to defray the costs of providing the services under this subpart. Producers who request return of their samples after classing will pay a fee of 25 cents per sample in addition to the fee established above in this section.

Dated: March 22, 1988.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 88–6557 Filed 3–24–88; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 656]

Alcoholic Content Statements on Labels of Wine, and the Related Type Size Requirements

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to amend the regulations in 27 CFR Part 4, by providing that statements of alcoholic content on labels of wine may appear in a form other than that currently prescribed. The Bureau is also proposing to increase the maximum allowable type size for such alcoholic content statements from two millimeters to three millimeters. ATF believes the proposed regulations, if adopted, will facilitate trade between domestic and foreign markets, particularly with the European Economic Community (EEC), by promoting harmonization of labeling requirements. In addition, the proposed regulations will continue to provide the consumer with adequate information as to the alcoholic content of the wine product.

DATE: Written comments must be received on or before April 25, 1988.

ADDRESS: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044–0385, *Attn: Notice No. 656.*

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

Section 5 (e) and (f) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205 (e) and (f), provides, in general terms, that wine labeling and advertising shall not contain any statement which is false, deceptive, misleading, or is likely to mislead the consumer regarding the product. In addition, section 5 (e) and (f) authorizes the Secretary to prescribe such regulations as will provide the consumer with adequate information as to the identity and quality of the product except that, as specified in section 5(e), statements of alcoholic content on labels of wine are required only for products containing more than 14 percent of alcohol by volume. Section 5(f) *prohibits* statements of, or statements likely to be considered as statements of, alcoholic content of wines in advertising.

Regulations which implement the provisions of section 5 (e) and (f), as they relate to wine, are set forth in Title 27, Code of Federal Regulations (CFR), Part 4. Requirements for statements of alcoholic content on wine labels are prescribed in § 4.36(b). In essence, if a specific alcoholic content is to be disclosed, it shall appear as "Alcohol ____% by volume." If a range is to be utilized, the alcoholic content statement must read as "Alcohol ____% to ____% by volume."

The size of type requirements for the alcoholic content statements mentioned above are prescribed in § 4.38(b). Specifically, § 4.38(b)(3) reads as follows:

> Alcoholic content statements shall not appear in script, type, or printing larger or more conspicuous than 2 millimeters nor smaller than 1 millimeter on labels of containers having a capacity of 5 liters or less and shall not be set off with a border or otherwise accentuated.

Petition

ATF has received a petition, dated January 29, 1988, filed by the Wine Institute, requesting that §§ 4.36(b) and 4.38(b) be amended. The Wine Institute is an industry association of California wineries representing 538 California winery members.

Specifically, the petitioners have requested that § 4.36(b)(1) be amended to permit the alcoholic content statement to appear in an abbreviated form as "Alc. ____% vol," as an alternative to "Alcohol ____% by volume." Similarly, they have requested that § 4.36(b)(2) be amended to permit the alcoholic content statement, when given as a range, to appear as "Alc. ____% to ____% vol," as an alternative to "Alcohol ____% to ____% by volume."

The Wine Institute has also requested that § 4.38(b)(3) be amended, increasing the maximum allowable type size for alcoholic content statements from two millimeters to three millimeters.

According to the petitioners, the European Economic Community (EEC), which presently includes 12 Member States, recently established regulations prescribing the form, and type size, in which alcoholic content statements may be made on wine labels. A previous EEC regulation makes the disclosure of alcoholic content on wine labels mandatory as of May 1, 1988.

Under the new EEC regulations, the alcoholic content figure must be followed by "% vol," and may be preceded by, among other alternatives, the abbreviation "alc." The petitioners note that "[T]his requirement renders wine containers labeled in compliance with BATF regulations unacceptable for shipment to the EEC without relabeling. The necessity of relabeling would be obviated by amending the regulation (§ 4.36(b)) to accommodate EEC language."

Regarding the type size of alcoholic content statements, the EEC would require such statements to appear in printing no smaller than three millimeters. Current Federal regulations (§ 4.38(b)) require that the alcoholic content statement appear in printing *not larger* than two millimeters. Again, wine containers labeled in compliance with Federal regulations would be unacceptable for shipment to the EEC, and would have to be relabeled.

The petitioners state that adoption of their proposed amendments would result in cost savings to U.S. wineries, since wines for export would not have to be relabeled in order to comply with EEC requirements. Further, wineries would not have to design new labels solely for products intended for sale in the EEC.

Subsequent to the filing of the Wine Institute petition, the Bureau received a letter (dated February 23, 1988) on behalf of the National Association of Beverage Importers, Inc. (NABI), supporting the Wine Institute petition. NABI is an industry association representing over 100 member companies, that import over 90% of all alcoholic beverages brought into the U.S.

Alcoholic Content Statements (§ 4.36(b))

As mentioned, the FAA Act holds that statements of alcoholic content are required only for wines containing more than 14 percent of alcohol by volume. Whether required or optional, the wording for the alcoholic content statement, as currently prescribed in §§ 4.36(b) (1) and (2), has remained unchanged since the first wine regulations under the FAA Act were approved on December 30, 1935. However, it is the Bureau's position that § 4.36(b) was not intended to be used as an inflexible standard for statements of alcoholic content, precluding the alcoholic content from being disclosed in an abbreviated form.

Thus, over the years, the Bureau has permitted the alcoholic content of wine to be disclosed on labels in an abbreviated form. Examples of such statements include, "Alcohol ____% by vol.," "alc. ____% by volume," "alc. ____% by vol.," and "alc. ____% to ____% by vol."

ATF believes that the examples mentioned above are consistent with the intent of the law, in that they provide the consumer with adequate information as to the alcoholic content of the wine, and are not misleading. Further, they afford industry members, both domestic and foreign, additional flexibility in designing their labels.

Therefore, the Bureau is proposing to amend § 4.36(b) by providing that the alcoholic content statement may appear in an abbreviated form. However, the words "alcohol" and/or "volume," if abbreviated, shall be shown as "alc." (alc) and/or "vol." (vol), respectively. ATF believes that consumers can easily recognize the words that these abbreviations represent.

The Bureau is also proposing to amend § 4.36(b) to provide for the alcoholic content to be disclosed on the label in a form other than that currently prescribed. Examples of such statements include, "____% alcohol by volume," "____% alcohol/volume," "alcohol ____% volume," and "alcohol ____% to ____% volume." Again, if the words "alcohol" and/or "volume" are to be abbreviated, they shall be shown as "alc." (alc) and/or "vol." (vol), respectively.

Type Size Requirements (§ 4.38(b))

Under existing § 4.38(b)(3), statements of alcoholic content appearing on labels of containers having a capacity of five liters or less, may not appear in printing larger than two millimeters nor smaller than one millimeter, and shall not be set off with a border or otherwise accentuated.

There are no provisions in the FAA Act as to specific type size requirements for alcoholic content statements on labels of wine. Regulations first issued under the FAA Act (Regs. No. 4, Article III, Sec. 38(b), approved 12/30/35) provided, basically, that on containers having a capacity of one-half pint or more, all mandatory information (including alcoholic content) had to be in printing not smaller than 8-point gothic caps (approximately 2 millimeters).

Sec. 38(b) (27 CFR 4.38(b)) was subsequently amended by T.D. 5618, published in the **Federal Register** on June 5, 1948. As amended, 27 CFR 4.38(b) held that alcoholic content statements on labels of containers having a capacity of 1 gallon or less could not appear in printing *larger* than 8-point gothic caps. The rationale for having this regulation more restrictive than previous section 38(b) can best be illustrated by a comment given at the January 1947 hearings which resulted in T.D. 5618, "[T]he purpose of this [proposed regulation] seems to be a generally beneficial one in that in connection with the sale of wines we should not, and have not for many years, tried to emphasize the alcoholic content of the product."

In order to further prevent any emphasis on the alcoholic content of wine, as well as to provide for a minimum size of type for alcoholic content statements, § 4.38(b) was subsequently amended by T.D. 6319, published in the **Federal Register** on October 4, 1958. As amended, § 4.38(b) provided that, on containers of 1 gallon or less, alcoholic content statements shall appear in printing not smaller than 6-point gothic caps (approximately 1 millimeter), nor larger than 8-point gothic caps, and shall not be set off with a border or otherwise accentuated. From the publication of T.D. 6319, up through to the present time, § 4.38(b) has remained basically unchanged.

ATF believes that the intent of § 4.38(b) is as valid today as it was when it was first amended in June 1948, with the publication of T.D. 5618, and subsequent revisions. Namely, that the alcoholic content of wine should not be emphasized, either in size of type, or how it appears on the label (e.g., set off with a border).

However, the Bureau does not believe that raising the maximum allowable type size for alcoholic content statements one millimeter, from two millimeters to three millimeters, can be viewed as emphasizing alcoholic content. It should be noted that other mandatory information, e.g., brand name, class and type designation, etc., must appear in printing *no smaller* than two millimeters. Oftentimes, such information appears in a type size much larger than that. On the other hand, the amendment, as proposed by the petitioners, would still provide a *maximum* allowable type size for alcoholic content statements, i.e., three millimeters. Further, the Bureau continues to adhere to its position that statements of alcoholic content may not be set off with a border or otherwise accentuated.

Therefore, with the above in mind, the Bureau is proposing that § 4.38(b)(3) be amended, raising the maximum allowable type size for statements of alcoholic content from two millimeters to three millimeters.

Executive Order 12291

In compliance with Executive Order 12291, 46 FR 13193 (1981), ATF has determined that this proposal is not a major rule since it will not result in:

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

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

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

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial

number of small entities. The proposal will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities.

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

Paperwork Reduction Act

The requirement to collect information proposed in this notice has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35. Comments relating to ATF's compliance with 5 CFR Part 1320—Controlling Paperwork Burdens on the Public should be submitted to: Office of Information and Regulatory Affairs, Attention: ATF Desk Officer, Office of Management and Budget, Washington, DC 20503.

Public Participation

ATF requests comments from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right, in light of all circumstances, to determine if a public hearing is necessary.

Disclosure

Copies of this notice, the petition, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Disclosure Branch, Room 4412, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC.

Drafting Information

The author of this document is James P. Ficaretta, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, and Wine.

Authority and Issuance

27 CFR PART 4—LABELING AND ADVERTISING OF WINE is amended as follows:

Paragraph 1. The authority citation for 27 CFR Part 4 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Section 4.36 is amended by revising the first sentence of paragraphs (b)(1) and (b)(2) as follows:

§ 4.36 Alcoholic content.

* * * * *

(b) * * *

(1) "Alcohol ____% by volume," or a similar appropriate phrase; *Provided,* that if the words "alcohol" and/or "volume" are abbreviated, they shall be shown as "alc." (alc) and/or "vol." (vol), respectively. * * *

(2) "Alcohol ____% to ____% by volume," or a similar appropriate phrase; *Provided,* that if the words "alcohol" and/or "volume" are abbreviated, they shall be shown as "alc." (alc) and/or "vol." (vol), respectively. * * *

* * * * *

Par. 3. Section 4.38(b)(3) is revised to read as follows:

§ 4.38 General requirements.

* * * * *

(b) * * *

(3) Alcoholic content statements shall not appear in script, type, or printing larger or more conspicious than 3 millimeters nor smaller than 1 millimeter on labels of containers having a capacity of 5 liters or less and shall not be set off with a border or otherwise accentuated.

* * * * *

Signed: March 1, 1988.

Stephen E. Higgins,

Director.

Approved: March 7, 1988.

John P. Simpson,

Acting Assistant Secretary (Enforcement).

[FR Doc. 88–6516 Filed 3–24–88; 8:45 am]

BILLING CODE 4810–31–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 702

Surface Coal Mining and Reclamation Operations; Exemption for Coal Extraction Incidental to the Extraction of Other Minerals

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; notice of extension of public comment period.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) of the United States Department of the Interior (DOI) published a proposed rule on June 1, 1987, relating to the exemption contained in section 701(28) of the Surface Mining Control and Reclamation Act of 1977 (the Act). The exemption concerns the extraction of coal incidental to the extraction of other minerals. The comment period on the proposed rule was reopened and is scheduled to close March 25, 1988. OSMRE is now extending the comment period.

DATE: *Written Comments:* OSMRE will accept written comments on the proposed rule until 5 p.m., Eastern time on April 4, 1988.

ADDRESSES: *Written Comments:* Hand-deliver to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5131, 1100 L Street NW., Washington, DC, or mail to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5131–L, 1951 Constitution Avenue NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: James Fary, Division of Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, DC 20240; Telephone: 202–343–5384 (Commercial or FTS).

SUPPLEMENTARY INFORMATION: Section 701(28) of the Act, 30 U.S.C. 1291, excludes from the definition of surface coal mining operations the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16⅔ percent of the tonnage of minerals removed for purposes of commercial use or sale. Operations which qualify for the exemption are not subject as surface coal mining operations to certain provisions of the Act such as bonding, permitting and abandoned mine reclamation fee payments. The proposed

rule would provide guidance to the coal and noncoal mining industry and coal ragulatory authorities concerning the implementation of the exemption and would establish criteria that must be meet in order for mining operations to qualify for the exemption. The rule would also establish procedures for approval and revocation of exemptions.

OSMRE published the proposed rule concerning the exemption on June 1, 1987 (52 FR 20546). The public comment period was open until August 10, 1987. In consideration of comments submitted on the proposed rule, OSMRE reopened the comment period on February 24, 1988 (53 FR 5430). The notice to reopen the comment period also solicited comments on modifications to certain features of the proposed rule. The comment period under the reopening notice closes March 25, 1988. In response to a request by the public for additional time to submit comments, OSMRE is extending the comment period to April 4, 1988.

List of Subjects in 30 CFR Part 702

Administrative practice and procedures, Surface mining, Underground mining.

Date: March 21, 1988.

Robert Gentile,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 88-6499 Filed 3-24-88; 8:45 am]

BILLING CODE 4310-05-M

VETERANS ADMINISTRATION

38 CFR Part 17

Community Residential Care

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The Veterans Administration (VA) is proposing to amend its medical regulations (38 CFR Part 17) to incorporate new sections to provide for the community residential care program. The Veterans Health Care Amendments of 1983 requires the VA to provide standards for VA approval of community residential care facilities, including health and safety criteria and criteria for the establishment of reasonable charges for care; to clarify eligibility for the program; and, to establish due process standards to govern a VA determination that a facility fails to meet those standards and that the VA, therefore, should cease to assist in referring veterans to that facility, and should offer to assist veterans in leaving the facility.

DATES: Comments must be received by April 25, 1988. Comments will be available for public inspection until May 9, 1988.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, Room 132 of the above address, between the hours of 8 a.m. to 4:30 p.m., Monday through Friday (except holidays) until May 9, 1988.

FOR FURTHER INFORMATION CONTACT: James R. Kelly, Acting Director, Patient Treatment Service (181), Office of Geriatrics and Extended Care, Department of Medicine and Surgery, Veterans Administration, (202) 233-3692.

SUPPLEMENTARY INFORMATION: The proposed regulations set forth in 38 CFR 17.51h through 17.51r implement the VA's authority to publish regulations for the community residential care program. Under this program, private and public facilities provide food, shelter, personal assistance and supervision in such matters as diet, medications, personal hygiene, and therapeutic and recreational activities to veterans at the veteran's expense. Prior to VA approval, facilities are to be inspected by an interdisciplinary team consisting of a physician, nurse, social worker, dietician, and fire and safety officer. The duration of the VA approval is to be dependent on continued compliance with standards.

In 1951, the Social Work Service of the VA's Department of Medicine and Surgery (DM&S) initiated a program to provide a protected living situation in the community to certain veterans who do not require institutional care but who are not able to live independently because of a physical or mental disability. Since that time, it has been variously called the foster home, the residential care home, and now, the community residential care program. At present, 125 medical centers administer a program of community residential care, with approximately 11,600 veterans in the community in 3,200 locations on any given day.

Section 104(a) of Pub. L. 98-160 (Veterans Health Care Amendments of 1983) requires VA to publish regulations in order to refer veterans to the community residential care program and, in addition, clarifies eligibility for the program. The proposed regulations reflect facility standards which have, for the most part, been informally utilized for many years and, as such, do not create new expectations for facility operators.

Regulatory Flexibility Act (RFA): The Administrator has certified that the proposed regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601 and 612. The proposed regulations reflect standards which have, for the most part, been informally utilized for many years and do not create new expectations for the facility operators which would have a significant economic impact. Also, the regulations do not directly impose any administrative or regulatory burdens on small entities. They concern only the standards which will be used in determining whether the VA will refer veterans to, or aid veterans in obtaining placement in, a particular facility.

Executive Order 12291: These new proposed regulations are considered non-major under the criteria of Executive Order 12291, Federal Regulation. The regulations will not have an annual effect on the economy of $100 million or more; they will not result in major increases in costs for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; nor will they have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The collection of information requirements contained in paragraph 17.51j(i) of this proposed rule have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act, Pub. L. 96-511. Comments on the collection of information should be forwarded to the Office of Information and Regulatory Affairs of OMB, Attn: Elaina Norden, Desk Officer for the Veterans Administration, 726 Jackson Place, NW, Washington, DC 20503, (202) 395-7316. Comments should be received within 60 days of this notice.

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grants programs-health, Health care, Health facilities, Health professions, Incorporation by reference, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Veterans.

Approved: July 22, 1987.
Thomas K. Turnage,
Administrator.

PART 38—[AMENDED]

38 CFR Part 17, *Medical,* is amended by adding a new undesignated center heading and §§ 17.51h, 17.51i, 17.51j, 17.51k, 17.51l, 17.51m, 17.51n, 17.51o, 17.51p, 17.51q, and 17.51r to read as follows:

Community Residential Care

Sec.
17.51h Eligibility.
17.51i Definitions.
17.51j Approval of community residential care facilities.
17.51k Duration of approval.
17.51l Notice of noncompliance with VA standards.
17.51m Request for a hearing.
17.51n Notice and conduct of hearing.
17.51o Waiver of opportunity for hearing.
17.51p Written decision following a hearing.
17.51q Revocation of VA approval.
17.51r Availability of information.

Community Residential Care

§ 17.51h Eligibility.

VA health care personnel may assist a veteran by referring such veteran for placement in a privately or publicly-owned community residential care facility if:

(a) At the time of initiating the assistance,

(1) The veteran is receiving VA medical services on an outpatient basis or VA hospital, domiciliary, or nursing home care; or

(2) Such care or services were furnished the veteran within the preceding 12 months;

(b) The veteran does not need hospital or nursing home care but is unable to live independently because of medical (including psychiatric) conditions and has no suitable family resources to provide needed monitoring, supervision, and any necessary assistance in the veterans daily living activities; and

(c) The facility has been approved in accordance with § 17.51j.

(Authority: 38 U.S.C. 630)

§ 17.51i Definitions.

For the purposes of §§ 17.51h through 17.51r:

(a) The term "community residential care" means the monitoring, supervision, and assistance, in accordance with a statement of needed care, of the daily living activities of referred veterans in an approved home in the community by the facility's provider.

(b) The term "statement of needed care" means a written description of needed assistance in daily living activities devised by the VA for each referred veteran in the community residential care program.

(c) The term "daily living activities" includes:

(1) Walking;
(2) Bathing, shaving, brushing teeth, combing hair;
(3) Dressing;
(4) Eating;
(5) Getting in or getting out of bed;
(6) Laundry;
(7) Cleaning room;
(8) Managing money;
(9) Shopping;
(10) Using public transportation;
(11) Writing letters;
(12) Making telephone calls;
(13) Obtaining appointments;
(14) Self-administration of medications;
(15) Recreational and leisure activities; and
(16) Other similar activities.

(d) The term "paper hearing" means a review of the written evidence of record by the hearing official.

(e) The term "oral hearing" means the in person testimony of representatives of a community residential care facility and of the VA before the hearing official and the review of the written evidence of record by that official.

(f) The term "approving official" means the Director or, if designated by the Director, the Associate Director or Chief of Staff of a Veterans Administration Medical Center or Outpatient Clinic which has jurisdiction to approve a community residential care facility.

(g) The term "hearing official" means the Director or, if designated by the Director, the Associate Director or Chief of Staff of a Veterans Administration Medical Center or Outpatient Clinic which has jurisdiction to approve a community residential care facility.

(Authority: 38 U.S.C. 630)

§ 17.51j Approval of community residential care facilities.

The approving official may approve a community residential care facility, based on the report of a VA inspection and on any findings of necessary interim monitoring of the facility, if that facility meets the following standards:

(a) *Health and safety standards.* The facility must:

(1) Meet all State and local regulations including construction, maintenance, and sanitation regulations;

(2) Meet the applicable provisions of the 1985 edition of the National Fire Protection Association's Life Safety Code (which is incorporated by reference). The institution shall provide sufficient staff to assist patients in the event of fire or other emergency. Incorporation of the 1985 edition of the Life Safety Code was approved by the Director of the Federal Register on _____. The Code is available for inspection at the Office of the Federal Register, Room 8301, 1100 L Street, NW., Washington, DC. Copies may be obtained from the National Fire Protection Association, Battery March Park, Quincy, MA 02269. If any changes in this Code are also to be incorporated by reference, a notice to that effect will be published in the **Federal Register;** and

(3) Have safe and functioning systems for heating, hot and cold water, electricity, plumbing, sewage, cooking, laundry, artificial and natural light, and ventilation.

(b) *Health services.* The facility must agree to assist residents in implementing the statement of needed care of daily living activities developed by the Veterans Administration.

(c) *Interior plan.* The facility must:

(1) Have comfortable dining areas, adequate in size for the number of residents;

(2) Have comfortable living room areas, adequate in size to accommodate a reasonable proportion of residents;

(3) Maintain at least one functional toilet, lavatory, and bathing or shower facility for every six people living in the facility, including provider and staff.

(d) *Laundry service.* The facility must provide or arrange for laundry service.

(e) *Residents' bedrooms.* Residents' bedrooms must:

(1) Contain no more than four beds;

(2) Measure, exclusive of closet space, at least 100 square feet for a single-resident room, or 80 square feet for each resident in a multi-resident room; and

(3) Contain a suitable bed for each resident and appropriate furniture and furnishings.

(f) *Nutrition.* The facility must:

(1) Provide a safe and sanitary food service that meets individual nutritional requirements and residents' perferences;

(2) Plan menus to meet currently-recommended dietary allowances;

(g) *Activities.* The facility must plan and facilitate appropriate recreational and leisure activities to meet individual needs specified in the statement of needed care.

(h) *Residents' rights.* The facility must have written policies and procedures that ensure the following rights for each resident:

(1) Each resident has the right to:

(i) Be informed of the rights described in this section;

(ii) The confidentiality and nondisclosure of information obtained by community residential care facility staff on the residents and the residents' records subject to the requirements of applicable law;

(iii) Be able to inspect the residents' own records kept by the community residential care facility;

(iv) Exercise rights as a citizen; and

(v) Voice grievances and make recommendations concerning the policies and procedures of the facility.

(2) *Financial affairs.* Each resident must be allowed to manage their own personal financial affairs. If a resident requests assistance from the facility in managing personal financial affairs, the request must be documented.

(3) *Privacy.* Each resident must:

(i) Be treated with respect, consideration, and dignity;

(ii) Have access, in reasonable privacy, to a telephone within the facility;

(iii) Be able to send and receive mail unopened and uncensored; and

(iv) Have privacy of self and possessions.

(4) *Work.* No resident will perform household duties, other than personal housekeeping tasks, unless the resident receives compensation for these duties or is told in advance they are voluntary and the patient agrees to do them.

(5) *Freedom of association.* Each resident has the right to:

(i) Receive visitors and associate freely with persons and groups of their own choosing both within and outside the facility;

(ii) Make contacts in the community and achieve the highest level of independence, autonomy, and interaction in the community of which the resident is capable;

(iii) Leave and return freely to the facility, and

(iv) Practice the religion of their own choosing or choose to abstain from religious practice.

(6) *Transfer.* Each resident has the right to transfer to another facility or to an independent living situation.

(i) *Records.*

(1) The facility must maintain records on each resident in a secure place.

(2) Facility records must include:

(i) A copy of the statement of needed care;

(ii) Emergency notification procedures; and

(iii) A copy of all signed agreements with the resident.

(3) Records may only be disclosed with the resident's permission, or when required by law.

(j) *Staff requirements.* (1) Sufficient, qualified staff must be on duty and available to care for the resident and ensure the health and safety of each resident.

(2) The community residential care provider and staff must have the following qualifications: Adequate education, training, or experience to maintain the facility.

(k) *Cost of community residential care.* (1) Payment for the charges of community residential care is not the responsibility of the United States Government or the Veterans Administration.

(2) The resident or an authorized personal representative and a representative of the community residential care facility must agree upon the charge and payment procedures for community residential care.

(3) The charges for community residential care must be reasonable:

(i) For residents in a community residential care facility as of the effective date of this regulation, the rates charged for care are pegged to the facility's basic rate for care as of July 31, 1987. Increases in the pegged rate during any calendar year cannot exceed the annual percentage increase in the National CPI (Consumer Price Index) for that year;

(ii) For community residential care facilities approved after July 31, 1987, the rates for care shall not exceed 110 percent of the average rate for approved facilities in that State as of July 31, 1987. Increases in this rate during any calendar year cannot exceed the annual percentage increase in the National CPI for that year.

(iii) The approving official may approve a deviation from the requirements of paragraphs (k)(3) (i) through (ii) of this section for an individual's charge upon request from a community residential care facility representative, a resident in the facility, or an applicant for residency.

(Authority: 38 U.S.C. 630)

§ 17.51k Duration of approval.

(a) Approval may be valid for up to 24 months if the facility complies with all standards during each VA inspection and any necessary interim monitoring for a period of two years.

(b) Approval may be valid for up to 15 months if the facility complies with all standards except § 17.51j(i) during each VA inspection and any necessary interim monitoring.

(c) Approval may be valid for up to 12 months if the facility complies with all standards except §§ 17.51j(d) and 17.51j(i) during each VA inspection and any necessary interim monitoring.

(d) Approval may be valid for up to 9 months if the facility complies with all standards except §§ 17.51j(d), 17.51j(e), 17.51j(g), and 17.5.1j(i) during each VA inspection and any necessary interim monitoring.

(Authority: 38 U.S.C. 630)

§ 17.511 Notice of noncompliance with VA standards.

If the hearing official determines that an approved community residential care facility does not comply with the standards set forth in § 17.51j, the hearing official shall notify the community residential care facility in writing of:

(a) The standards which have not been met;

(b) The date by which the standards must be met in order to avoid revocation of VA approval;

(c) The community residential care facility's opportunity to request an oral or paper hearing under § 17.511 before VA approval is revoked; and

(d) The date by which the hearing official must receive the community residential care facility's request for a hearing, which shall not be less than 10 calendar days and not more than 20 calendar days after the date of the VA notice of noncompliance, unless the hearing official determines that noncompliance with the standards threatens the lives of community residential care residents in which case the hearing official must receive the community residential care facility's request for an oral or paper hearing within 36 hours of receipt of the VA notice.

(Authority: 38 U.S.C. 630)

§ 17.51m Request for a hearing.

The community residential care facility operator must specify in writing whether an oral or paper hearing is requested. The request for the hearing must be sent to the hearing official. Timely receipt of a request for a hearing will stay the revocation of VA approval until the hearing official issues a written decision on the community residential care facility's compliance with VA standards. The hearing official may accept a request for a hearing received after the time limit, if the community residential care facility operator shows that the failure of the request to be received by the hearing official's office by the required date was due to circumstances beyond the operator's control.

(Authority: 38 U.S.C. 630)

§ 17.51n Notice and conduct of hearing.

(a) Upon receipt of a request for an oral hearing, the hearing official shall:

(1) Notify the community residential care facility operator of the date, time, and location for the hearing and

(2) Notify the community residential care facility operator that written statements and other evidence for the record may be submitted to the hearing official before the date of the hearing. An oral hearing shall be informal. The rules of evidence shall not be followed. Witnesses shall testify under oath or affirmation. A recording or transcript of every oral hearing shall be made. The hearing official may exclude irrelevant, immaterial, or unduly repetitious testimony.

(b) Upon the receipt of a community residential care facility's request for a paper hearing, the hearing official shall notify the community residential care facility operator that written statements and other evidence must be submitted to the hearing official by a specified date in order to be considered as part of the record.

(c) In all hearings, the community residential care facility operator and the VA may be represented by counsel.

(Authority: 38 U.S.C. 630)

§ 17.51o Waiver of opportunity for hearing.

If representatives of a community residential care facility which receive a notice of noncompliance under § 17.51m fail to appear at an oral hearing of which they have been notified or fail to submit written statements for a paper hearing in accordance with § 17.51n, unless the hearing official determines that their failure was due to circumstances beyond their control, the hearing official shall:

(a) Consider the representatives of the community residential care facility to have waived their opportunity for a hearing; and,

(b) Revoke VA approval of the community residential care facility and notify the community residential care facility of this revocation.

(Authority: 38 U.S.C. 630)

§ 17.51p Written decision following a hearing.

(a) The hearing official shall issue a written decision within 20 days of the completion of the hearing. An oral hearing shall be considered completed when the hearing ceases to receive in person testimony. A paper hearing shall be considered complete on the date by which written statements must be submitted to the hearing official in order to be considered as part of the record.

(b) The hearing official's determination of a community residential care facility's noncompliance with VA standards shall be based on the preponderance of the evidence.

(c) Written decision shall include:

(1) A statement of the facts;

(2) A determination whether the community residential care facility complies with the standards set forth in § 17.51j; and

(3) A determination of the time period if any the community residential care facility shall have to remedy any noncompliance with VA standards before revocation of VA approval occurs.

(d) The hearing official's determination of any time period under § 17.51p(c)(3) shall consider the safety and health of the residents of the community residential care facility and the length of time since the community residential care facility received notice of the noncompliance.

(Authority: 38 U.S.C. 630)

§ 17.51q Revocation of VA approval.

(a) If a hearing official determines under § 17.51p that a community residential care facility does not comply with the standards set forth in § 17.51j and determines that the community residential care facility shall not have further time to remedy the noncompliance, the hearing official shall revoke approval of the community residential care facility and notify the community residential care facility of this revocation.

(b) Upon revocation of VA approval under § 17.51o of this section, VA health care personnel shall:

(1) Cease referring veterans to the community residential care facility; and,

(2) Notify any veteran residing in the community residential care facility of the facility's disapproval and request permission to assist in the veteran's removal from the facility. If a veteran has a person or entity authorized by law to give permission on behalf of the veteran, VA health care personnel shall notify that person or entity of the community residential care facility's disapproval and request permission to assist in removing the veteran from the community residential care facility.

(c) If the hearing official determines that a community residential care facility fails to comply with the standards set forth in § 17.51j and determines that the community residential care facility shall have an additional time period to remedy the noncompliance, the hearing official shall review at the end of the time period the evidence of the community residential care facility's compliance with the standards which were to have been met by the end of that time period and determine if the community residential care facility complies with the standards. If the community residential care facility fails to comply with these or any other standards, the procedures set forth in §§ 17.511–17.51r shall be followed.

(Authority: 38 U.S.C. 630)

§ 17.51r Availability of information.

VA standards will be made available to other Federal, State and local agencies charged with the responsibility of licensing, or otherwise regulating or inspecting community residential care facilities.

(Authority: 38 U.S.C. 630)

Editorial Note: This document was received by the Office of the Federal Register on March 22, 1988.

[FR Doc. 88-6614 Filed 3-24-88; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 21

Migratory Bird Permits; Exceptions for Captive-reared Mallards

AGENCY: Fish and Wildlife Service (Service), Interior.

ACTION: Proposed rule; clarification, correction and comment period reopening.

SUMMARY: The Service is correcting the punctuation of the last proviso of 50 CFR 21.13 published on Monday, December 14, 1987 (52 FR 47428), adding information to clarify the intent of the proposed change and reopening the comment period.

DATE: Comments on the permit exceptions for captive-reared mallards part of the proposed rule published in the **Federal Register** on December 14, 1987, will be accepted until April 25, 1988.

ADDRESSES: Submit comments to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Room 536, Matomic Building, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Keith A. Morehouse or Rollin D. Sparrowe at (202) 254–3207.

SUPPLEMENTARY INFORMATION: On Monday, December 14, 1987, the Service published a proposed rule titled "Zones in which lead shot will be prohibited for the taking of waterfowl, coots and certain other species in the 1988–89 season." This rule also proposed changes for other sections of Part 20 and

one change for Part 21, Permit exceptions for captive-reared mallards.

The purpose of the proposed rule change in Part 21 (§ 21.13) was simply to correct an anomaly existing under the current regulations relating to nontoxic shot requirements (§ 20.108). The taking of *wild* waterfowl on "game farms" has been, and will continue to be, subject to the nontoxic shot requirement of the county(s) of which it is a part and other regulations of Part 20, which traditionally focus upon bag limits, season lengths, etc. Likewise, any taking of *wild* waterfowl during dog training activities or during field trial operations remains subject to Part 20 regulations. However, taking of one species of *captive-reared waterfowl*, captive-reared mallards, on "game farms," or during bona fide dog training or field trial activities, has long been specifically exempt from the Service's Part 20 hunting regulations despite the fact that all other captive-reared migratory waterfowl have traditionally been covered by the Part 20 regulations (50 CFR 21.14(d)). With the Service's adoption of the plan to phase-in nationwide nontoxic shot requirements, however, this exemption for captive-reared mallards from otherwise applicable taking requirements would have exempted "game farms," bona fide dog training activities and field trials from nontoxic shot rules as well. The Service has reason to believe that lead shot deposited or embedded on such "game farms," in bona fide dog training activities and in field trial operations is just as harmful to wild waterfowl and bald eagles as lead shot deposited or embedded at other times and places, within a county covered by nontoxic shot requirements. It is accordingly necessary to change the existing blanket exemption for all hunting regulations for captive-reared mallards to one which requires nontoxic shot rules to be applied pursuant to the phase-in, as with other captive-reared migratory waterfowl.

In context of the above, the Service wishes to emphasize the following:

- *The section proposed to be revised deals only with captive-reared mallards that are taken under the permit requirements of the Federal regulations.*
- *This proposal would not change the existing regulations restricting hunting of any other captive-reared species, or use of other captive-reared species in dog trials or dog training. The subsection to which this amendment will be added begins "Captive-reared and properly marked mallard ducks . . . may be acquired . . . and disposed of by any person without a permit, subject to the following conditions. . . ."* (50 CFR 21.13, Permit exceptions for captive-reared mallards)
- *This regulation is not aimed at bona fide dog training or trials where it is apparent that no one is attempting to take migratory birds. While the words being amended might appear to relate to such trials, the section into which they fit relates only to the taking of captive-reared mallards.*
- *The proposed revision is aimed at establishing a uniform zone requirement for requiring nontoxic shot to take waterfowl, thus, eliminating the potential for wild waterfowl and bald eagles to be lead-poisoned from ingestion of lead shot. This regulatory change will ensure that when a county is phased in for nontoxic shot use the "game farms" or bona fide dog training or field trial operations within that county that are shooting captive-reared mallards are phased in at the same time.*
- *Among these other objectives, this proposal would provide regulatory consistency across nontoxic shot zones and, therefore, consistency in enforcement.*

Also, in the Part 21, § 21.13 proposed change, a comma was inadvertently misplaced that makes the last proviso language of subsection (d) read incorrectly. The selected portion of that subsection should read (and, if promulgated, will read) "(d) . . . Provided further, That the provisions of the hunting regulations (Part 20 of this subchapter), with the exception of § 20.108 (Nontoxic shot zones), and the Migratory Bird Hunting Stamp Act (duck stamp requirement) shall not apply * * *" Thus, this portion of the regulations language should clearly indicate that the traditional regulations of Part 20, bag limits, season length, etc., and a Migratory Bird Hunting Stamp are not and will not be required to hunt *captive-reared mallards* on shooting preserves or to take *captive-reared mallards* by shooting in the course of conducting field trials or during bona fide dog training activities. However, a Migratory Bird Hunting Stamp and the traditional Part 20 regulations are applicable to the taking of *wild waterfowl*, or all other captive-reared migratory waterfowl, when done either apart from or in conjunction with the taking of captive-reared mallards on shooting preserves, in field trials or during any dog training activities.

The comment period on the permit exceptions for captive-reared mallards portion of the proposed rule published on December 14, 1987, is being reopened upon publication of this notice in the Federal Register; the reopened comment period will close 30 days thereafter.

Dated: March 11, 1988.

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88-6574 Filed 3-24-88; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 53, No. 58
Friday, March 25, 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.

ACTION

VISTA Literacy Corps Projects; Availability of Funds

AGENCY: ACTION.

ACTION: Notice of Availability of Funds; VISTA Literacy Corps Projects.

ACTION announcs the availability of funds for fiscal year 1988 for new VISTA Literacy Corps grants authorized by section 109 of the Domestic Volunteer Service Act Amendments of 1986 (Pub. L. 99–551) in the States of New York, Pennsylvania, Georgia, and California, and the Commonwealth of Puerto Rico. VISTA Literacy Corps grants will be awarded for up to a twelve month period. No requests for renewals or continuations may be sought by grantees under this announcement.

Application packages and technical assistance on grant preparation are available from: New York and Puerto Rico—Joe Gallick, ACTION Region 2, 6 World Trade Center, Room 758, New York, NY 10048–0206, (212) 466–2936; Pennsylvania—Helen Griffin, ACTION Region 3, U.S. Customs House, 2d & Chestnut Street, Room 108, Philadelphia, PA (215) 597–0741; Georgia—Kareemah Rasheed, ACTION, Region 4, 101 Marietta Street, NW., Suite 1003, Atlanta, GA 30323, (404) 331–2859; California—Patrick Twohig, ACTION, Region 9, 211 Main Street, Room 530, San Francisco, CA 94105, (415) 974–0675.

A. Background and Purpose

Volunteers In Service to America (VISTA) is authorized under Title I, Part A of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113). The statutory mandate of the VISTA program is to eliminate and alleviate poverty and its related problems in the United States. VISTA is a full-time, year-long volunteer program which encourages and enables men and women 18 years and older from all backgrounds to perform meaningful and constructive volunteer service. The Volunteers live among, and at the economic level of, the low-income people served. The VISTA program has served poor individuals most effectively by assisting low-income communities and residents to develop the facility, skills, and resources needed for achieving self-sufficiency. VISTA also enlists the commitment and support of the private sector toward attainment of this goal. Literacy training and education represent a longstanding and integral part of the VISTA mission. VISTA Volunteers have been involved in the mobilization of community efforts to combat illiteracy among disadvantaged populations since the inception of the VISTA program.

The Domestic Volunteer Service Act Amendments of 1986 directed the VISTA program to commit additional volunteers to the literacy challenge through the formation of the VISTA Literacy Corps.

The statutory purpose of the VISTA Literacy Corps is to use VISTA Volunteers in developing, strengthening, supplementing and expanding the literacy efforts of both public and private nonprofit organizations at the local, State, and Federal levels to mobilize local, State, Federal and private sector financial and volunteer resources in attacking the problem of illiteracy, particularly within low-income areas throughout the United States. In addition, the VISTA Literacy Corps will encourage public/private partnerships; promote voluntarism; heighten the visibility of the literacy issue; and increase the capacity of low-income communities to address their respective literacy needs.

Objectives

ACTION will be awarding grants for the placement of VISTA Literacy Corps Volunteers in the following States:

New York and Commonwealth of Puerto Rico (Region 2)
Pennsylvania (Region 3)
Georgia (Region 4)
California (Region 9)

The grants will utilize VISTA Volunteers in the following emphasis areas:

1. Literacy projects to provide comprehensive services that will curb the intergenerational transfer of illiteracy within low-income families by instructing parents and children together. In particular VISTA will seek literacy programs affiliated with libraries and Head Start projects that focus on the overall concerns of low-income families in need. Such programs should have the reading materials available that will entice and challenge all age groups represented in the family unit.

2. Literacy projects that provide special programs that will benefit unemployed parents. Cooperative arrangements with social services offices and job training partnership sites will receive priority consideration.

3. Literacy projects to concentrate on preventive educational training for potential school dropouts and other low-income young adults who may be "educationally at risk" as well as programs that offer retraining and remedial skills enhancement, particularly to inner-city youth.

4. Literacy projects that assist migrant and immigrant families who are seeking permanent resident status under the Immigration Control and Reform Act or other low-income individuals who would achieve literacy in English through such training.

B. Eligible Applicants

Eligible applicants for the VISTA Literacy Corps grants include: public or private nonprofit agencies; local, State and national literacy councils and organizations; community-based nonprofit organizations; local and state education agencies; local and state agencies administering adult basic education programs; educational institutions; libraries; anti-poverty organizations; and local, municipal and State governmental entities designated to administer job training plans under the Job Training Partnership Act.

C. Scope of Grant

Each grant will support 10–15 VISTA Volunteers for one year of service. The amount of each grant includes the monthly subsistence and readjustment allowance for VISTA Volunteers. This support is commensurate with the cost-of-living of the assignment area and covers the cost of food, housing and incidentals, and a monthly stipend paid to the VISTA Literacy Corps Volunteer upon completion of his/her service.

The average Federal cost of one volunteer service year, i.e. total Federal cost divided by total number of VISTA

volunteers, cannot exceed $8,000 nor will the amount of Federal funding for a single grant exceed $120,000. Grants of 10–15 volunteers may range from $80,000—$120,000 in Federal funds.

Applicants should demonstrate their commitment for matching the Federal contribution toward the operation of the VISTA Literacy Corps grant in the areas of volunteer transportation, supervision, and/or training. This support can be achieved through cash or allowable in-kind contributions. In particular, there must be a 50% non-Federal match for the supervisor's salary and fringe benefits. The supervisor of the VISTA project must serve on a full-time basis.

Publication of this announcement does not obligate ACTION to award any specific number of grants or to obligate the entire amount of funds available, or any part thereof, for grants under the VISTA Literacy Corps program.

D. General Criteria for Grant Selection

The general criteria for the VISTA Literacy Corps projects are consistent with those established for the selection of VISTA sponsors and projects. All of the following elements must be incorporated in the applicant's submission.

The project must:

- Be poverty-related in scope and otherwise comply with the provisions of the Domestic Volunteer Service Act of 1973 as amended (42 U.S.C. 4951, *et seq.*) applicable to VISTA and all published regulations, guidelines and ACTION policies;
- Comply with applicable financial and fiscal requirements established by ACTION or other elements of the Federal Government;
- Show that the goals, objectives, and volunteer tasks are attainable within the time frame during which the volunteers will be working on the project and will produce a measurable and verifiable result;
- Provide for reasonable efforts to recruit and involve low-income community residents in the planning, development and implementation of the VISTA project;
- Outline specific plans for the continuation of program activities upon the completion of ACTION funding;
- Have evidence of local public and private sector support (in the form of endorsement letters limited to those organizations, government entities, and institutions that are aware of and will be involved in supporting the VISTA project's efforts);
- Have a permanent mechanism of self-evaluation;
- Provide frequent and effective supervision of the volunteers;
- Identify resources needed and make them available to volunteers to perform their tasks;
- Have the management and technical capability to implement the project successfully.

In addition to the general criteria, the authorizing statute stipulates that priority consideration will be given to the following literacy programs and projects that apply for funding:

- Those that assist individuals in greatest need of literacy training who reside in unserved or underserved areas with the highest concentration of illiteracy and of low-income individuals and families;
- Those that serve individuals reading at zero to fourth grade levels;
- Those that focus on providing literacy services to high risk populations;
- Those that operate in areas with the highest concentration of individuals and families living at or below the poverty level;
- Those providing literacy services to parents of disadvantaged children between the ages of two and eight who may be educationally at risk; and
- Statewide programs and projects that encourage the creation of new literacy efforts, encourage coordination of intrastate literacy efforts and provide technical assistance to local literacy efforts.

E. Application Review Process

ACTION Regions 2, 3, 4 and 9 will review and evaluate all eligible applications from the State/Commonwealth within their jurisdiction prior to submission to the Director of VISTA and Student Community Service Programs, ACTION, for final selection. ACTION reserves the right to ask for evidence of any claims of past performance or future capability.

F. Application Submission and Deadline

One signed original and two copies of all completed applications must be submitted to the appropriate ACTION Regional Office as noted in paragraph 2 of this announcement. The deadline for receipt of applications is 5 PM local time, Friday, May 13, 1988. Applications post-marked 5 days before the deadline date will also be accepted for consideration.

All grant applications must consist of:

a. VISTA Project Application (Form A–1421) and the VISTA Application for Federal Assistance (Form A–1421 B) with a detailed budget justification.

b. CPA certification of accounting capability.

c. Copy of recent Articles of Incorporation.

d. Proof of non-profit status or an application for non-profit status, and related documentation.

e. Current resume of potential VISTA Supervisor, if available, or the resume of the director of the applicant agency or project.

f. Organizational chart illustrating the relationship of the VISTA project to the overall objectives of the sponsor organization.

g. List of the members of the Board of Directors including their professional affiliations and/or literacy-related activities.

Signed at Washington, DC this 22d day of March, 1988.

Donna M. Alvarado,

Director.

[FR Doc. 88–6544 Filed 3–24–88; 8:45 am]

BILLING CODE 6050–28–M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Advisory Committee Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), a notice is hereby given of the following committee meeting:

Name: Federal Grain Inspection Service Advisory Committee.

Date: April 15, 1988.

Place: Capitol Holiday Inn, 550 C Street, SW., Washington, DC 20024.

Time: 8:30 a.m.

Purpose: To provide advice to the Administrator of the Federal Grain Inspection Service on the efficient and economical implementation of the U.S. Grain Standards Act of 1976 and to assure the normal movement of grain in an orderly and timely manner.

The agenda includes: (1) A report from the Scientific Orientation Group; (2) financial matters; (3) updates on such items as wheat classification, oil and protein content in soybeans, CuSum, and Grain Quality Improvement Act of 1986 implementation; (4) use of independent surveyors; and (5) other matters.

The meeting will be open to the public. Public participation will be limited to written statements unless otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting or submit written statements before or at the meeting should contact W. Kirk Miller, Administrator, FGIS, U.S. Department of Agriculture, P.O. Box 96454,

Washington, DC 20090–6454, telephone (202) 382–0219.

Dated: March 17, 1988.

W. Kirk Miller,

Administration.

[FR Doc. 88–6555 Filed 3–24–88; 8:45 am]

BILLING CODE 3410-EN-M

DEPARTMENT OF COMMERCE

International Trade Administration

Short-Supply Review on Certain Flat-Rolled Steel; 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 on Certain Steel Products, with respect to certain hot-rolled sheet and strip used to manufacture bi-metal band saws.

DATE: Comments must be submitted on or before April 4, 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.

SUPPLEMENTAL INFORMATION: Article 8 of the U.S.–EC Arrangement on Certain Steel Products provides that if the U.S." * * * determines that because of abnormal supply or demand factors, the US 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 or products * * *."

We have received a short-supply request for certain D6A hot-rolled alloy steel sheet and strip, ranging from 0.080 to 0.125 inch in thickness and from 10 to 16 inches in width. This material is used to produce cold-rolled steel strip for bi-metal band saws.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than April 4, 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 identify the business proprietary portion of the submission and also provide a nonproprietary 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.

March 22, 1988.

[FR Doc. 88–6592 Filed 3–24–88; 8:45 am]

BILLING CODE 3510-DS-M

[A–427–098]

Anhydrous Sodium Metasilicate From France, Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On January 19, 1988, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on anhydrous sodium metasilicate from France. The review covers one exporter of this merchandise to the U.S., Rhone Poulenc Chimie de Base ("Rhone Poulenc"), and the period January 1, 1986 through December 31, 1986. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

FOR FURTHER INFORMATION CONTACT: Marquita Banner or Phyllis Derrick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377–2923.

EFFECTIVE DATE: March 25, 1988.

SUPPLEMENTARY INFORMATION:

Background

On January 19, 1988, the Department of Commerce ("the Department") published in the **Federal Register** (53 FR 1392) the preliminary results of its administrative review of the antidumping duty order on anhydrous sodium metasilicate from France (46 FR 1677, January 7, 1981). The Department has 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 anhydrous sodium metasilicate, a crystalline silicate (Na_2SiO_3) which is alkaline and readily soluble in water. Applications include waste paper de-inking ore-flotation, bleach stabilization, clay processing, medium or heavy duty cleaning, and compounding into other detergent formulations. Anhydrous sodium metasilicate is currently classifiable under TSUSA number 421.3400 and HS item numbers 2839.11.00 and 2839.19.00.

The review covers one exporter of French anhydrous sodium metasilicate, Rhone Poulenc, and the period January 1, 1986 through December 31, 1986. There were no known shipments of this merchandise by Rhone Poulenc to the United States during the period and there are no known unliquidated entries.

Final Results

We gave interested parties an opportunity to comment on the prelimimary results. We received no comments. The final results of our review are the same as those presented in the preliminary results of the review. Because there were no shipments during this review we based our margin determination on the last margin found in this proceeding, and we determined that the following margin exists:

Manufacturer/Exporter	Time Period	Margin (Percent)
Rhone Poulenc	1/86–12/86	[1] 60

[1] No shipments during the period.

As provided for in section 751(a)(1) of the Act, a cash deposit of estimated antidumping duties based on the above margin shall be required for this firm. For any future entries of this merchandise from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after December 31, 1986 and who is unrelated to any reviewed firm, a cash deposit of 60 percent shall be required. This deposit requirement is effective for all shipments of French anhydrous sodium metasilicate 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 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).

Date: March 21, 1988.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 88-6582 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-016]

Choline Chloride From Canada; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On January 8, 1988, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping duty order on choline chloride from Canada. The review covers Chinook Chemicals Co., Ltd. and the period November 1, 1985 through November 16, 1986.

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results.

EFFECTIVE DATE: March 25, 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 January 8, 1988, the Department of Commerce ("the Department") published in the **Federal Register** (53 FR 548) the preliminary results of its administrative review and tentative determination to revoke the antidumping duty order on choline chloride from Canada (49 FR 45469, November 16, 1984). The Department has 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 choline chloride, currently classifiable under item 439.5055 of the Tariff Schedules of the United States Annotated and item number 2923.10.00 of the Harmonized System. 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. and the period November 1, 1985 through November 16, 1986.

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 unchanged from those presented in the preliminary results, and we determine that a *de minimis* weighted-average margin of 0.06 percent exists for Chinook Chemicals Co., Ltd. for the period November 1, 1985 through November 16, 1986.

The Department will instruct the Customs Service to 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, because the margin for Chinook is *de minimis*, the Department waives the estimated antidumping duty cash deposit required under section 751(a)(1) of the Tariff Act for that firm. For any shipments of this merchandise from an exporter whose first shipments occurred after November 16, 1986 and who is unrelated to Chinook Chemicals Co., Ltd., no cash deposit shall be required.

These cash deposit requirements and waiver are effective for all shipments of choline chloride 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 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 for Import Administration.

Date: March 21, 1988.

[FR Doc. 88-6583 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-DS-M

Scripps Clinic and Research Foundation et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 88-027. *Applicant:* Scripps Clinic and Research Foundation, La Jolla, CA 92037. *Instrument:* Electron Microscope, Model CM12. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 52 FR 46813, December 10, 1987. *Instrument Ordered:* August 19, 1987.

Docket Number: 88-030. *Applicant:* University of Southwestern Louisiana, Lafayette, LA 70504. *Instrument:* Electron Microscope, Model H-7000-3. *Manufacturer:* Hitachi Scientific Instruments, Japan. *Intended Use:* See notice at 52 FR 46814, December 10, 1987. *Instrument Ordered:* July 1, 1987.

Docket Number: 88-034. *Applicant:* Bethesda Eye Institute, St. Louis University School of Medicine, St. Louis, MO 63110. *Instrument:* Electron Microscope, Model JEM-1200EX. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* See notice at 52 FR 48557, December 23, 1987. *Instrument Ordered:* July 16, 1987.

Docket Number: 88-037. *Applicant:* California State University, Chico, Chico, CA 95929. *Instrument:* Electron Microscope, Model H-300. *Manufacturer:* Hitachi Scientific Instruments, Japan. *Intended Use:* See notice at 52 FR 48557, December 23, 1987. *Instrument Ordered:* June 30, 1987.

Docket Number: 88-045. *Applicant:* University of Virginia, Charlottesville, VA 22908. *Instrument:* Electron Microscope, Model JEM-100CX. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* See notice at 52 FR 48851, December 28, 1987. *Application Received by Commissioner of Customs:* November 25, 1987.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or

scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 88-6593 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-702]

Antidumping Duty Order of Sales at Less Than Fair Value; Stainless Steel Butt-Weld Pipe and Tube Fittings From Japan

AGENCY: International Trade Administration, Commerce.

ACTION: Notice

SUMMARY: In separate investigations concerning stainless steel but-weld pipe and tube fittings (SSPF) from Japan, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that SSPF from Japan are being sold at less than fair value and that sales of SSPF from Japan are materially injuring a U.S. industry. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals of SSPF, for consumption from Japan, excluding those entries of Fuji Acetylene Industrials, Co., Ltd. (Fuji), made on or after September 16, 1987, the date on which the Department published its "Preliminary Determination" notice in the Federal Register, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumpint duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the Federal Register.

EFFECTIVE DATE: March 25, 1988.

FOR FURTHER INFORMATION CONTACT: Judith Nehring (202)— 377-0160 or Michael Ready (202) 377-2613, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: The products covered by this order are SSPF, whether finished or unfinished, including as-formed tubular blanks (blanks), under 14 inches in inside diameter, as provided for in the *Tariff Schedules of the United States Annotated* (TSUSA) item 610.8948. The corresponding Harmonized System (HS) number is 7307.23.00.

In accordance with section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673(a)) (the Act), on January 29, 1988, the Department made its final determination that SSPF from Japan were being sold at less than fair value (53 FR 3227, February 4, 1988). On March 14, 1988, in accordance with section 735(d) of the Act, the ITC notified the Department that such imports materially injure a U.S. industry.

Therefore, in accordance with section 736 of the Act (19 U.S.C. 1673e), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673(a)(1), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of SSPF from Japan. These antidumping duties will be assessed on all unliquidated entries of SSPF entered, or withdrawn from warehouse, excluding those entries of Fuji, for consumption on or after September 16, 1987, the date on which the Department published its "Preliminary Determination" notice in the Federal Register (52 FR 34973).

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins noted below:

Manufacturers/producers/exporters	Weighted-average margin percentage
Nippon Benkan Kogyo, K.K.	37.24
Fuji Acetylene Industries, Co., Ltd	[1] 0.08
Mie Horo	65.08
All others	49.31

[1] *De minimis.*

This determination constitutes an antidumpting duty order with respect to SSPF from Japan, pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)) and § 353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations, Annex I of 19 CFR Part 353, which listed antidumping duty findings and orders currently in effect. Instead, interested parties may contact the Central Records Unit, Room B-099, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 735(d) of the Act (19 U.S.C. 1673(d)) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

March 20, 1988.

[FR Doc. 88-6585 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-068]

Steel Wire Strand for Prestressed Concrete From Japan; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On January 8, 1988, the Department of Commerce published the preliminary results of its 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.

We have interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results.

EFFECTIVE DATE: March 25, 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 January 8, 1988, the Department of Commerce ("the Department") published in the Federal Register (53 FR 551) the preliminary results of its administrative review of the antidumping finding on steel wire strand for prestressed concrete from Japan (43 FR 57599, December 8, 1978). The Department has 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 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 item 642.1120 of the Tariff Schedules of the United States Annotated and item number 7312.10.30.15 of the Harmonized System.

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 deferred 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 did not include Freyssinet in this administrative review. 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.

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 unchanged from those presented in the preliminary results, and we determine that the following weighted-average margins exist for the period December 1, 1985 through November 30, 1986:

Manufacturer/exporter	Margin (percent)
Kokoku Steel Wire, Ltd.	(*)
Mitsubishi Corp.	(*)
Nissho Iwai Co., Ltd.	(*)
Shinko Wire Co., Ltd.	(*)
Suzuki Metal Industry Co., Ltd.	(*)
Teikoku Sangyo Co., Ltd.	(*)
Tokyo Rope Mfg. Co., Ltd.	(*)

*No shipments during the period. Margins were obtained from the last review where there were shipments.

As provided for in section 751(a)(1) of the Tariff Act, the Department will instruct the Customs Service to collect a cash deposit of estimated antidumping duties for each firm based upon the above margins. For any shipments from the remaining known manufacturers and/or exporters not covered by 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 shipments from a new exporter, whose first shipments occurred after November 30, 1986 and who is unrelated to any reviewed firm, or previously reviewed firm, no cash deposit shall be required. These deposit requirements 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 this notice and shall remain in effect until publication of the final results of the next 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).

Date: March 21, 1988.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 88-6584 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-DS-M

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders, findings, and suspension agreements. In accordance with the Commerce Regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: March 25, 1988.

FOR FURTHER INFORMATION CONTACT: William L. Matthews or Richard W. Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5253/2786.

SUPPLEMENTARY INFORMATION:

Background

On August 13, 1985, the Department of Commerce (the Department) published in the **Federal Register** (50 FR 32556) a notice outlining the procedures for requesting administrative reviews. The Department has received timely requests, in accordance with § 353.53a(a)(2), (a)(3), and § 355.10(a)(1) of the Commerce Regulations, for administrative reviews of various antidumping and countervailing duty orders, findings and suspension agreements.

Initiation of Reviews

In accordance with §§ 353.53a(c) and 355.10(c) of the Commerce Regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews no later than March 31, 1989.

Antidumping duty proceedings and firms	Periods to be reviewed
Racing plates from Canada: Niagara Forging	2/1/87-1/31/88
Steel wire strand for prestressed concrete from Japan: Mitsui	12/1/85-11/30/87

Countervailing duty proceedings	Periods to be reviewed
Unprocessed float glass from Mexico	1/1/87-12/31/87
Carbon steel wire rod from Saudi Arabia	1/1/87-12/31/87

Interested parties are encouraged to submit applications for administrative protective orders as early as possible in the review process.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and 19 CFR 353.53a(c) and 355.10(c).

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

Date: March 21, 1988.

[FR Doc. 88-6587 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-DS-M

[C-565-001]

Canned Tuna From the Philippines; Final Results of Changed Circumstances Administrative Review and Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of changed circumstances administrative review and revocation of countervailing duty order.

SUMMARY: On January 20, 1988, the Department of Commerce published the preliminary results of its changed circumstances administrative review of the countervailing duty order on canned tuna from the Philippines and announced its tentative determinaion to revoke the order. The review covers the period from January 1, 1986.

We gave interested parties an opportunity to comment. We received no comments. We determine that domestic interested parties are no longer interested in continuation of the order, and we are revoking the order on merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1986.

EFFECTIVE DATE: January 1, 1986.

FOR FURTHER INFORMATION: Christopher Beach or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On January 20, 1988, the Department of Commerce ("the Department") published in the **Federal Register** (53 FR 1504) the preliminary results of its changed circumstances administrative review of the countervailing duty order on canned tuna from the Philippines (48 FR 50133, October 31, 1983). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of Philippine tuna packed and preserved in any manner, not in oil, in airtight containers. Such merchandise is currently classifiable under TSUSA item numbers 112.3020, 112.3040, and 112.3400. These imports are currently classifiable under HS item numbers 1604.14.20 and 1604.14.30. The review covers the period from January 1, 1986.

Final Results of Review and Revocation

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received no comments.

As a result of our review, we determine that domestic interested parties are no longer interested in continuation of the countervailing duty order on canned tuna from the Philippines and that the order should be revoked on this basis.

Therefore, we are revoking the order on canned tuna from the Philippines effective January 1, 1986. We will instruct the Customs Service to liquidate, without regard to countervailing duties, all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1986, and to refund with interest any estimated countervailing duties collected with respect to those parties.

This administrative review, revocation, and notice are in accordance with section 751(b) and (c) of the Tariff Act (19 U.S.C. 1675(b), (c)) and 19 CFR 355.41, 355.42.

Gilbert B. Kaplan,

Acting Assistant Secretary, Import Administration.

Date: March 21, 1988.

[FR Doc. 88–6586 Filed 3–24–88; 8:45 am]

BILLING CODE 3510–DS–M

[C–469–004]

Stainless Steel Wire Rod From Spain; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on stainless steel wire rod from Spain. The review covers the period January 1, 1986 through December 31, 1986 and six programs.

As a result of our review, we preliminarily determine the net subsidy to be 1.26 percent *ad valorem* during the period of review. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 25, 1988.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Paul McGarr, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–3337.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 52) a countervailing duty order on stainless steel wire rod from Spain. On January 30, 1987, a Spanish exporter, Roldan, S.A., requested in accordance with 19 CFR 355.10 an administrative review of this order. We published the initiation of the administrative review on February 23, 1987 (52 FR 5479). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of 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 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 the Import Specialist at their local Customs office to consult the schedule.

Imports covered by the review are shipments of Spanish stainless steel wire rod which includes coiled, semi-finished, hot-rolled stainless steel products of approximately round solid cross-section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered or treated, not partly manufactured, and valued over 4 cents per pound. Such merchandise is currently classifiable under TSUSA item number 607.2600. This product is currently classifiable under HS item numbers 7221.00.00.20 and 7221.00.00.40. We invite comments from all interested parties on this HS classification.

The review covers the period January 1, 1986 through December 31, 1986 and six programs. Roldan, S.A., was the only known Spanish exporter of stainless steel wire rod to the United States during the period of review.

Analysis of Programs

(1) Long-Term Loans

Under the Concerted Action Program established by Royal Decree 669/74, the Spanish government directs banks to make long-term loans to steel companies at below market rates. Such loans are provided for approximately ten years. Roldan received a long-term loan for financing new plant and equipment that had an outstanding balance during the

review period. The loan was received in multiple disbursements from 1977 to 1981. Because loans under the Concerted Action Program are provided to a specific industry at rates and terms inconsistent with commercial considerations, we preliminarily determine that this loan confers a countervailable domestic subsidy.

To calculate the benefit, we treated the multiple disbursements as individual loans. We used the long-term loan methodology in the Subsidies Appendix attached to the *Final Affirmative Countervailing Duty Determination and Countervailing Duty Order on Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina* (49 FR 18006, April 26, 1984). Roldan did not obtain any comparable commercial loans in the year in which it received the preferential long-term loan. Therefore, we used as our long-term commercial benchmark the "free" long-term (three or more years) lending rate published by the Bank of Spain in its *Boletin Estadistico.* Because we were unable to obtain the national average rate of return on equity to calculate the weighted cost of capital, we used the long-term commercial benchmark rate as the discount rate.

Since these loans benefit a company's total production, we allocated the benefit over the company's total sales during the review period. On this basis, we preliminarily determine the benefit from this program to be 0.33 percent *ad valorem* during the review period.

(2) Operating Capital Loans

Until January 1, 1986, the Spanish government required banks to set aside funds for short-term operating capital loans as part of its Privileged Circuit Exporter Credit program, which provided short-term financing to exporters at preferential rates. The operating capital loans were granted for a period of up to one year. This program was phased out, pursuant to a Treasury Order of Aprl 14, 1982, and terminated effective January 1, 1986. Roldan received two loans from this program in 1985 on which interest was due during the review period. Because this program is contingent upon export performance, we preliminarily determine that it confers a countervailable benefit on exports.

To calculate the benefit, we used our short-term loan methodology as described in the Subsidies Appendix. We used as our commercial benchmark the "free" one-to-three year lending rate published in the *Boletin Estadistico,* the only available benchmark for short-term loans of up to one year.

Since operating capital loans are not tied to specific export transactions, we allocated the benefit over Roldan's total exports during the review period. On this basis, we preliminarily determine the benefit to be 0.18 percent *ad valorem.*

Because this program has been terminated effective January 1, 1986, we preliminarily determine that for this program the cash deposit of estimated countervailing duties will be zero.

(3) Prefinancing of Exports

As part of its Privileged Circuit Exporter Credit program, the Spanish government, under Royal Decree 2254/85 of November 20, 1985, required banks to set aside a specific percent of lendable funds for prefinancing exports. The maximum amount of allowable funds for prefinancing of exports was 85 percent of the invoice value until July 1, 1986, when it was reduced to 68 percent. The maximum term of these loans was 90 days and the interest rate ranged between 10 and 10.5 percent. Because this program is contingent upon export performance, we preliminarily determine that it confers a countervailable benefit on exports.

To calculate the benefit, we used our short-term loan methodology described in the Subsidies Appendix and applied the interest differential to the principal amounts of the loans. We used as our commercial benchmark the "free" three-month leading rate published in the *Boletin Estadistico.* Since Roldan was able to tie these loans to specific shipments, we allocated the benefit from loans for U.S. shipments over Roldan's exports of wire rod to the United States during the review period. We preliminarily determine the benefit from this program to be 0.75 percent *ad valorem.*

Because this program was terminated effective March 5, 1987, pursuant to Royal Decrees 321/1987 and 322/1987, we preliminarily determine that for this program the cash deposit of estimated countervailing duties will be zero.

(4) Employment Grant

Under a Ministerial Order of February 21, 1985, the Ministary of Labor and Social Security provides employment funds from the solidarity Fund for Employment. These funds are provided for "Actions that help begin employment generating projects." Roldan received a grant for investment in new plant and equipment that generated new jobs.

Eligibility for this program is not contingent upon export performance nor limited to any specific region, industry or groups of industries. The Government of Spain has provided information showing that a wide variety of industries and sectors in all regions and provinces have received employment grants from the Solidarity Fund. Therefore, because this program is not limited to a specific enterprise or industry or group of enterprises or industries, we preliminarily determine that this program does not confer a countervailable subsidy.

(5) Other Programs

We also examined the following programs and preliminarily determine that Roldan did not use them during the review period:

A. Capital Grants.

B. Regional Incentives Program.

Preliminary Results of Review

As a result of the review, we preliminarily determine the net subsidy to be 1.26 percent *ad valorem* for the period January 1, 1986 through December 31, 1986.

The Department intends to instruct the Customs Service to assess countervailing duties of 1.26 percent of the f.o.b. invoice price on all shipments of this merchandise exported on or after January 1, 1986 and on or before December 31, 1986.

The termination of two programs, operating capital loans and prefinancing of exports under the Privileged Circuit Exporter Credit program, reduces the total estimated net subsidy to 0.33 percent *ad valorem,* a rate we consider *de minimis.* Therefore, the Department intends to instruct the Customs Service to waive cash deposits of estimated countervailing duties on shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This waiver will remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 7 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday afterward. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

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 19 CFR 355.10.

Gilbert B. Kaplan,

Acting Assistant Secretary, Import Administration.

Date: March 21, 1988.

[FR Doc. 88-6589 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-DS-M

[C-489-502]

Certain Welded Carbon Steel Pipe and Tube Products From Turkey; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On December 15, 1987, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on certain welded carbon steel pipe and tube products from Turkey. We have now completed that review and determine the net subsidy to be 1.43 percent *ad valorem* for Bant Boru and 12.67 percent *ad valorem* for all other firms during the period October 28, 1985 through December 31, 1986.

EFFECTIVE DATE: March 25, 1988.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Paul McGarr, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3337.

SUPPLEMENTARY INFORMATION:

Background

On December 15, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 47621) the preliminary results of its administrative review of the countervailing duty order on certain welded carbon steel pipe and tube products from Turkey (51 FR 7984; March 7, 1986). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Imports covered by the review are shipments of certain Turkish welded carbon steel pipe and tube products ("pipe and tube") having an outside diameter of 0.375 inch but not over 16 inches, currently classifiable under TSUSA items 610.3208, 610,3209, 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 620.4925. TSUSA items 610.3208 and 610.3209 are commonly referred to by the industry as line pipe meeting American petroleum Institute (API) specifications for 5L. TSUSA items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258 and 620.4925 are commonly referred to by the industry as standard pipe or tube or structural tubing. Standard pipe or tube is produced to various American Society for Testing Materials (ASTM) specifications, most notably A-53, A-120 or A-135. Structural tubing is produced to various specifications most notably ASTM specifications A-500 and A-501.

Line pipe and standard pipe and tube are currently classifiable under item numbers 7306.10.10.10, 7306.10.10.50, 7306.30.10.00, 7306.30.50.25, 7306.30.50.30, 7306.30.50.40, 7306.30.50.45, 7306.30.50.50, 7306.30.50.60, 7306.30.50.65, 7306.30.50.70 and 7306.30.50.75 of the Harmonized System.

The review covers the period October 28, 1985 through December 31, 1986 and seven programs: (1) Export and supplemental tax rebates; (2) the Resource Utilization Support Fund ("RUSF"); (3) export revenue tax deductions; (4) the General Incentives Program; (5) the Support Price Stability Fund; (6) preferential export financing under Decree 84/8861; and (7) export credits under Communique No. 1.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received timely written comments from the standard line pipe subcommittees of the Committee on Pipe and Tube Imports and the individual members of these subcommittees ("the petitioners"), the Government of Turkey ("the Government"), and three respondents: Bant Boru Sanayi ve Ticaret A.S. ("Bant Boru"), the Borusan Group ("Borusan"), and Erkboru Profil Sanayi ve Ticaret A.S. ("Erkboru").

Comment 1: The Government claims that the Department overstated that weighted-average country-wide assessment rate by mistakenly including in its calculations export tax rebates and RUSF payments that Yucel Boru applied for in 1986 but received in 1987.

Department's Position: We agree. Accordingly, we have revised our calculations and have determined the weighted-average country-wide assessment rate to be 12.67 percent *ad valorem.*

Comment 2: Borusan claims the variance between company rates in the preliminary results is so substantial that the Department should establish company-specific assessment rates rather than a weighted-average country-wide assessment rate.

Bant Boru also requests a company-specific assessment rate because the difference between its company rate and the weighted-average country-wide rate is greater than 10 percentage points and is, thus, significantly different according to the Department's proposed regulations.

Department's Position: The Department's policy is to treat as a significant differential between a company rate and the weighted-average country-wide rate a difference of 10 percentage points or 25 percent, whichever is greater. In this case, a significant differential does exist between the weighted-average country-wide rate and Bant Boru's company rate, and we have established a company-specific assessment rate of 1.43 perecent *ad valorem.* There is no significant differential between the weighted-average country-wide rate and any other company rates.

Comment 3: Bant Boru, Borusan, Erkboru and the Government argue that the Department should establish company-specific duty deposit rates. The proposed countervailing duty regulations of June 12, 1985 (50 FR 24207) provide that a company-specific rate is appropriate where there is a significant differential between the greater of at least 10 percentage points or 25 percent from the weighted-average net subsidy calculated on a country-wide basis.

The duty deposit rate is based on only one program, the export revenue tax deduction, where company benefits during the review period ranged from 0.45 to 9.76 percent *ad valorem.* With a weighted-average country-wide rate in the preliminary results of 6.78 percent *ad valorem,* the differential between this weighted-average rate and the rates for Bant Boru, Borusan, and Erkboru is more than 25 percent. Therefore, these companies argue that their company rates fit the circumstances described in the proposed regulations. They further argue that, with only five companies involved in this review, establishing company-specific deposit rates imposes no administrative burden on the Department.

Department's Position: Section 607 of the Tariff and Trade Act of 1984 established a statutory presumption in favor of country-wide countervailing duty rates without requiring any company-specific justification for the use of such rates. The statute provides for the possibility of company-specific rates if the Department determines that a significant differential exists. The Department's policy is to use a single

weighted-average country-wide rate unless there is a significant differential between a company-specific rate and the weighted-average country-wide rate, i.e., 10 percentage points or 25 percent, *whichever is greater*. The Department considers Erkboru's benefit of 0.45 percent *ad valorem* to be *de minimis* and, by definition, significantly different.

Although the company rates for Bant Boru and Borusan are more than 25 percent different from the weighted-average country-wide rate, their rates are less than 10 percentage points different from that rate. Therefore, there is no significant differential between the company rates for Bant Boru and Borusan and the weighted-average country-wide rate. After excluding Erkboru from the calculation of the weighted-average, we have revised the duty deposit rate for all other firms to 7.26 percent *ad valorem*.

Comment 4: The petitioners claim that despite the elimination of the export tax rebate program on exports of iron and steel products to the United States, effective January 1, 1987, the program may still provide an incentive for Turkish pipe and tube exporters to export to the United States. The petitioners contend that an incentive to export to the United States would exist if the Turkish government determines the amount of the rebates based on total exports (including exports to the U.S.), even if rebates paid on a shipment-specific basis have been eliminated on pipe and tube exports to the United States. The Department should not adjust the duty deposit rate for this program to zero until it can be certain that pipe and tube exports to the United States are not receiving benefits through a change in the method of granting the rebate.

The Turkish government states that export tax rebates are always paid on a shipment-specific basis, not on total exports. In order to be eligible for benefits, exporters must present documentation showing the product to be exported and the country of destination. Since rebates were eliminated on pipe and tube exports to the United States, there is no benefit conferred on these exports. Borusan adds that the petitioners' allegation is based upon pure speculation and that the Turkish government is phasing out the program on all exports, as evidenced by the decline in nominal rebate rates on third country exports during 1987 as compared with 1986 rebate rates.

Department's Position: Whenever possible, we calculate the benefit from export subsidies based on shipments only to the United States. Where export subsidies are not shipment-specific, or cannot otherwise be segregated according to country of destination, we calculate the benefit based on shipments to all markets. *See, Final Results of Countervailing Duty Administrative Review on Roses and Other Cut Flowers from Colombia* (52 FR 48847, December 28, 1987).

We verified that export tax rebates are shipment-specific and that they are paid as a percentage of the value of each shipment; total exports never were and are not now a factor in calculating the amount of the export tax rebate received. These rebates would provide an incentive to export pipe and tube to the United States only if they were paid on such shipments, and we verified that they have been eliminated.

Comment 5: The petitioners claim that the Department does not know whether pipe and tube exports to the United States are included in the export revenue levels used to calculate supplemental export tax rebates. If these exports are included, this may allow exporters to receive a higher rate of supplemental rebate and provide an incentive to export to the United States. The Department should be certain that the exporters are not including pipe and tube exports to the United States in the calculation of supplemental export tax rebates before setting the duty deposit rate for the supplemental export tax rebate at zero.

The Government states that, under Article 4 of Decree No. 86/11237, a supplemental tax rebate is given on the export of an eligible product only when annual export revenue from all eligible products exceeds U.S. $2 million. Pipe and tube exports to the United States are not eligible to receive supplemental tax rebates and are not included when determining eligibility for receipt of supplemental rebates on other products. The Government further points out that, as a matter of practice, the basic and supplemental export tax rebates are applied for together. Consequently, if an export shipment is not eligible for the basic rebate, it will not be eligible for the supplemental rebate, nor will it be aggregated with other eligible exports when determining supplemental rebate levels.

Department's Position: We verified that pipe and tube exports to the United States are no longer eligible for basic or supplemental export tax rebates and that these exports cannot be counted when determining the supplemental rebate on other eligible products.

Comment 6: The petitioners express their concern that the recalculation of the rate of assessment for the review period, coupled with the change in the deposit rate to reflect the elimination of the export tax rebate and RUSF programs for exports of pipe and tube to the United States, may allow Turkish pipe and tube exports to escape countervailing duties on the export tax rebates and RUSF payments earned by Yucel Boru on 1986 exports but received in 1987. The petitioners point out that if Yucel Boru did not export in 1987 these benefits cannot be captured with countervailing duties, and they suggest that an accrual method to capture these benefits in the 1986 review may be more appropriate. The petitioners also claim that if a review for the 1987 period is not requested, these benefits will not be captured because the 1987 entires will be liquidated at the deposit rate set by this review, which is based on the elimination of benefits from these two programs. Therefore petitioners suggest that the benefits from these two programs be included in the calculation of the deposit rate.

Department's Position: We consider the benefit from these programs to occur when the payments are received, rather than accrued. If Yucel Boru did not export pipe and tube to the United States in 1987, the firm will not have received benefits subject to countervailing duties.

If we conduct a review for the 1987 period, we will calculate countervailing duties based on benefits received by the companies that exported. If a review is not requested, entries will be liquidated at the deposit rate in effect at the time of entry, in this case the deposit rate set by the countervailing duty order. The duty deposit set by this review, which reflects the termination of the export tax rebate and RUSF programs, will affect only future entries.

Final Results of Review

After considering all of the comments received, we determine the net subsidy to be 1.43 percent *ad valorem* for Bant Boru and 12.67 percent *ad valorem* for all other firms during the period October 28, 1985 through December 31, 1986.

The Department will instruct the Customs Service to assess countervailing duties of 1.43 percent of the f.o.b. invoice price on shipments of this merchandise from Bant Boru and 12.67 percent of the f.o.b. invoice price on shipments of this merchandise from all other firms entered, or withdrawn from warehouse, for consumption on or after October 28, 1985 and exported on or before December 31, 1986.

Because of the termination of the export tax rebate and RUSF programs, the Department will instruct the Customs Service to waive cash deposits

of estimated countervailing duties on shipments of this merchandise from Erkboru and to collect a cash deposit of estimated countervailing duties of 7.26 percent of the f.o.b. invoice price on shipments of this merchandise from all other firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement will remain in effect until publication of the final results of the next 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 19 CFR 355.10.

Dated: March 21, 1988.

Gilbert B. Kaplan,

Acting Assistant Secretary, Import Administration.

[FR Doc. 88-6588 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the certificate should be issued.

FOR FURTHER INFORMATION CONTACT: John E. Stiner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the Federal Register identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant ot the determination whether a certificate should be issued. An original and five (5) copies should be submitted not later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington DC 20230. Information submitted by any person is exempt from disclosure udner the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 88-00003." A summary of the application follows:

Applicant: TradeNet International of Washington, Inc. (TradeNet) 920 Pennsylvania Avenue SE., Washington, DC 20003, Telephone: (202) 544-8794.

Application #: 88-00003.

Date Deemed Submitted: March 10, 1988.

Members (in addition to applicant): none.

Summary of the Application:

Export Trade:

Products: All products.

Related Services: Consulting, product research and design, marketing via specialized promotional mailings in conjunction with trade shows and catalog and video exhibits, international market research and statistics, transportation, trade documentation and freight forwarding, commuinication and processing of foreign orders to and for exporters and foreign purchasers, insurance, legal assistance, foreign exchange, financing, and taking title to goods.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

TradeNet seeks certification to:

1. Enter into agreements with Suppliers, whereby TradeNet agrees to act as the Supplier's exclusive Export Intermediary for the export of Products and the provision of Related Services. These agreements may include the following provisions:

a. The Supplier may agree not to sell, directly or indirectly, through any other Export Intermediary, and/or

b. TradeNet will have the exclusive right to choose whether to respond to bids, invitations, or requests for bids, or other sales opportunities, on a joint or individual basis.

2. Enter into exclusive agreements with other Export Intermediaries, wherein:

a. The Export Intermediary agrees not to represent TradeNet's competitors in the sale of Products or the provision of Related Services in any Export Market, and/or

b. The Export Intermediary agrees not to buy Products or obtain Related Services from TradeNet's competitors.

3. Enter into exclusive agreements with foreign customers of the Products and Related Services, whereby the customer agrees not to purchase the Products and Related Services from TradeNet's competitors.

4. Maintain the exclusive right to specify the following for agreements outlined in paragraphs (1), (2), and (3) above:

a. The price at which Products will be sold and Related Services provided, and/or

b. The terms for any export sale, including the quantities, territories, and customers, regardless of whether a joint or individual bidding process is used.

5. Meet and negotiate with individual Suppliers or groups of Suppliers concerning the terms of their participation in each bid, invitation or request to bid, or other sales opportunity in any Export Market. During the course of these negotiations, the following may be exchanged:

a. Information that is already generally available to the trade or public,

b. Information that is specific to a particular Export Market, including, but not limited to, reports and forecasts of sales, prices, terms, customer needs, selling strategies, and product specifications by geographic area and by individual customers within the Export Market,

c. Information on expenses specific to exporting to a particular Export Market (such as ocean freight, inland freight to the terminal or port, terminal or port storage, wharfage and handling charges, insurance, agents' commissions, export sales documentation and service, and export sales financing),

d. Information on U.S. and foreign legislation and regulations affecting sales to a particular export market, and

e. Information on TradeNet's activities in the Export Markets, including, but not

limited to, customer complaints and quality problems, visits by customers located in the Export Markets, reports by foreign sales representatives, and matters concerning the contract between TradeNet and its Suppliers.

Date: March 21, 1988.

John E. Stiner,

Director, Office of Export Trading Company Affairs.

[FR Doc. 88-6567 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-DR-M

Mercy Hospital and Medical Center et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No.: 87-164R. *Applicant:* Mercy Hospital and Medical Center, Chicago, IL 60616. *Instrument:* Electron Microscope, Model H-300. *Manufacturer:* Nissei Sangyo America, Ltd., Japan. *Intended use:* See notice at 52 FR 18262, May 14, 1987. *Instrument ordered:* November 13, 1986.

Docket No.: 88-053. *Applicant:* University of Georgia, Athens, GA 30602. *Instrument:* Electron Microscope, Model JEM-100CX. *Manufacturer:* JEOL, Japan. *Intended use:* See notice at 53 FR 1811, January 22, 1988. *Instrument ordered:* September 29, 1987.

Docket No.: 88-057. *Applicant:* University of Alabama at Birmingham, Birmingham, AL 35294. *Instrument:* Electron Microscope, Model JEM-2000FX. *Manufacturer:* JEOL Ltd., Japan. *Intended use:* See notice at 53 FR 1811, January 22, 1988. *Application Received by Commissioner of Customs:* December 10, 1987.

Docket No.: 88-060. *Applicant:* Morehouse School of Medicine, Atlanta, GA 30310-1495. *Instrument:* Electron Microscope, Model JEM-1200EX. *Manufacturer:* JEOL, Japan. *Intended use:* See notice at 53 FR 1811, January 22, 1988. *Instrument ordered:* September 4, 1987.

Docket No.: 88-065. *Applicant:* University of Michigan, Ann Arbor, MI 48109. *Instrument:* Electron Microscope, Model CM12S. *Manufacturer:* N.V. Philips, The Netherlands. *Intended use:* See notice at 53 FR 1812, January 22, 1988. *Instrument ordered:* September 29, 1987.

Docket No.: 88-069. *Applicant:* University of South Carolina, Columbia, SC 29208. *Instrument:* Electron Microscope, Model JEM-100CX. *Manufacturer:* JEOL, Japan. *Intended use:* See notice at 532 FR 1812, January 22, 1988. *Instrument ordered:* June 15, 1987.

Docket No.: 88-071. *Applicant:* Arizona State University, Tempe, AZ 85287-1704. *Instrument:* Electron Microscope, Model JEM-2000FX. *Manufacturer:* JEOL, Japan. *Intended use:* See notice at 53 FR 1812, January 22, 1988. *Instrument ordered:* August 13, 1987.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 88-6594 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-DS-M

University of Texas at Austin et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. Law. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No. 87-105R. *Applicant:* University of Texas at Austin, Austin, TX 78716. *Instrument:* CD and LD Spectropolarimeter, Model J-600 *Manufacturer:* Jasco Inc., Japan. *Intended Use:* See notice at 52 FR 7916, March 13, 1987. *Reasons for This Decision:* The Foreign instrument provides simultaneous measurement of linear and circular dichroism spectra. *Advice Submitted by:* National Institutes of Health, February 9, 1988.

Docket No. 87-110R *Applicant:* University of Miami, Coral Gables, FL 33124. *Instrument:* Stopped-Flow Scpectrophotometer, Model SF-51 with Accessories. *Manufacturer:* Hi-Tech Scientific Instrument Division, United Kingdom. *Intended Use:* See notice at 53 FR 1812, January 22, 1988. *Reasons for This Decision:* The foreign instrument employs acid resistant materials for all parts that contact reagent solutions. *Advice Submitted by:* National Institutes of Health, February 9, 1988.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The National Institutes of Health advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purposes and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 88-6595 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

Announcement of Workshops for Users and Implementors of Integrated Services Digital Network

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice.

SUMMARY: The Institute for Computer Sciences and Technology at the National Bureau of Standards (NBS) announces two workshops of a continuing workshop series to discuss issues related to the use and implementation of Integrated Services Digital Network (ISDN) technology. These workshops are part of the North American ISDN Forum (NIU-FORUM) which was formed recently under the auspices of NBS to create a strong user voice in the implementation of ISDN and ISDN applications and to ensure that the emerging ISDN meets users' application needs.

DATES: An ISDN Users Workshop will be held in Atlantic City on June 8, 9, and 10, 1988. This workshop will start to identify, define and prioritize user

applications of ISDN. Organizations primarily engaged in the manufacture, supply or vending of automated data processing or telecommunications products and/or services may not be members of the Users Workshop.

An ISDN Implementors Workshop will be held at NBS in Gaithersburg, MD on July 19, 20, and 21, 1988. This workshop will start to define implementation agreements for ISDN and sponsor multivendor demonstrations and trials. Manufacturers and service providers are invited to participate in this workshop.

ADDRESS: To obtain registration forms for the workshops, companies may contact: ISDN Workshop Series, Attn: Trudy Johnson, National Bureau of Standards, Building 225, Room A224, Gaithersburg, MD 20899, Telephone: (301) 975–2985.

Upon receipt of the completed registration form, additional registration information for the appropriate workshop(s) will then be mailed to the registrant. An NBS representative will confirm workshop registration reservations by telephone.

FOR FURTHER INFORMATION CONTACT: Steve Recicar (301) 975–2937.

SUPPLEMENTARY INFORMATION: Attendance at the workshops is limited due to space requirements and the size of the conference facility; therefore, registration is on a first come, first served basis with recommended limitation of two participants per company. A registration fee will be charged for attending the workshops. Participants are expected to make their own travel arrangements and accommodations. NBS reserves the right to cancel any part of the workshops.

Ernest Ambler,

Director.

Date: March 18, 1988.

[FR Doc. 88–6517 Filed 3–24–88; 8:45 am]

BILLING CODE 3510–CN–M

National Oceanic and Atmospheric Administration

Scoping/Planning Meeting for the Development of an Environmental Impact Statement Governing the Incidental Take of Marine Mammals During Commercial Fishing Operations

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

ACTION: Notice of intent to prepare an EIS and hold a scoping meeting.

SUMMARY: The National Marine Fisheries Service (NMFS) intends to prepare an Environmental Impact Statement (EIS) governing the incidental taking of marine mammals during commercial fishing operations within the U.S. exclusive economic zone. The NMFS is convening a scoping meeting to ensure that all interested parties have an opportunity to advise NMFS on the issues which need to be considered in developing the EIS.

DATE: The scoping meeting will be held in San Francisco, CA on April 8, 1988; 12:30 p.m.–3:00 p.m.

ADDRESS: Clarion Hotel, San Francisco Airport, San Bruno Room, 401 E. Millbrae Avenue, Millbrae, CA.

FOR FURTHER INFORMATION CONTACT: James H. Lecky or Rodney R. McInnis (213/514–6199).

SUPPLEMENTARY INFORMATION: The general permits issued under section 104 of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq*; MMPA) for 1984–1988 to domestic commercial fishermen (except yellowfin tuna purse seine fishermen) will expire on December 31, 1988. In anticipation of receiving new applications during 1988, NMFS is initiating the consultation process under the National Environmental Policy Act (42 U.S.C. 4371 *et seq.*) to consider reissuance of five-year domestic general permits and annual foreign general permits for the period January 1, 1988–December 31, 1993.

An EIS will be prepared to present information on the status of marine mammal species involved, the impact of various commercial fisheries on marine mammals, and the impact of any alternatives to issuing permits on the impacted marine mammal stocks. The public scoping meeting will be held to ensure full opportunity for interested members of the public and government agencies to advise NMFS on the issues, alternatives, and impacts which should be addressed in the DEIS.

Date: March 22, 1988.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 88–6598 Filed 3–24–88; 8:45 am]

BILLING CODE 3510–22–M

Caribbean Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Caribbean Fishery Management Council and its Administrative Committee will convene separate public meetings as follows:

Council

On March 28, 1988, from 7:30 p.m. to 10 p.m., will hold a scoping meeting to obtain comments and recommendations regarding development of a fishery management plan, and preparation of an environmental impact statement for the queen conch (*Strombus gigas*) fishery within the Council's area of jurisdiction. The public meeting will take place at the Legislature Building, Conference Room, St. Croix, U.S. Virgin Islands.

Administrative Committee

On March 28 from 2 p.m. to 5 p.m., will hold a meeting to consider the Council's budget and other regular administrative activities. After discussion of regular administrative activities, the Committee will convene a closed session (not open to the public), to discuss personnel matters. The public meeting will take place at the Customs House Building, U.S. Park Service, Conference Room, St. Croix, U.S. Virgin Islands.

For further information contact the Caribbean Fishery Management Council, Banco de Ponce Building, Suite 1108, Hato Rey, PR 00918; (809) 753–4926.

Date: March 18, 1988.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88–6534 Filed 3–24–88; 8:45 am]

BILLING CODE 3510–22–M

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council will convene a public meeting, April 13, 1988, at 10 a.m. at the Radisson, Hotel Hampton, 700 Settlers Landing Road, Hampton, VA 23669, (telephone: 804–727–9700), to discuss the Surf Clam and Ocean Quahog Fishery Management Plan (FMP) Amendment #8, Bluefish and Summer Flounder FMPs, and other fishery management and administrative matters. The meeting may be lengthened or shortened depending upon progress of the agenda. The Council may convene a closed session (not open to the public) to discuss personnel and/or national security matters. The public meeting will adjourn on April 14.

For further information, contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, 300 South New Street, Room 2115, Federal Building, Dover, DE 19901–6790; telephone: (302) 674–2331.

Date: March 18, 1988.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-6535 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council will convene a public meeting, April 7, 1988, at 9 a.m., at the Ramada Inn, Mystic, CT, to discuss reports of the Groundfish, Scallop, Surf Clam and Ocean Quahog, Large Pelagics and Environmental Affairs Committees; a report by the ad hoc committee on salt water licenses and user fees, as well as discuss other fishery management business. The public meeting will adjourn at approximately 5 p.m.

For further information contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route One), Saugus, MA 01906; telephone (617) 231-0422.

Dated: March 22, 1988.

Ann D. Terbush,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-6597 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council and its advisory entities will convene public meetings, April 4-8, 1988, at the Clarion Hotel near the San Francisco Airport, 401 East Millbrae Avenue, Millbrae, CA, as follows:

Council

On April 5 the Council will convene at 8 a.m., with a closed session (not open to the public), to discuss litigation, and other appropriate matters. At 9 a.m., the Council will convene its open session to consider administrative and salmon management issues. After receiving comments from its advisory entities and the public, the Council will adopt 1988 ocean salmon management measures in tentative form for technical analysis. The Salmon Plan Development Team (SPDT) will report back to the Council with its impact analysis on April 7. Also on April 5 the Council will comment on the proposed National Recreational Fishery Policy drafted by the U.S. Fish and Wildlife Service.

There will be a public comment period April 5 at approximately 4 p.m., to hear comments on issues not on the agenda. Public comments on agenda items will be heard during the Council's discussion of each issue.

On April 6 the Council will convene at 9 a.m., to address groundfish management issues. The Council will consider recommendations from the advisory entities on a number of groundfish issues, including alternative management approaches given insufficient funding of data programs; adjustment of rockfish and sablefish trip limits if necessary; Pacific whiting joint venture codend limitations; experimental fishery applications; enforcement issues, and other matters.

On April 7 the Council will continue consideration of salmon management issues. After receiving the SPDT's analysis, the Council will adopt final 1988 ocean salmon management measures. It will also address 1989 salmon plan amendment issues; habitat matters; the form and function of the Indian Affairs Committee, and other matters.

The Council will reconvene at 8 a.m., April 8 if necessary, to complete unfinished business.

Scientific and Statistical Committee (SCC)—will convene at 11 a.m., April 4 to consider matters on the Council's agenda, and will reconvene at 8 a.m., April 5. The SSC will meet jointly with the Groundfish Management Team, Groundfish Select Group (GSG), and Groundfish Advisory Subpanel, (GAP) at 1:30 p.m., April 4 to address research needs and alternative management approaches. The GSG will convene following this review to address trip limit adjustments for rockfish an sablefish.

SPDT—will meet as necessary April 4-8 to analyze the impacts of the 1988 management measures.

Salmon Advisory Subpanel—will convene at 1 p.m., April 4 to address salmon management issues on the Council's agenda, and will reconvene as necessary at 8 a.m., April 5, 6, and 7 to complete its business.

Budget Committee—will convene at 3 p.m., April 4 to consider Pacific Coast Fisheries Information Network funding, and the Council's calendar year 1988 budget.

GAP—will meet at 8 a.m., April 5 to address groundfish management issues on the Council's agenda.

Habitat Committee—will meet at 5 p.m., April 6 to address current, relevant habitat matters affecting fisheries under Council jurisdiction.

Detailed agendas for all of the above meetings will be made available to the public after March 21. For further information contact Mr. Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, Suite 420, 2000 SW. First Avenue, Portland, OR 97201; telephone: (503) 221-6352.

Date: March 18, 1988.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-6536 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-22-M

[Docket No. 80332-8032]

Information Relating to Bowhead Whales; U.S. Implementation of Strike Quota for 1988

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

ACTION: Notice of information and request for public comment.

SUMMARY: Information is published by NOAA for use in the development of the U.S. position before the International Whaling Commission (IWC) on the aboriginal/subsistence take of bowhead whales and in the domestic allocation of the existing IWC quota for bowhead whales to U.S. natives. By this notice, NOAA is soliciting public comment on the proposed allocation of the IWC bowhead whale catch limit in 1988.

DATE: Comments must be submitted on or before April 25, 1988.

ADDRESS: Written comments may be mailed to the Office of International Affairs, 1825 Connecticut Avenue NW., Room 919, National Marine Fisheries Service, Washington, DC, 20235. A list of documents reviewed for this action may be obtained on request, and the documents examined during business hours (9 a.m. to 5:00 p.m.) at this address.

FOR FURTHER INFORMATION CONTACT: Becky Rootes, (202) 673-5281.

SUPPLEMENTARY INFORMATION: NOAA is responsible for implementation and enforcement of the Marine Mammal Protection Act (16 U.S.C. 1361-1407), the Endangered Species Act (16 U.S.C. 1531-1543) and the Whaling Convention Act (16 U.S.C. 916-916l). In addition, it provides staff support to the U.S. Commissioner to the IWC and to the IWC Interagency Committee. Consistent with these responsibilities, the Agency develops positions for implementation

of the aboriginal/subsistence harvest of bowhead whales under Paragraph 13 of the Schedule to the International Convention on the Regulation of Whaling, December 2, 1946, 62 Stat. 1716, T.I.A.S. No. 1849 (entered into force, November 10, 1948). In order to provide for review and comment by the public of the data upon which the U.S. positions are based, the following information is provided: (1) The IWC catch level available for the U.S. aboriginal/subsistence bowhead whale harvest for 1988; (2) a summary of available bowhead scientific information including estimates of current population level and annual recruitment rates; (3) a summary of information on the nature and extent of aboriginal/subsistence need; (4) the level of aboriginal/subsistence harvest limits which could be implemented domestically; and (5) notice of the availability of those documents reviewed by NOAA and relied on by the Administrator of NOAA in making his findings on the range of harvest limits. By this notice, NOAA is soliciting public comment on the proposed domestic implementation of the IWC bowhead whale catch limit for 1988.

1. Catch Level

At the 39th Annual Meeting of the IWC, Bournemouth, U.K., June 22–26, 1987, the following catch limit was established for aboriginal/subsistence whaling: "the taking of bowhead whales from the Bering Sea stock by aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided that: * * * For the year 1988, 35 whales may be struck." (Schedule to the Convention, Paragraph 13(b)(1).)

2. Scientific Information

The IWC Scientific Committee agreed at the 1987 IWC meeting on an estimate of 7,200 (standard error of 2,400) as the current size of the bowhead whale population (from data collected in 1985). Based on a simulation analysis conducted by scientists at the 1987 IWC meeting, estimates were made of the number of animals that can be removed which will keep the population at its current level. This is known as the replacement yield (RY) which defines the number of whales annually recruited into the population that balances the number of deaths that occur. RY values of 39 to 184 animals were estimated for the range of population estimates of 4,800 and 9,600 based on one standard error (7,200 ± 2,400). The view of the IWC Scientific Committee was that estimates of replacement yield would be most appropriate for the population size of 7,200 resulting in a replacement yield of 55 to 173 bowheads.

3. Aboriginal/Subsistence Need

The Department of the Interior (DOI) conducted the last major analysis of the nature and extent of aboriginal/subsistence need for bowhead whales and whaling in 1983. The Department of Interior has contracted a new study on the quantification of subsistence and cultural need for bowhead whales which is not yet completed. The 1983 analysis provided the basis for the U.S. submissions to the IWC concerning aboriginal/subsistence need for 1983–87. The conclusions drawn by DOI in the 1983 report are as follows:

(1) Need based on historical catch per crew, 1960–1983 = 26 landed whales;

(2) Village need based on per capita returns = 24 landed whales; and

(3) Need based on participation = 26 landed whales.

The DOI conclusion was that the Alaskan Eskimos' need would be satisfied by 26 landed whales, and, using the best estimate then available of hunting efficiency, 52 strikes. Given the Alaska Eskimo Whaling Commission (AEWC) commitment to improve hunting efficiency, the final assessment by DOI was that the Alaskan Eskimos' need could be met with 35 strikes to land 26 whales. Until the new study contracted by DOI is submitted, the best information concerning Eskimo need continues to be for 35 strikes.

4. Domestic Harvest Range

The IWC management scheme for aboriginal/subsistence whaling provides in (Schedule paragraph 13(a)(2)): "For stocks below the maximum sustainable yield (MSY) level but above a certain minimum level, aboriginal/subsistence catches shall be permitted so long as they are set at levels which allow whale stocks to move to the MSY level." Given the above stated estimates of 55–173 whales recruited into the population annually, the aboriginal/subsistence catch can be permitted so long as it is set at a level that allows the whale stock to move to the MSY level.

The catch limit for bowhead whales for 1988, established by the IWC, is 35 strikes. The number under consideration for the 1988 catch limit is 35 strikes.

5. Documents Reviewed

A list of the documents reviewed for this action may be obtained on request from the address above. The documents are available for public inspection during the 30-day public comment period at the same address.

Authority: 16 U.S.C. 1361–1407, 1531–43, 916.

Dated: March 21, 1988.

Carmen Blondin,

Special Associate for Trade, NMFS.

[FR Doc. 88-6533 Filed 3-24-88; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1988; Addition and Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to and deletion from procurement list.

SUMMARY: This action adds to and deletes from Procurement List 1988 services to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: April 25, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On November 6, and December 28, 1987, The Committee for Purchase from the Blind and Other Severely Handicapped published notice (52 FR 42704 and 48861) of proposed addition to and deletion from Procurement List 1988, December 10, 1987 (52 FR 46926).

Additions

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77, and 41 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping, or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the service listed.

c. The action will result in authorizing small entities to provide the service procured by the Government.

Accordingly, the following service is hereby added to Procurement List 1988:

Service

Janitorial Service
Bonneville Power Administration
710 NE Hassalo Street
5804 NE Hassalo Street
5840 NE Hassalo Street
Portland, Oregon

Deletion

After consideration of the relevant matter presented, the Committee has determined that the service listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

Service

Pallet Repair
Naval Supply Center
Cheatham Annex
Williamsburg, Virginia

C.W. Fletcher,

Executive Director.

[FR Doc. 88–6580 Filed 3–24–88; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1988; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The committee has received proposals to add to Procurement List 1988 commodities and services produced or provided by workshops for the blind or other severely handicapped.

DATES: Comments must be received on or before April 25, 1988.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1988, December 10, 1987 (52 FR 46926):

Commodities

Tarpaulin
1440–01–126–8966
Card Set, Guide File
7530–00–249–5969
7530–00–261–3804
7530–00–261–3818
7530–00–861–1272
7530–00–861–1263
7530–00–861–1270
7530–00–261–3801
7530–00–261–3813
7530–00–261–3819
7530–00–861–1275
7530–00–574–7172
7530–01–175–1553
Bag, Plastic
8105–00–837–7753
8105–00–837–7754
8105–00–837–7755

Services

Computer Tape Verification
Tinker Air Force Base, Oklahoma
Janitorial Service
Phillips Buildings Complex
7900 and 7920 Norfolk Avenue
4915 St. Elmo Avenue
Bethesda, Maryland
Janitorial Services
AAFES Distribution Center
Newport News, Virginia
Removal of Tool Identification Numbers
Tinker Air Force Base, Oklahoma

C.W. Fletcher,

Executive Director.

[FR Doc. 88–6581 Filed 3–24–88; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange Proposed Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Commodity Futures Trading Commission ("Commission") previously published in the **Federal Register** a proposal of the Chicago Mercantile Exchange ("CME") for designation as a futures contract market in the Morgan Stanley Capital International EAFE (Europe, Australia and Far East) stock index. The Director of the Division of Economic Analysis ("Division") of the Commodity Futures Trading Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that, in this instance, an additional period for public comment is warranted.

DATE: Comments must be received on or before April 11, 1988.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the CME EAFE Stock Index futures contract.

FOR FURTHER INFORMATION CONTACT: Naomi Jaffe, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, (202) 254–7227.

SUPPLEMENTARY INFORMATION: On September 11, 1987, the Commission published in the **Federal Register**, for a 60-day comment period, a notice of availability of the CME's proposed terms and conditions for the EAFE Stock Index futures contract (52 FR 34404). On January 4, 1988, the Commission republished in the **Federal Register**, for a 30-day comment period, a notice of availability of this contract's proposed terms and conditions (53 FR 64). In a March 17, 1988 letter to the Commission, the CME requested that the Commission republish the terms and conditions of the proposed contract "so that the public and other interested parties may have a further opportunity to comment on the application." As noted, the Director of the Division has determined that, for this proposed contract, an additional comment period is warranted.

Copies of the terms and conditions of the proposed futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the CME in support of the application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CME in support of the application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW.,

Washington, DC 20581, by the specified date.

Issued in Washington, DC on March 22, 1988.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 88-6545 Filed 3-24-88; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant a Limited Exclusive Patent License to Sidney Weiser

The Department of the Army announces its intention to grant Sidney Weiser, 8502 Dakota Drive, Gaithersburg, MD 20877-4136, a limited exclusive license under U.S. Patent Appliction No. 089,893, filed August 27, 1987, entitled "Method of and Apparatus for Real Time Crystallographic Axis Orientation," by Sidney Weiser.

The proposed limited exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and the Department of Commerce's regulations at 37 CFR Part 404. The proposed license may be granted unless, within 60 days from the date of this notice, the Department of the Army receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest. All comments and materials must be submitted to the Intellectual Property Counsel of the Army, Patents, Copyrights, and Trademarks Division, Office of The Judge Advocate General, Department of the Army, 5611 Columbia Pike, Falls Church, VA 22041-5013.

For further information concerning this notice, contact: Lieutenant Colonel William V. Adams, Office of The Judge Advocate General, Attention: JALS-PC, Nassif Building, Room 332A, Falls Church, VA 22041-5013, Telephone No. (Area Code 202) 756-2622.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 88-6510 Filed 3-24-88; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Technology Services, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before April 25, 1988.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Jim Houser, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue SW., Room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 732-3915.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Information Technology Services, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: March 22, 1988.

Carlos U. Rice,

Director for Information Technology Services.

Office of Secondary Education and Rehabilitation Services

Type of Review: Extension
Title: Annual Report on State Agency Independent Living Rehabilitation Services
Frequency: Annually
Affected Public: State or local governments
Reporting Burden:
Responses: 79
Burden Hours: 632
Recordkeeping:
Recordkeepers: 0
Burden Hours: 0

Abstract: State agencies that have participated in the Independent Living Rehabilitation Program submit this report to the Department. The Department uses the information to assess the accomplishments of program goals and objectives, and to prepare the Annual Report to Congress.

Office of Postsecondary Education

Type of Review: New
Title: Fiscal Operations Report for the Income Contingent Direct Loan Demonstration Project
Frequency: Annually
Affected Public: State or local governments; businesses or other for-profit; non-profit institutions
Reporting Burden:
Responses: 10
Burden Hours: 100
Recordkeeping:
Recordkeepers: 10
Burden Hours: 0.2

Abstract: Postsecondary institutions that have participated in the Income Contigent Direct Loan Program submit this report to the Department. The Department uses the information to monitor assets and liabilities of the fund and to ensure that funds have been properly managed.

Office of Postsecondary Education

Type of Review: Reinstatement
Title: Feedback on Training Activity for Student Financial Assistance Programs
Frequency: On occasion
Affected Public: Individuals or households
Reporting Burden:
Responses: 42,420
Burden Hours: 6,363
Recordkeeping:
Recordkeepers: 0
Burden Hours: 0

Abstract: This form will be used to obtain feedback from postsecondary and high school personnel who have participated in training activities on the student financial assistance programs conducted by the Department. The Department uses the information to assess the effectiveness of training activities.

[FR Doc. 88-6569 Filed 3-24-88; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Albuquerque Operations Office

AGENCY: Albuquerque Operations Office, DOE.

ACTION: Notice of Restricted Eligibility for Cooperative Agreement Award.

NOTICE: The Department of Energy (DOE), Albuquerque Operations Office, in accordance with 10 CFR 600.7(b), gives notice of its intent to restrict eligibility for the award of a cooperative agreement to the State of New Mexico. This agreement will provide for funding and technical assistance to the State to assist the State in enhancing its emergency response capability as a result of planned shipments of radioactive waste to the Waste Isolation Pilot Plant (WIPP) site near Carlsbad, New Mexico. This Cooperative Agreement is being entered into in accordance with the Supplemental Stripulated Agreement Dated December 27, 1982, between DOE and the State.

FOR FURTHER INFORMATION CONTACT: James L. Robbins, U.S. Department of Energy, Albuquerque Operations Office, Contracts and Industrial Relations Division, P.O. Box 5400, Albuquerque, New Mexico 87115, (505) 846–4320.

Issued in Albuquerque, New Mexico, on March 8, 1988.

James G. Hoyal, Jr.,

Director, Contracts and Industrial Relations Division.

[FR Doc. 88–6576 Filed 3–24–88; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER88–292–000 et al.]

Iowa Electric Light and Power Co., et al.; Electric Rate and Corporate Regulation Filings

Take notice that the following filings have been made with the Commission:

1. Iowa Electric Light and Power Company

[Docket No. ER88–292–000]

March 21, 1988.

Take notice that on March 15, 1988, Iowa Electric Light and Power Company (Iowa Electric) tendered for filing proposed changes in its FERC Electric Service Tariff, Original Volume I. The proposed changes would increase revenues from jurisidictional sales and service by $875,074 based on the 12-month period ending December 31, 1986. Filing requirements are submitted under § 35.13(a)(2) of the Commission's Rule and Regulations.

Iowa Electric states that, under rates currently in effect, its overall rate of return realized from service to its resale customers is inadequate and below the level of the FERC generic bench mark. The proposed rates are designed to enable Iowa Electric to increase revenues by $875,084 in two phases. In Phase I existing rates would be increased by $290,767 per annum on March 1, 1988; and in Phase II rates would be increased by an additional $584,317 per annum on March 1, 1989.

Copies of the filings were served upon the public utility's jurisdictional customers, the Iowa State Utilities Board, and Iowa Office of Consumer Advocate.

Comment date: April 4, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. Wisconsin Electric Power Company

[Docket No. ER88–160–000]

March 21, 1988.

Take notice that on March 16, 1988, Wisconsin Electric Power Company (Wisconsin Electric) tendered for filing an amendment to its filing in the above-referenced docket. The filing was made in response to an information request from the Division of Electric Power Application and Review. Rate sheets detailing the specific charges applicable for Transactions No. 1 and 2 of the assigned power sales agreement between Wisconsin Electric and Public Power Inc. SYSTEM (WPPI SYSTEM) were provided.

Wisconsin Electric renews its request for an effective date of January 1, 1988.

Copies of the filing have been served on WPPI SYSTEM, the Public Service Commission of Wisconsin, and the Michigan Public Service Commission.

Comment date: April 4, 1988, in accordance with Standard Paragraph E at the end of this notice.

3. Fitchburg Gas and Electric Light Company

[Docket No. ER88–191–000]

March 22, 1988.

Take notice that on March 16, 1988, Fitchburg Gas and Electric Light Company (Fitchburg) tendered for filing an amendment to the initial rate schedule filed by Fitchburg on January 12, 1988, as amended February 24, 1988.

Fitchburg states that the purpose of the amendment is to adjust the rate for a change to the income tax factor. The revision results in a maximum rate of $9.55 per kilowatt-year for generation and $16.02 per kilowatt-year for transmission. There is no change in the filed energy charges.

Comment date: April 5, 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 appropriate action to be taken, but will not seved 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. 88–6607 Filed 3–24–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP88–280–000 et al.]

Trunkline Gas Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Trunkline Gas Company

[Docket No. CP88–280–000]

March 18, 1988.

Take notice that on March 9, 1988, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP88–280–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport gas for Tenngasco Exchange Corporation (Tenngasco), a marketer of natural gas, under the certificate issued in Docket No. CP86–586–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Trunkline proposes to transport up to 150,000 dt of natural gas per day and up to 14,000,000 dt of gas per year for Tenngasco. It is stated that Trunkline would receive the gas from Tenngasco at various existing points of interconnection on Trunkline's system in Illinois, Louisiana, offshore Louisiana

and Texas. Trunkline states that it would deliver the volumes for Tenngasco's account to Midwestern Gas Transmission Company (Midwestern) in Vermilion, Illinois for Midwestern's system supply. It is indicated that the transportation service would have a primary term of one month and would continue on a monthly basis thereafter.

Trunkline states that it filed an initial report in Docket No. ST88-2075-000, reporting that the service commenced January 4, 1988, under the automatic authorization provisions of § 284.223(a) of the Commission's Regulations. It is also stated that no construction of facilities would be required to effect the transportation service. Trunkline proposes to charge Tenngasco the applicable rate under Trunkline's currently effective Rate Schedule PT.

Comment date: May 2, 1988, in accordance with Standard Paragraph G at the end of this notice.

2. Mississippi River Transmission Corporation

[Docket No. CP88-271-000]

March 21, 1988.

Take notice that on March 3, 1988, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP88-271-000 a request pursuant to §§ 157.205 and 157.212 of the Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to add a delivery point to one of its existing firm sales customers, Arkansas Louisiana Gas Company (ALG), under the certificate issued in Docket No. CP82-489-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request filed with the Commission and open to public inspection.

MRT proposes to establish the new delivery point by installing a tap and appurtenant facilities including a 2" meter and regulator station to be located within MRT's right-of-way on its mainline system in the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of Section 25, T7N, R6W, White County, Arkansas. ALG requires the delivery of gas at the proposed location to serve the City of West Point, Arkansas. MRT states that it would supply no more than 120 Mcf of natural gas on a peak day and an estimated 8,600 Mcf of natural gas on an annual basis at the proposed delivery point. It is estimated that the total for all costs associated with the installation of the proposed facilities will be $40,000. MRT states that ALG would reimburse it for all costs associated with the installation of these facilities and the application filing fee.

MRT states that its FERC Gas Tariff does not prohibit the addition of new delivery points and that it has sufficient capacity to accomplish the deliveries proposed herein without detriment or disadvantage to its other customers. MRT states that it does not propose to increase or decrease the total daily and/or annual quantities it is authorized to deliver to ALG.

Comment date: May 5, 1988, in accordance with Standard Paragraph G at the end of this notice.

3. Trunkline Gas Company

[Docket No. CP88-290-000]

March 21, 1988.

Take notice that on March 11, 1988, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP88-290-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport gas on behalf of Intercon Gas, Inc. (Intercon), under the authorization issued in Docket No. CP86-586-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Trunkline would perform the proposed interruptible transportation service for Intercon, a gas marketer, for the system supply of four interstate pipeline companies, pursuant to a gas transportation agreement dated January 8, 1988. The term of the transportation agreement is from the initial date of service under § 284.223(a) of the regulations and would continue in effect month-to-month thereafter unless terminated by either party upon 30 days prior written notice. Trunkline proposes to transport on a peak day 80,000 dakatherm; on an average date 30,000 dakatherm; and on an annual basis 29,200,000 dekatherm of natural gas for Intercon. Trunkline proposes to receive the subject gas from various existing points of receipt on its system in Illinois, Louisiana, Offshore Louisiana, Tennessee and Texas. Trunkline would then transport and redeliver the subject gas, less 0.7 percent fuel and unaccounted for line loss, to an existing point of interconnection with: (1) United Gas Pipeline Company in St. Mary Parish, Louisiana; (2) Tennessee Gas Pipeline Company in St. Mary Parish, Louisiana; (3) Texas Eastern Transmission Company in Beauregard Parish, Louisiana; and (4) Transcontinental Gas Pipe Line Corporation in Beauregard Parish, Louisiana for the system supply of each of the Interstate pipeline companies.

Trunkline states that it would perform such transportation service for Intercom pursuant to its Rate Schedule PT. The current rate for the proposed transportation service is 14.56 cents per dekatherm received at the point of receipt, pursuant to Rate Schedule PT and the Commissions order issued April 30, 1987, in Docket No. RP87-15-008 (39 FERC § 61,100) and May 29, 1987, in Docket No. RP87-67-000 (39 FERC § 61,234). In addition to the above mentioned rate, Trunkline would charge the unit amount for the transportation of liquid and liquefiables as prescribed in its settlement in Docket No. RP80-106-010.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's regulations. Trunkline commenced such self-implementing service on January 8, 1988, in Docket No. ST88-2103-000.

Comment date: May 5, 1988, in accordance with Standard Paragraph G at the end of this notice.

4. Midwestern Gas Transmission Company

[Docket No. CP88-266-000]

March 21, 1988.

Take notice that on March 2, 1988, Midwestern Gas Transmission Company (Midwestern), P.O. Box 2511, Houston, Texas, 77252, filed an application pursuant to section 7(c) of the Natural Gas Act seeking a certificate of public convenience and necessity amending its authority to render firm transportation service for Northern States Power Company (Minnesota) a Minnesota corporation, and Northern States Power Company (Wisconsin), a Wisconsin Corporation (jointly referred to as NSP), all as more fully set forth in this application, which is on file with the Commission and open to public inspection.

Midwestern seeks authority to amend the transportation agreement comprising Rate Schedule T-9 to allow expanded service during five months of the year. Midwestern purposes for service during the Winter Season (November 1, to March 31): (1) To increase NSP's Winter Season Firm Transportation Quantity to 78,200 Dth/day; (2) to increase the Winter Season maximum receipt quantity at the Emerson Input Point to 50,360 Dth/day; and (3) to increase the firm transportation quantity downstream of the North Branch Input Point from 12,185 Dth/day to 22,200 Dth/day. It is stated that the receipt quantity

at the Downstream Receipt Points would only be limited by the Firm Transportation Quantity and the aggregate deliveries from the Midwestern system downstream of these Downstream Input Points. Midwestern states that the current Annual Quantity Entitlements, and the daily quantity limits during the remainder of the year would remain unchanged.

Midwestern's proposed receipt quantities are premised upon the authorization of the transportation service proposed in Docket No. CP87–106–000, according to Midwestern. Midwestern states that if its pending application in Docket No. CP87–106–000 is not approved, it requests alternative authority to increase the maximum receipt quantity at the Emerson Input Point during the Winter Season to 45,337 Dth/day. Midwestern adds that if its application in Docket No. CP87–106–000 is later approved, that it may have pregranted authority to, at that time, increase the maximum winter season Emerson Input Point receipt quantity from 45,337 Dth/day to 50,360 Dth/day.

Midwestern states that expansion of the T–9 service is feasible due to winter operating conditions and the pattern of system deliveries. Midwestern further states that NSP needs the expanded service to meet firm demand obligations and to replace propane peak shaving facilities.

Comment date: April 11, 1988, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

5. Columbia LNG Corporation

[Docket No. CP86–304–002]

March 21, 1988.

Take notice that on March 7, 1988, Columbia LNG Corporation ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, filed in Docket No. CP86–304–002, an amendment to its application for the certificate of public convenience and necessity issued under section 7(c) of the Natural Gas Act, as amended, in Docket No. CP86–304–000, 35 FERC ¶ 62,185 (1986) to provide for a new point of delivery to Washington Gas Light Company ("Washington") and for authorization to construct and operate subject point of delivery and to modify Columbia's Rate Schedule X–2, all as more fully set forth in the application on file with the Commission and open for public inspection.

It is stated that Applicant seeks authorization to construct a tap facility on its existing pipeline facilities to provide a new point of delivery to Washington and to transport and redeliver quantities of natural gas to Washington at the tap pursuant to the terms and conditions of Columbia's Rate Schedule X–2, which is a gas transportation agreement between Columbia and Washington dated January 31, 1986. It is further stated that the proposed 12-inch tap will be located near Centreville, Fairfax County, Virginia, and would permit delivery by Columbia directly into Washington's facilities located in Fairfax County.

Applicant states that Washington will reimburse Columbia for all expenses incurred in the construction and installation of the tap facility and for remote supervisory control at Columbia's Loudoun measuring station.

Comment date: April 11, 1988, in accordance with Standard Paragraph F at the end of this notice.

6. El Paso Natural Gas Company

[Docket No CP88–270–000]

March 21, 1988.

Take notice that on March 3, 1988, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP88–270–000 an application pursuant to section 7 of the Natural Gas Act (NGA) for a certificate of public convenience and necessity authorizing the revision and reinstitution of certain standby charges under its existing sales rate schedules, all as more fully set forth in the application which is on file with the commission and open to public inspection.

El Paso states that on December 31, 1987, El Paso filed, pursuant to section 4 of the NGA and Part 154 of the Commission's regulations, its notice of change of rates for natural gas service rendered to its jurisdictional customers for all rate schedules contained in its FERC Gas Tariff, Volume Nos. 1 and 1–A and certain rate schedules in Volume Nos. 2 and 2–A. El Paso states that as a part of this notice of change, it proposed *inter alia*, to reclassify certain costs from production to transmission for rate design purposes and otherwise to revise its existing rate design as reflected in its current rates established through the settlements in Docket Nos. RP85–58–000 and RP86–45–000. El Paso asserts that of particular relevance herein, as a direct consequence of the cost classification and revised rate design reflected in new rates proposed in Docket No. RP88–44–000, which is currently pending before the Commission, the existing standby charges in the existing sales rate schedules (Rate Schedules ABD–L, ABD–S,G,A–1–X and X–1) were proposed to be deleted.

El Paso States further that in a Commission order issued January 29, 1988, in Docket Nos. RP88–44–000 and CP88–203–000, the Commission accepted and suspended the effectiveness of El Paso's revised rates for five months until July 1, 1988, at which time these rates would be made effective subject to refund and certain conditions. It is stated that the Commission required that El Paso reclassify certain production area costs and revenues from transmission back to production area costs and revenues from proposed Capacity Reservation Changes and that it eliminate the differentiation in its proposed rates for interruptible transportation in its proposed rates for interruptible transportation under Rate Schedule T–1 and firm transportation under Rate Schedule T–3 between Capacity Reservation Charge Related and Non-Capacity Reservation Charge Related transportation. El Paso asserts that in doing so the Commission recognized that the requested changes might make it appropriate for El Paso to propose to add or waive certain charges through a "properly designed standby charge." El Paso feels that the Commission held that reinstatement of standby charges would require certificate authorization pursuant to Section 7 of the NGA.

El Paso further states that similar to the standby charges initially established in Docket No. RP86–45–000, the sales standby charges proposed in the instant application would be applicable to sales customers who elect to swing to transportation services while retaining their current call on sales gas. El Paso states that its customers have access to such service currently and consequently no new service is being proposed herein. El Paso believes that the standby charge would serve the necessary function of appropriately allocating the costs of providing previously authorized sales services and would provide El Paso with a means whereby those costs may be recovered from the customers on whose behalf they are incurred. El Paso asserts that the standby charge is simply a mechanism through which El Paso could be compensated for continuing to stand ready to provide sales service on demand during periods when customers are otherwise availing themselves of the opportunity to switch to transportation gas sources to meet requirements which would otherwise be served with El Paso sales gas.

El Paso explains that a customer who contracts for transportation service under Rate Schedule T–1 while retaining the current call on sales service would be billed a standby charge under the

appropriate sales rate schedule on a quantity equivalent to the volume of transportation gas taken in lieu of sales gas subject to certain exceptions more fully set forth in the application. Production area charges and field transportation charges otherwise payable under El Paso Rate Schedule T-1 would not apply with respect to volumes to which the standby charge is applicable.

El Paso explains, with respect to Rate Schedule T-3, a customer who elects to reserve the right to receive either sales gas or firm transportation, the standby charge would be billed based on 95 percent of the firm transportation contract demand quantity. Further, the customer would not be subject to the standby charge if and to the extent it elects to reduce its existing entitlement to receive El Paso's sales gas and when a customer has paid a standby charge the associated production area charges and field transportation charges would not be payable.

Comment date: April 11, 1988, in accordance with Standard Paragraph F at the end of this notice.

7. United Gas Pipe Line Company

[Docket No. CP88-272-000]

March 21, 1988.

Take notice that on March 3, 1988, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, pursuant to section 7(b) of the Natural Gas Act, as amended, filed in Docket No. CP88-272-000 an application requesting an order permitting and approving abandonment of facilities located within its gas gathering system located in Brooken Field in Haskell County, Oklahoma.

United states in its Application that it has released from contract its reserves connected to the Brooken Field System since it no longer has, or foresees, a need for this gas. United also states that the Brooken Field System is located some distance from and is not connected to United's main system, and that it would be economically more efficient for United to dispose of the system rather than to continue to incur the attendant operation and maintenance expense. United has entered into an agreement of sale of the Brooken Field System to Stellar Gas Company, a Texas corporation, and submits that the present and future public interst is best served by allowing United to abandon the certificated facilities located within the Brooken Field System and thereby remove them from United's rate base, as is more fully set forth in the Application which is on file with the Commission and open for public inspection.

Comment date: April 11, 1988, in accordance with Standard Paragraph F at the end of this notice.

8. Shenandoah Gas Company

[Docket No. CP88-278-000]

March 21, 1988.

Take notice that on March 7, 1988, Shenandoah Gas Company (Shenandoah), P.O. Box 2400, Winchester, Virginia 22601 filed in Docket No. CP88-278-000 an application pursuant to section 7 of the Natural Gas Act (NGA) and § 284.224 of the Commission's regulations for a blanket certificate of public convenience and necessity authorizing transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Shenandoah requests authority to use its jurisdictional transmission system to engage in self-implementing interruptible transportation of customer-owned volumes of gas to end-users located in its section 7(f) of the NGA service area in the states of Virginia and West Virginia. Shenandoah also requests that the Commission declare that it is eligible to be treated as a local distribution company for the purposes of section 311 of the Natural Gas Policy Act of 1978

Comment date: April 11, 1988, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., 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 385.211 and 385.214) 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 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 filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is 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 format 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 the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-6609 Filed 3-24-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF88-274-000 et al.]

C-E Huntington Limited Partnership et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

Comment Date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

March 22, 1988.

Take notice that the following filings have been made with the Commission.

1. C-E Huntington Limited Partnership

[Docket No. QF88-274-000]

On March 2, 1988, C-E Huntington Limited Partnership (Applicant), of 7 Waterside Crossing, Windsor, Connecticut 06095 submitted for filing an application for certification of a facility

as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Huntington, New York. The facility will consist of three stoker-fired waterwall steam generators and a steam turbine generator. The maximum net electric power production capacity of the facility will be 22 megawatts. The primary energy source will be Biomass in the form of municipal solid waste. Natural gas will be used for start-up, shut-down and temperature control, however, such fossil fuel usage will not exceed 15% of the total energy input to the facility during any calendar year period.

2. American REF-FUEL Company of Lehigh Valley

[Docket No. QF86-289-001]

On February 25, 1988, American REF-FUEL Company of Lehigh Valley (Applicant), of P.O. Box 3151, Houston, Texas 77253 submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility as originally proposed was to consist of two solid waste-fired steam generators with a combined capacity of 750 tons per day and net electric power production capacity of 19.4 MW.

By order issued January 28, 1986, the Commission granted certification of the facility as a small power production facility (34 FERC ¶ 62,239).

The recertification is requested due to an increase in the steam generator's capacity and the net electric power production capacity to 1000 tons per day and 32 MW respectively.

3. A. Johnson Energy Development, Inc.

[Docket No. QF88-282-000]

On March 1, 1988, A. Johnson Energy Development, Inc. (Applicant), of 110 East 59th Street, New York, New York 10022 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Monterey County, California. The facility will consist of a fluidized bed steam generator and an extraction/condensing turbine generator. The net electric power production capacity will be approximately 16 megawatts. The primary energy source will be biomass in the form of wood waste. Natural gas will be used for start-up purposes, however, such fossil fuel usage will not exceed 1.01% of the total energy input to the facility during any calendar year period.

4. Hanover Energy Associates

[Docket No. QF88-278-000]

On February 26, 1988, Hanover Energy Associates, a Massachusetts Limited Partnership (Applicant), of 87 Elm Street, Cohasset, Massachusetts 02025, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located on Route 738, Doswell, Virginia. The facility will consist of four combustion turbine generators, four waste heat recovery steam generators and two extraction/condensing steam turbine generators. The thermal output of the facility, in the form of steam, will be used by National Energetics Company in the production of carbon dioxide. The primary energy source for the facility will be coal and natural gas. A coal gasification facility, to be located at the site, will consist of twenty-four to twenty-eight Wellman-Galusha gasifiers. The electric power production capacity of the facility will be 698 MW. The facility is expected to be operational by July 1, 1990.

5. Killingly Energy Limited Partnership

[Docket No. QF88-287-000]

On March 9, 1988, Killingly Energy Limited Partnership (Applicant), of 100 Clinton Square, Suite 400, Syracuse, New York 13202, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The proposed small power production facility will be located at Louisa Viens Drive, Killingly, Connecticut. The Plant will consist of a boiler, condensing steam turbine generators, and cooling towers. The primary energy source will be biomass in the form of wood waste. The net electric power production capacity of the facility will be 32.2 MW. Startup of the new facility is expected to begin in January 1992.

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. 88-6608 Filed 3-24-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2260-001]

James J. Howard; Filing

March 22, 1988.

Take notice that on March 16, 1988, James J. Howard filed an application pursuant to section 305(b) of the Federal Power Act for Commission authorization to hold concurrently the following positions:

Position	Name of corporation
Chairman, President and Chief Executive Officer:	
Director	Northern States Power Company—Minnesota.
Director	Equitable Life Assurance Society of the United States.

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, 385.214). All such motions or protests should be filed on or before April 4, 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 proceedings. 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. 88-8612 Filed 3-24-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-265-001]

Mesa Operating Limited Partnership; Application for Extension of Blanket Limited-Term Abandonment and Certificate With Pregranted Abandonment

March 22, 1988.

Take notice that on January 14, 1988, Mesa Operating Limited Partnership, One Mesa Square, Amarillo, Texas 79189, filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for amendment of its blanket limited-term abandonment and certificate with pregranted abandonment previously issued by the Commission for a term expiring March 31, 1988, to extend such authorization for a three year term, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 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. 88-6543 Filed 3-24-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI88-357-000 et al.]

N-Gas, Inc., et al.; Applications for Blanket Limited-Term Certificates With Pregranted Abandonment [1]

March 22, 1988.

Take notice that each Applicant listed herein has filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for a blanket certificate with pregranted abandonment authorization for the term listed herein, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 7, 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.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Requested term of extension
CI88-357-000, Mar. 11, 1988	N-Gas, Inc., 104 South Broadway, Wichita, Kansas 67202	Unlimited.
CI88-363-000, Mar. 16, 1988	Woodward Marketing, Inc., 5300 Hollister, Suite 350, Houston, Texas 77040	3 years.

[FR Doc. 88-6610 Filed 3-24-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI88-74-001]

Panhandle Trading Co.; Application for Extension of a Blanket Limited-Term Certificate With Pregranted Abandonment

March 21, 1988.

Take notice that on March 17, 1988, Panhandle Trading Company (PTC), P.O. Box 1354, Houston, Texas 77251-1354, filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for amendment of its blanket limited-term certificate with pregranted abandonment previously issued by the Commission for a term expiring March 31, 1988, to extend such authorization for an unlimited term and to authorize sales by others to PTC, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 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. 88-6611 Filed 3-24-88; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3355-2]

Environmental Impact Statements; Availability

Availability of Environmental Impact Statements Filed March 14, 1988 Through March 18, 1988 Pursuant to 40 CFR 1506.9

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

EIS No. 880082, Final, COE, CO, Metropolitan Denver Water Supply Project, Two Forks Dam and Reservoir and Williams Fork Gravity Collection System Construction, 404 Permit and Approvals, Douglas, Jefferson and Grand Counties, CO, Due: May 5, 1988, Contact: Steven G. West (402) 221-3900

EIS No. 880083, FSuppl, FHW, NC, US 74/Independence Boulevard Corridor Improvements, Mecklenburg County to Uptown Charlotte, Additional Alternatives, Funding, Mecklenburg County, NC, Due: April 15, 1988, Contact: Kenneth L. Bellamy (919) 856-4346

Federal Highway Administration and the Urban Mass Transportation Administration are Joint Lead Agencies on this project.

EIS No. 880084, Final, AFS, CA, Los Padres national forest, Land and Resource Management Plan, Implementation, Monterey, San Luis Obispo, Santa Barbara, Ventura and Los Angeles Counties, CA, Due: April 25, 1988, Contact: Gerald Little (805) 683-6711

EIS No. 880085, Draft, FHW, GA, US 411 Relocation, US 411/GA-20 Interchange with US 41 to US 411 Interchange with I-75, Funding and 404 Permit, Bartow County, GA, Due: May 9, 1988, Contact: Louis Papet (404) 347-4751

EIS No. 880086, FSuppl, COE, CA, Oakland Outer and Inner Harbor, Deep Draft Navigation Improvements, Alcatraz Dredged Material Disposal Site, Changed Conditions, Implementation, Alameda County, CA, Due: April 25, 1988, Contact: Patricia Duff (415) 974-0441

EIS No. 880087, Final, EPA, GA, Brunswick Ocean Dredged Material Disposal Site Designation for Material Dredged from the Brunswick Harbor, GA, Due: April 25, 1988, Contact: Sally Turner (404) 347-2126

EIS No. 880088, Final, FHW, MN, US 10/US MN Trunk Highway 10 Improvements, CSAH-77 near Bluffton to CSAH-53 south Motley, Funding and 404 Permit, Otter Tail, Wadena, Todd and Morrison Counties, MN, Due: April 25, 1988, Contact: Charles E. Foslien (612) 290-3232

EIS No. 880089, Draft, AFS, OR, Silver Fire Recovery Project Area, August thru November 1987 Silver Complex Fire Land Management Plan, Implementation, Siskiyou National Forest, Josephine and Curry Counties, OR, Due: May 9, 1988, Contact: Richard Stem (503) 479-5301

EIS No. 880090, Final, BLM, CA, Arcata Resource Area Wilderness Study Areas (WSAs) Wilderness Recommendations, Designation or Nondesignation, King Range and Chemise Mountain WSAs, Ukiah District, Humboldt and Mendocino Counties, CA, Due: April 25, 1988, Contact: Bob Barney (916) 978-4722

Amended Notices

EIS No. 870462, Draft, AFS, Mount Baker-Snoqualmie National Forest, Land and Resource Management Plan, Implementation, King, Pierce, Skagit, Snohomish and Whatcom Counties, WA, Due: May 2, 1988, Contact: Lyle E. Jack (206) 442-4888 Published FR 01-08-88—Review period extended.

EIS No. 880032, Draft, USA, Dugway Proving Ground, Biological Aerosol Test Facility (BATF), Construction and Operation, Baker Laboratory, Tooele and Juab Counties, UT, Due: April 1, 1988, Contact: Kenneth C. Kirkman (801) 831-3417. Published FR 02-12-88—Review period extended

EIS No. 880069, Final, COE, Saw Mill River Basin Flood Control Plan, Old Nepperan Avenue Bridge to near the former Tompkins Avenue Bridge, Nepara Park, City of Yonkers, Westchester County, NY Contact: Peter Doukas (212) 264-4662 Published FR 3-11-88—Retracted due to noncompliance of distribution (1506.9).

Dated: March 22, 1988.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 88-6633 Filed 3-24-88; 8:45 am]

BILLING CODE 6560-50-M

[(DR-FRL-3354-8)]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 7, 1988 through March 11, 1988 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-K61091-CA, Rating LO, Shasta and Trinity Units, Revised Operation and Development Plan, Whiskeytown-Shasta-Trinity National Recreational Area, Implemenation, Shasta and Trinity National Forests, Shasta and Trinity Counties, CA

Summary:

EPA expressed a lack of objections to this project, but requests that the Forest Service record of decision commit to the DEIS mitigation measures to protect and improve water quality on the lakes and surface waters of the NRA.

Final EISs.

ERP No. F-BLM-G61031-NM, New Mexico Statewide Wilderness Study Areas, Wilderness Recommendtaions, Designation or Nondesignation, several Counties, NM. Summary: EPA feels this project satisfactorily responds to previous concerns. EPA has no objections to the project as proposed.

ERP No. F-IBR-L39044-OR, Umatilla Basin Water Supply Project, Umatilla River Streamflows Improvement and Salmon and Steelhead Fish Runs Restoration, Implementation and Funding, Umatilla and Morrow Counties, OR.

Summary:

EPA's review of this project was not deemed necessary. No formal comments were made to the agency.

ERP No. F-SFW-L64036-AK, Yukon Delta National Wildlife Refuge, Long Term Management Plan and Wilderness Review, Implementation.

Summary:

EPA continues to have environmental concerns with the preferred alternative. EPA suggested that activities with impacts that require monitoring should

be delayed until adequate funding and staff levels are assured.

Regulations

ERP No. R–ASC–A99182–00, 7 CFR Part 704; Conservation Reserve Program Interim Rule to Amend Regulation (53 FR 733).

Summary:

EPA commends ASC on the amendments authorizing filter strips and encouraging free planting on lands enrolled in the Conservation Reserve Program Program. EPA suggests additional changes to increase environmental benefits.

Dated: March 22, 1988.

William D. Dickerson,

Deputy Director Office of Federal Activities.

[FR Doc. 88–6634 Filed 3–24–88; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3354–6]

Proposed Administrative Settlement and Opportunity to Comment; Harold Dellett et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed administrative settlement and opportunity for public comment.

SUMMARY: EPA is providing notice of a proposed administrative settlement for recovery of EPA's response and oversight costs pursuant to section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986. Public Comment is also solicited by this notice.

Under 42 U.S.C. 9606, EPA is authorized to enter into and to issue Orders requiring among other things, investigation and cleanup of facilities where hazardous substances may or have been released. 42 U.S.C. 9607 provides that a party responsible for the release is liable for costs expended by the United States in its response to the problem. 42 U.S.C. 122(h) provides EPA with authority to consider, compromise and settle a claim for costs incurred by the United States if the case has not been referred to the Department of Justice. Because this case is one in which the United States has incurred costs less than $500,000, EPA may compromise and settle the claim without the prior written approval of the Attorney General. This Notice pertains to the settlement of a case which has not been referred to the Department of Justice.

Three responsible parties have completed cleanup of PCB contamination at the facility which is located in Escondido, California. The responsible parties are: Harold Dellett, owner of the facility, ATI Inc, lessee, and CSI, Inc. sublessee. Cleanup activities included: demolition and off-site disposal of contaminated buildings; removal and off-site disposal of PCB-contaminated soil; and post-cleanup soil sampling to confirm that established cleanup levels were achieved.

EPA expended $179,193 over a three-year period to conduct initial soil sampling and to oversee the responsible parties' cleanup. The responsible parties have agreed to reimburse $144,000 of the total costs expended by EPA in settlement of this case. EPA believes that the settlement is fair and in the public interest.

EFFECTIVE DATE: April 25, 1988. Comments will be considered if received before the effective date.

ADDRESS: Comments may be mailed to: Betsy Curnow, United States Environmental Protection Agency, 215 Fremont Street, T–4, San Francisco, California, 94105.

FOR FURTHER INFORMATION CONTACT: Betsy Curnow, (415) 974–8364.

Dated: February 29, 1988.

Jeff Zelikson,

Director, Toxics and Waste Management Division, EPA Region 9.

[FR Doc. 88–6549 Filed 3–24–88; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59841); FRL–3354–4]

Certain Chemical Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984 (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of thirteen such PMNs and provides a summary of each.

DATES: Close of Review Periods:

Y 88–104 and 88–105	Feb. 18, 1988.
Y 88–106 and 88–107	Feb. 21, 1988.
Y 88–108 and 88–109	Feb. 22, 1988.
Y 88–110 and 88–111	Feb. 23, 1988.
Y 88–112	Feb. 24, 1988.
Y 88–113 and 88–115	Feb. 28, 1988.
Y 88–116 and 88–117	Mar. 2, 1988.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M Street SW., Washington, DC 20460, (202) 382–3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the Public Reading Room NE–G004 at the above address between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays.

Y 88–104

Manufacturer. Essex Specialty Products, Inc.

Chemical. (G) Polyisocyanate polymer.

Use/Production. (G) Resin solution for coatings. Prod. range: conf

Y 88–105.

Importer. BASF Corporation Engineering Plastics.

Chemical. (G) Polyethersulfone.

Use/Import. (S) Polymer. Import range: Conf

Y 88–106

Manufacturer. Confidential.

Chemical. (S) 2-Methylpentamethylene diamine; zinc oxide; isoph-thalic acid; othophosphorous acid; high molecular wt aliphatic primary alcohol.

Use/Production. (G) Pigment. Prod. range: 375,000 kg/yr.

Y 88–107

Importer. Confidential.

Chemical. (G) Polyester.

Use/Import. (G) Coating. Import range: Conf

Y 88–108

Manufacturer. C.J. Osborn Div of Suvar Corporation.
Chemical. (G) Water dispersible epoxy.
Use/Production. (S) Pigmented and clear finishes. Prod range: Conf

Y 88–109

Manufacturer. Confidential.
Chemical. (G) Modified polyester.
Use/Production. (G) Resin. Prod range: Conf

Y 88–110

Manufacturer. Confidential.
Chemical. (G) Phenolic modified alkyd resin.
Use/Production. (S) Protective coatings. Prod range: 16,000 kg/yr.

Y 88–111

Manufacturer. Confidential.
Chemical. (G) Alkyd resin.
Use/Production. (S) Resin used to manufacture Industrial coatings. Prod range: Conf

Y 88–112

Importer. Confidential.
Chemical. (G) Acrylic copolymer.
Use/Import. (G) Coatings. Import range: Conf

Y 88–113

Importer. UNI–NYF, Inc.
Chemical. (S) Methyl ethyl ketoxine; diphenyl methane diisocyanate.
Use/Import. (S) Resin. Import range: 23,000 kg/yr.

Y 88–115

Manufacturer. Confidential.
Chemical. (G) Acrylic polymer.
Use/Production. (S) Protective coatings. Prod range: 3,000 kg/yr.

Y 88–116

Importer. Hitachi Chemical Co. America, LTD.
Chemical. (G) Methyl methacrylate polymer.
Use/Import. (G) Circuit board imagery. Prod. range: Confidential.

Y 88–117

Importer. Hitachi Chemical Co. America, LTD.
Chemical. (G) Methyl methacrylate polymer.
Use/Import. (G) Circuit Board Imagery. Prod. range: Confidential.

Date: March 17, 1988.

Steve Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 88–6553 Filed 3–24–88; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067–0120.
Title: Implementation of Coastal Barriers Resources Act.
Abstract: Section II of the Coastal Barriers Resources Act prohibits the sale of National Flood Insurance Program policies for new construction and substantial improvements of structures on undeveloped coastal barriers on or after October 1, 1983. The information collection is used by FEMA to determine that a structure is neither new construction or a substantial improvement, and, therefore, is eligible for flood insurance.
Type of Respondents: Individuals or households, State or local governments, farms, businesses or other for profit, Federal agencies or employees, nonprofit institutions, small businesses or organizations.
Number of Respondents: 25.
Burden Hours: 38.
Frequency of Recordkeeping or Reporting: On occasion.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646–2624, 500 C. Street, SW., Washington, DC 20472.

Comments should be directed to Francine Picoult, (202) 395–7231, Office of Management and Budget, 325 NEOB, Washington, DC 20503 within two weeks of this notice.

Date: March 18, 1988.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 88–6540 Filed 3–24–88; 8:45 am]

BILLING CODE 6718–21–M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Applicants

Notice is given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR Part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarder and Passenger Vessel Operations, Federal Maritime Commission, Washington, DC 20573.

L. A. Express, Inc., dba Team International, 161 Prescott St., East Boston, MA 02128, Officers: Leo Lyons, President/Director, Donald Lombardi, Treasurer/Director

Margaret Lacock Bennett, dba Pacific Rim Export Services, 127 Esplanade, San Clemente, CA 92672, Officer: Margaret Lacock Bennett, Sole Proprietor

Marvin L. Nelson, 7500 212th SW., Suite 116 S/T, Edmonds, WA 98020, Officer: Marvin L. Nelson, Sole Proprietor

BWI Transworld IL, Inc., 9400 W. Foster, Chicago, IL 60656, Officers: George Wellander, President/Director, Mary Ann Wellander, Secretary

Florida National Brokers, Inc., 6917 N.W. 50th St., Miami, Florida 33166, Officers: Victor Llarena, President/Stockholder, Emilio P. Leon, Director/Stockholder, Peter Jacobs, Director/Stockholder

P. Malinbaum Inc., dba Euro Transport Connections, 423 Hindry Avenue #C, Inglewood, CA 90301, Officers: Patrice Malinbaum, President, Lori Malinbaum, Vice President, Frank Miya, Secretary

P.T.L. Air Freight Inc., 145 Hook Creek Blvd., Valley Stream, New York, 11581, Officers: Jay C. McQuillen, President/Secretary, Joan McQuillen, Vice President/Treasurer.

Dated: March 22, 1988.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 88–6573 Filed 3–24–88; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Algemene Bank Nederland, N.V., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to

banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

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 on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statment of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than April 8, 1988.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Algemene Bank Nederland, N.V.*, Amsterdam, The Netherlands; A.B.N.—Stichting, Amsterdam, The Netherlands; ABN/LaSalle North America, Inc., Chicago, Illinois; and LaSalle National Corporation, Chicago, Illinois; to acquire 100 percent of the voting shares of Lane Data Services, Inc., Northbrook, Illinois, and thereby engage in the provision of courier services pursuant to § 225.25(b)(10) of the Board's Regulation Y.

2. *R & J Financial Corporation* Elma, Iowa; to engage in general insurance agency activities pursuant to § 225.25(b)(8)(iv) of the Board's Regulation Y. These activities will be conducted in the State of Iowa and any state or states immediately adjacent thereto plus any state in which specific insurance agency activity was conducted or approved to be conducted prior to May 1, 1982. Applicant will acquire the insurance activities from its subsidiary, Peoples Savings Bank, Elma, Iowa. Comments on this application must be received by April 15, 1988.

Board of Governors of the Federal Reserve System, March 21, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-6505 Filed 3-24-88; 8:45 am]

BILLING CODE 6210-01-M

Change in Bank Control; Acquisitions of Shares of Banks or Bank Holding Companies; Auckland Pension Funds Ltd. et al.

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 that notice or to the offices of the Board of Governors. Comments must be received not later than April 11, 1988.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President), 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Auckland Pension Funds Limited*, Wellington, New Zealand; Industrial Equity (Pacific) Limited, Hong Kong; Brierley Investments Limited, Wellington, New Zealand; Citizens & Glaziers Life Assurance Co., Limited, Sydney, Australia; Wilbur Enterprises Limited, Hong Kong; Industrial Equity Limited, Sydney, Australia; and Zorzan Investments Limited, Hong Kong; to acquire 12.03 percent of the voting shares of Whitney Holding Corporation, New Orleans, Louisiana, and thereby indirectly acquire Whitney National Bank, New Orleans, Louisiana.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Senior Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Charles Travis Henderson*, Oklahoma City, Oklahoma; to acquire 81.64 percent of the voting shares of Choctaw Bancorp, Inc., Choctaw, Oklahoma, and thereby indirectly acquire Choctaw State Bank, Choctaw, Oklahoma.

Board of Governors of the Federal Reserve System, March 21, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-6506 Filed 3-24-88; 8:45 am]

BILLING CODE 6210-01-M

Corestates Financial Corp. et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act 12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The 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 on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 15, 1988.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *CoreStates Financial Corp.*, Philadelphia, Pennsylvania; to engage *de novo* through its subsidiary, Signal

Financial Corporation, Pittsburgh, Pennsylvania, in acting as agent for the sale of insurance that is limited to ensuring the repayment of the outstanding balance due on extensions of credit in the event of involuntary unemployment of the debtor pursuant to § 225.25(b)(8)(i)(B) of the Board's Regulation Y. These activities will be conducted in the states of Florida, Maryland, Ohio, Pennsylvania, and Virginia.

Board of Governors of the Federal Reserve System, March 21, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-6507 Filed 3-24-88; 8:45 am]

BILLING CODE 6210-01-M

ENB Financial Corp. 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 April 15, 1988.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *ENB Financial Corporation,* Elkridge, Maryland; to become a bank holding company by acquiring 100 percent of the voting shares of Elkridge National Bank, Elkridge, Maryland.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Moundville Bancshares,* Moundville, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Moundville, Moundville, Alabama.

Board of Governors of the Federal Reserve System, March 21, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-6508 Filed 3-24-88; 8:45 am]

BILLING CODE 6210-01-M

The Sanwa Bank, Ltd., Osaka, Japan; Application To Engage in Various Securities and Financial Advisory Activities

The Sanwa Bank, Limited, Osaka, Japan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) ("BHC Act") and § 225.23(a)(2) and (3) of the Board's Regulation Y (12 CFR 225.23(a)(2) and (3)), to acquire Brophy, Gestal, Knight & Co., L.P., New York, New York ("Company"), a primary dealer in U.S. government securities, and thereby engage in:

(1) Underwriting and dealing in obligations of the United States, general obligations of states and their political subdivisions, and other obligations that state member banks are authorized to underwrite and deal in under 12 U.S.C. 24 and 335 ("bank-eligible securities") pursuant to 12 CFR 225.25(b)(16) and engaging in activities incidental thereto including repurchase and reverse repurchase transactions and the provision of clearing, settling, accounting, record keeping and other ancillary services to those counterparties with which it deals that do not maintain accounts with clearing agencies;

(2) Engaging in futures, forward and options contracts on bank-eligible securities for hedging purposes in accordance with 12 CFR 225.142;

(3) Providing discount brokerage services in accordance with 12 CFR 225.25(b)(15);

(4) Providing portfolio investment advice and research and furnishing general economic information and advice, general economic statistical forecasting services and industry studies pursuant to 12 CFR 225.25(b)(4) (iii) and (iv) in connection with and as an incident to the proposed bank-eligible securities activities but not in connection with its brokerage activities;

(5) Providing advice in connection with financing transactions to nonaffiliated institutional customers in accordance with the limitations set forth in *Signet Banking Corporation,* 73 Federal Reserve Bulletin 59 (1987); and

(6) Acting as a futures commission merchant ("FCM") for nonaffiliated persons in the execution and clearance on major commodity exchanges of futures contracts and options on futures contracts for bullion, foreign exchange, government securities, certificates of deposit, and other money market instruments that a bank may buy or sell in the cash market for its own account; and providing investment advice to institutional Customers in conjunction therewith as permitted by 12 CFR 225.25(b)(18) and (19) respectively (until Company becomes a registered FCM. Applicant proposes that Company continue to receive customer orders to purchase and sell financial contracts and pass them on to FCM's for execution, clearing and settlement for a fee; Company would not take a position as principal in such contracts).

Applicant has also applied for approval to acquire indirectly through the Company 1 percent of the voting shares of Liberty Brokerage, Inc., New York, New York, an inter-dealer blind broker of government securities.

Applicant contends that its proposed acquisition of Company will be procompetitive, will provide Company with a stronger capital base and access to broader customer base and will not result in adverse effects.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than April 15, 1988. Any request for a hearing must, as required by 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of San Francisco.

Board of Governors of the Federal Reserve System, March 21, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-6509 Filed 3-24-88; 8:45 am]

BILLING CODE 6210-01-M

Bancorp New Jersey, Inc., et al.; Formation of; Acquisition by; and Mergers of Bank Holding Companies; Correction

This notice corrects a previous **Federal Register** notice (FR Doc. 88–2860) published at page 4074 of the issue for Thursday, February 11, 1988.

Under the Federal Reserve Bank of New York, the entry for Bancorp New Jersey, Inc. is revised to read as follows:

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Bancorp New Jersey, Inc.*, Somerville, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of New Jersey Savings Bank, Somerville, New Jersey. Bancorp thereby will acquire indirectly High Acre Realty Corporation, NJS Advisory Services, Inc., and NJS Realty Corporation, and engage in real estate brokerage and real estate property appraisal services.

Comments on this application must be received by April 11, 1988.

Board of Governors of the Federal Reserve System, March 21, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88–6504 Filed 3–24–88; 8:45 am]

BILLING CODE 6210–01–M

Beverly Bancorporation, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has 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 225.24) 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)).

The 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 indicated for that application 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.

Comments regarding this application must be received not later than April 7, 1988.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Beverly Bancorporation, Inc.*, Chicago, Illinois; to acquire 100 percent of the voting shares of Martinsville State Bank, Martinsville, Illinois, and thereby relocate its office to Lockport, Illinois, and change its name to Beverly Bank of Lockport.

Board of Governors of the Federal Reserve System, March 23, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88–6650 Filed 3–24–88; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on February 26, 1988.

Social Security Administration

(Call Reports Clearance Officer on 301–965–4149 for copies of package.)

1. Application for Retirement Insurance Benefits —0960–0007— The information is needed to determine an applicant's eligibility to retirement insurance benefits. Respondents: Individuals or households. Number of Respondents: 1,560,000; Frequency of Response: One-time *Estimated Annual Burden:* 273,000 hours.

2. Letter to Employer Requesting Wage Information —0960–0184— This form is used by SSA to verify the wages paid to an SSI claimant or recipient to determine to what extent that person can be entitled to SSI payments. Respondents: Businesses or other for-profit, Small businesses or organizations. Number of Respondents: 259,100; Frequency of Response: Occasionally; Estimated Annual Burden: 23,750 hours.

3. Report to U.S. Social Security Administration by Person Receiving Benefits for a Child or for an Adult Unable to Handle Funds (and) Report to U.S. Social Security Administration—0960–0049—These forms are used by SSA to determine the continuing entitlement and benefit amounts of social security beneficiaries who live outside the United States. Respondents: Individuals or households. Number of Respondents: 325,000; Frequency of Response: Annually; Estimated Annual Burden: 32,500 hours.

4. Disability Return to Work Mailer—NEW—The information collected will test the effectiveness of using a mailer to identify title II disability beneficiaries who have returned to work. Respondents: Individuals or households. Number of Respondents: 23,600; Frequency of Response: One-time; Estimated Annual Burden: 4,074 hours.

OMB Desk Officer: Elaina Norden

Health Care Financing Administration

(Call Reports Clearance Officer on 301–594–1238 for copies of package.)

1. Intermediary's Request to Hospital for Medical Information on Inpatient Claims for Statutorily Excluded Services—0938–0224—This information collection is to enable intermediaries to obtain hospital medical records for inpatient claims involving statutorily excluded services. Respondents: State or local governments, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations. Number of Respondents: 116; Frequency of Response: Occassionally; Estimated Annual Burden: 29 hours.

2. Intermediary Request to Skilled Nursing Facilities for Medical Information on Claims to be processed—0938–0223—This information is collected and used by fiscal intermediaries to determine medical coverage for skilled nursing facilities. Respondents: Businesses or other for-profit, Non-profit institutions. Number of Respondents: 7,381; Frequency of Response: Occasionally; Estimated Annual Burden: 176,663 hours.

3. HMO/CMP Disenrollment Survey Form—NEW—The purpose of the survey is to determine whether medicare beneficiaries disenroll for the HMO/CMP for reasons related to health care needs and their ability to get care. Respondents: Individuals or households. Number of Respondents: 13,931; Frequency of Response: One-time; Estimated Annual Burden: 3,483 hours.

OMB Desk Officer: Allison Herron.

Office of Human Development Services

(Call Reports Clearance Officer on 202–472–4415 for copies of package.)

1. State Long-Term Care Ombudsman Report—0980–0121—The Older Americans Act requires State Agencies on Aging to establish a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long term care facilities for the purpose of identifying and resolving significant problems, with provisions for submission of such data to the agency of the State responsible for licensing or certifying long term care facilities. Respondents: State or local governments. Number of Respondents: 52; Frequency of Response: One-time; Estimated Annual Burden: 832 hours.

2. Programs Performance Report for Title III of the Older Americans Act—0980–0004—The Program Performance Report monitors program operations of State Agencies to allow AoA to respond to Congress, the Department and the public; establish policy direction, and measure program impact. Respondents: State or local governments. Number of Respondents: 57; Frequency of Response: One-time; Estimated Annual Burden: 1,157 hours.

3. Child Welfare Services State Plan (Title IV–B)—0980–0142—State Plan is jointly developed by Federal and State staff as required by Title IV–B of the Social Security Act (45 USC 622). States assure compliance with law and regulation, analyze needs, develop goals and objectives, and summarize services and expenditures. States may choose format and submission period for 1, 2 or 3 years. Respondents: State or local governments; Federal agencies or employees. Number of Respondents: 55; Frequency of Response: One-time; Estimated Annual Burden: 10,000 hours.

OMB Desk Officer: Shannah Koss-McCallum.

Family Support Administration

(Call Reports Clearance Officer on 202–245–0652 for copies of package.)

1. Program Announcement, OCS–88–2 Availability of Funds and Request for Applications Under OCS Demonstration Partnership Program—NEW—The information obtained through the submission of this grant announcement will be used as the basis for awarding nine to twelve grants not exceed $250,000. The grants will test and evaluate new approaches to lessening dependency on public assistance among low income families and individuals. Respondents: State or local governments, Non-profit institutions. Number of Respondents: 120; Frequency of Response: One-time; Estimated Annual Burden: 120 hours.

OMB Desk Officer: Shannah Koss-McCallum.

Office of the Secretary

(Call Reports Clearance Officer on 202–245–6511 for copies of package.)

1. Audit of SSA's Use of the Form SSA–721, Statement of Death and Burial Expenses by Funeral Directors—NEW—The Office of the Inspector General needs information from funeral directors concerning their use of Form SSA–721, which provides notice of death to SSA. Respondents: Businesses or other for-profits, Small businesses or organizations. Number of Respondents: 100; Frequency of Response: Single-time; Estimated Annual Burden: 17 hours.

OMB Desk Officer: Elaina Norden.

Public Health Services

(Call Reports Clearance Officer on 202–245–2100 for copies of package.)

Health Resources Services Administration

1. HRSA Competing Training Grants Application, Supplements and Regulations—0915–0060—The Health Resources and Services Administration uses this information to determine the eligibility of applicants for awards, to calculate the amount of each award, and to judge the relative merit of applications. Respondents: State or local governments, Non-profit institutions. Number of Respondents: 1,964; Frequency of Response: Occasionally; Estimated Annual Burden: 123,850 hours.

Centers for Disease Control

1. Congenital Syphilis Followup—0920–0128—This data collection will provide surveillance data on the extent and trend of congenital syphilis (Under 1 year of age) in the U.S. It will serve as an epidemiologic aid in the diagnosis and followup of cases and will provide local areas with a standardized collection method to assure accurate diagnosis of early congenital syphilis. Respondents: State or local governments. Number of Respondents: 59; Frequency of Response: Occasionally; Estimated Annual Burden: 350 hours.

OMB Desk Officer: Shannah Koss-McCallum.

As mentioned above, copies of the information collection clearance packages can be obtained by calling the Reports Clearance Officer, on one of the following numbers:
PHS: 202–245–2100
HDS: 202–472–4415
SSA: 301–965–4149
HCFA: 301–594–1238
FSA: 202–245–0652
OS: 202–245–6511

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503. Attn: (name of OMB Desk Officer)

Date: March 22, 1988.

James F. Trickett,

Deputy Assistant Secretary, Administrative and Management Services.

[FR Doc. 88–6578 Filed 3–24–88; 8:45 am]
BILLING CODE 4150–04–M

Food and Drug Administration

[Docket No. 88N–0108]

Animal Drug Export; Baytril® (Enrofloxacin) Tablets

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Mobay Corp. has filed an application requesting approval for the export of the animal drug Baytril® (enrofloxacin) Tablets for dogs to Canada.

ADDRESS: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of animal drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Beverly E. Bartolomeo, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4500.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99–660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21

U.S.C. 382)) provides that FDA may approve applications for the export of drugs that are not currently approved in the United States. The approval process is governed by section 802(b) of the act. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Mobay Corp., Box 390, Shawnee Mission, KS 66201, has filed an application requesting approval for the export of the animal drug Baytril® (enrofloxacin) Tablets for dogs, to Canada. The drug is indicted for treatment of susceptible bacterial pathogens. The application was received and filed in the Center for Veterinary Medicine on March 14, 1988, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by April 4, 1988, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802, Pub. L. 99-660 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.44).

Dated: March 21, 1988.

Richard A. Carnevale,

Deputy Associate Director, Office of New Animal Drug Evaluation Center for Veterinary Medicine.

[FR Doc. 88-6522 Filed 3-24-88; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Program Announcement for Three Programs: Advanced Nurse Education Grants, Nurse Practitioner and Nurse Midwifery Grants, and Nursing Special Project Grants, and Proposed Special Consideration for Nursing Special Project Grants (Purpose 2)

The Health Resources and Services Administration announces that applications for the following nursing programs will be accepted in Fiscal Year 1988 and invites comments on the proposed special consideration set forth below for Nursing Special Project Grants, Purpose 2.

(1) Advanced Nurse Education Grants

(2) Nurse Practitioner and Nurse Midwifery Grants

(3) Nursing Special Project Grants

1. Advanced Nurse Education Grants

Section 821 of the Public Health Service Act, as implemented by 42 CFR Part 57, Subpart Z, authorizes assistance to meet the costs of projects to (a) plan, develop and operate, (b) significantly expand, or (c) maintain programs which lead to masters' and doctoral degrees and which prepare nurses to serve as nurse educators, administrators, or researchers or to serve in clinical nurse specialities determied by the Secretary of Health and Human Services to require advanced education.

Eligible Applicants: Public and nonprofit private collegiate schools of nursing.

Section 821(a), requires that the Secretary give priority in geriatric and gerontological nursing.

Special considerations

Applicant institutions that indicate a clear financial need, and plan to sustain programs beyond the period during which Federal assistance is available, and have either a 3-year average enrollment of minority students in graduate nursing education in excess of the national avarage or have proposed new projects aimed at attracting minority students will receive special consideration. The current national average of graduate minority students in nursing is four percent.

Approximately $16.5 million is being made available by the Department of Health and Human Services appropriations for Fiscal Year 1988, (Pub. L. 100-202). In addition to funding noncompeting continuations, it is estimated that 45 competing projects averaging $150,000 will be supported.

Review Criteria

The review of applications will take into consideration the following criteria:

(1) The need for the proposed project including, with respect to projects to provide education in professional nursing specialties determined by the Secretary to require advanced education,

(a) The current or anticipated need for professional nurses educated in the specialty; and

(b) The relative number of program offering advanced education in the specialty;

(2) The need for nurses in the specialty in which education is to be provided in the State in which the education program is located, as compared with the need for these nurses in other States;

(3) The degree to which the applicant proposes to recruit students from States in need of nurses in the specialty in which the education is to be provided, and to promote their return to these States following education;

(4) The degree to which the applicant proposes to encourage graduates to practice in States in need of nurses in the specialty in which the education is to be provided;

(5) The potential effectiveness of the proposed project in carrying out the educational purposes of section 821 of the Act; and

(6) The capability of the applicant to carry out the proposed project.

This program is listed at 13.299 in the *Catalog of Federal Domestic Assistance.*

2. Nurse Practitioner and Nurse Midwifery Grants

Section 822(a) of the Public Health Service Act, as implemented by 42 CFR Part 57, Subpart Y, authorizes assistance to meet the costs of projects to (a) plan, develop and operate, (b) expand, or (c) maintain programs for the education of nurse practitioners and/or nurse midwives.

In accordance with the statute, the Secretary will give special consideration to applications for grants for programs for the education of nurse practitioners and nurse midwives who will practice in health manpower shortage areas (designated under section 332 of the PHS Act) and for programs for the education of nurse practitioners which emphasize education with respect to the special problems of geriatric patients (particularly problems in the delivery of preventive care, acute care and long-term care (including home health care and institutional care)) to such patients and education to meet the particular

needs of nursing home patients and patients who are confined to their homes.

Eligible Applicants: Public or nonprofit private schools of nursing and public health, public or nonprofit private schools of medicine which received grants or contracts and under section 882(a) prior to October 1, 1985, public or nonprofit private hospitals, and other public or nonprofit private entities.

Review Critreria

The review of applications will take into consideration the following criteria:

(1) The adequacy of the qualifications and experience of the program director, staff and faculty to carry out the program;

(2) The administrative and managerial ability of the applicant to carry out the proposed project; and

(3) The extent to which the applicant will recruit trainees who are residents of health manpower shortage areas.

Special Considerations

Applicants that indicate a clear, financial need, and plan to sustain programs beyond the period during which Federal assistance is available, and have either a 3-year average enrollment of minority students in graduate nursing education in excess of the national average or have proposed new projects aimed at attracting minority students will receive special consideration.

Approximately $11.3 million is being made available by the Department of Health and Human Services appropriations for Fiscal Year 1988, (Pub. L. 100–202). In addition to funding noncompeting continuations, it is estimated that 23 competing projects averaging $185,000 will be supported. This program is listed at 13.298 in the Catalog of Federal Domestic Assistance.

3. Nursing Special Project Grants

Section 820 of the Public Health Service Act, as implemented by 42 CFR Part 57, Subpart T, authorizes assistance in meeting the costs of special projects to carry out the following designated purposes:

(1) To increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary of Health and Human Services, by:

(A) Identifying, recruiting, and selecting such individuals,

Facilitating the entry of such individuals into schools of nursing,

(C) Providing counseling or other services designed to assist such individuals to complete successfully their nursing education,

(D) Providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

(E) Paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education, and

(F) Publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

(2) To provide continuing education for nurses;

(3) To provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

(4) To demonstrate improved geriatric training in preventive care, acute care and long term care (including home health care and institutional care);

(5) To help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care; or

(6) To provide training and education to upgrade the skills of licensed vocational practical or vocational nurses, nursing assistants, and other paraprofessional nursing personnel.

(7) To demonstrate clinical nurse education programs which combine educational curricula and clinical practice in health care delivery organizations, including acute care facilities, long-term care facilities and ambulatory care facilities.

(8) To demonstrate methods to improve access to nursing services in noninstitutional settings through support of nursing practice arrangements in communities.

(9) To demonstrate methods to encurage nursing graduates to practice in health manpower shortage areas (designated under Section 332 of the PHS Act) in order to improve the specialty and geographical distribution of nurses in the United States.

Under section 820(d)(1) funds for special projects under purposes (1) through (6) above must be obligated as follows: not less than 20 percent of the appropriated funds for projects to increase education opportunities for individuals from disadvantaged backgrounds (which may include stipends) (purpose 1); not less than 20 percent of the appropriated funds to demonstrate improved geriatric training (purpose 4); and not less than 10 percent of the appropriated funds to help increase the supply or improve the distribution by geographic area or by specialty groups of adequately trained nursing personnel (purpose 5). The remaining appropriated funds will be awarded for purposes (2), (3) and (6).

Section 820(d)(2) requires that in making grants from funds appropriated for purposes (7) through (9), the Secretary shall give priority to applications for purpose (8).

Eligible Applicants: Public or nonprofit private schools of nursing or other public or nonprofit private entities.

Review Criteria

The review of applications will take into consideration the following criteria:

(1) The national or special local need which the particular project proposes to serve;

(2) The potential effectiveness of the proposed project in carrying out such purposes;

(3) The administrative and managerial capability of the applicant to carry out the proposed project;

(4) The adequacy of the facilities and resources available to the applicant to carry out the proposed project;

(5) The qualifications of the project director and proposed staff;

(6) The reasonableness of the proposed budget in relation to the proposed project; and

(7) The potential of the project to continue on a self-sustaining basis after the period of grant support.

This program is listed at 13.359 in the *Catalog of Federal Domestic Assistance.*

Special Considerations

Special consideration will be given to those projects under purpose 1 (to increase nursing education opportunities for individuals from disadvantaged backgrounds) that propose to use at least 20 percent of grant funding as stipends given directly to nursing students.

Special consideration will be given to special projects under purposes 1 through 6 that plan to continue beyond the period in which Federal funding is available and meet a clear, financial need.

For purposes 7, 8 and 9, special consideration will be given to:

(1) Projects which include a target population of minority or disadvantaged persons.

(2) Projects that plan to continue beyond the period in which Federal funding is available and meet a clear financial need.

(3) Projects which demonstrate efforts to recruit and retain minority nurses.

The reasons for these special considerations are:

(1) To help ensure that grant funds are awarded to educational institutions with a demonstrated need for them;

(2) To encourage grantee institutions to continue grant supported programs after grant support ends; and

(3) To increase the percentage of minority enrollment of students in graduate nursing programs. Minority students are currently underrepresented in these programs.

Approximately $9.0 million is being made available for purposes 1 through 6 by the Department of Health and Human Services appropriations for Fiscal year 1988, (Pub. L. 100–202). In addition to funding noncompeting continuations, it is estimated that 41 competing projects averaging $112,804 will be supported.

Approximately $2.5 million is being made available for purposes 7 through 9. In addition to funding noncompeting continuations, it is estimated that 5 competing projects averaging $145,000 will be supported.

Proposed Special Consideration for Special Project Grants, Purpose 2

Special consideration is being proposed for Purpose 2 for those approved applications with projects which provide expansion of current or development and implementation of new curriculum concerning the prevention of HIV-infection and the care of HIV-infected persons, including AIDS patients. Nursing personnel are increasingly required to provide a wide range of services to HIV-infected persons, including AIDS patients in both inpatient and outpatient settings. However, organized formal curricular offerings for these personnel are not in place. The proposed priority is designed to encourage new offerings.

Interested pesrons are invited to comment on the proposed special consideration for Special Project Grants, Purpose 2. Normally, the comment period would be 60 days. However, due to the need to implement any changes for the Fiscal Year 1988 award cycle, the comment period has been reduced to 30 days. All comments received on or before April 25, 1988 will be considered before the final special consideration is established. No funds will be allocated or final selections made until a final notice is published indicating whether the special consideration will be applied.

Written comments should be addressed to: Director, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 5C–25, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Nursing, Bureau of Health Professions, at the above address weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

Application Deadlines

Three review cycles are held annually for Advanced Nurse Education Grants, Nurse Practitioner and Nurse Midwifery Grants, and Nursing Special Project Grants.

To receive consideration, applications must meet a deadline of July 1, 1988. Any application not meeting a particular deadline will be reviewed with applications meeting the subsequent deadline. Applications shall be considered as meeting the deadline if they are either:

(1) *Received* on or before the deadline date, or

(2) *Postmarked* on or before the deadline date, and received in time for submission to the independent review group.

A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

The standard application form and general instructions Form PHS 6025–1 HRSA Competing Training Grant Application and Supplements for each of the above grant programs have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

For specific guidelines and information regarding these programs, contact: Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 5C–26, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–5786.

Questions regarding grants policy should be directed to: Grants Management Officer, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C–22, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–6915.

These programs are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR Part 100).

Dated: February 19, 1988.

David N. Sundwall,

Administrator, Assistant Surgeon General.

[FR Doc. 88–6521 Filed 3–24–88; 8:45 am]

BILLING CODE 4160–15–M

Public Health Service

Privacy Act of 1974; Amendment of Existing System of Records

AGENCY: Public Health Service, Department of Health and Human Services.

ACTION: Notification of an amendment of an existing system of records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to expand a routine use of system 09–10–0002, Regulated Industry Employee Enforcements Records, HHS/FDA/OMO.

DATES: PHS invites interested parties to submit comments on the amended routine use on or before April 25, 1988. The amendment will become effective 30 days after publication unless PHS receives comments which would result in a contrary determination.

ADDRESS: Comments should be addressed to: FDA Privacy Act Coordinator, Food and Drug Administration, 5600 Fishers Lane, HFI–30, Rockville, MD 20857.

Comments will be available for inspection in room 12A–30 at the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Gerald H. Deighton, Privacy Act Coordinator, Food and Drug Administration, 5600 Fishers Lane, HFI–30, Rockville, MD 20857, Telephone: (301) 443–1813.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) is proposing to expand the first routine use of system 09–10–0002, Regulated Industry Employee Enforcement Records, HHS/FDA/OMO, to show that, in addition to the Department of Justice, FDA is also required to disclose records from this system to other appropriate Federal agencies. FDA has also made other minor alterations to this system

notice to update system locations, system managers and addresses including Appendix A which lists the addresses and working hours of FDA Field/District Offices. For convenience and clarity, FDA is publishing the entire text of this notice.

Dated: March 17, 1988.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations, and Director, Office of Management.

09-10-0002

SYSTEM NAME:

Regulated Industry Employee Enforcement Records. HHS/FDA/OMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Administrative Services Branch (HFA-210), 5600 Fishers Lane, Rockville, MD 20857

Investigations Operations Branch (HFC-132), 5600 Fishers Lane, Rockville, MD 20857

Administrative, Investigations, and Compliance Branches at Field/District Offices. For the location of Field/District Offices, see Appendix A.

For the location of Federal Archives and Records Centers, see Appendix B.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of enterprises regulated by the Food and Drug Administration (FDA) and other individuals subject to FDA enforcement actions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes correspondence, memoranda, inspection reports, and related documents that are investigatory material compiled for law enforcement purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Food, Drug and Cosmetic Act (21 U.S.C. 321 et seq.), the Public Health Service Act (42 U.S.C. 201 et seq.), and authority delegated to the Commissioner, 21 CFR Part 5.

PURPOSE(S):

To provide records used by FDA employees in investigations of possible violation of the law.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Records that indicate violation or potential violation of law may be: (1) Referred for investigation and possible enforcement action under the applicable Federal, State, or foreign laws to the Department of Justice and other appropriate Federal agencies; an appropriate State food and drug enforcement health agency or licensing authority; or, the government of a foreign country; or (2) disclosed in administrative or court proceeding in determining whether a record is relevant to an Agency decision concerning documents of investigatory materials.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from that congressional office at the request of that individual.

3. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or

(b) Any HHS employee in his or her official capacity; or

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

Is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files are maintained in letter-size folders. Automated files are maintained on computer discs and tapes stored in a locked safe.

RETRIEVABILITY:

Indexed by company or subject, sometimes with individual name in a cross-index on an automated index system.

SAFEGUARDS:

1. *Authorized users:* Administrative Services Branch and Office of Regulatory Affairs personnel.

2. *Physical safeguards:* Records are kept in locked cabinets in a secured area, locked rooms, locked buildings and limited access to authorized personnel. Computer tapes and discs are stored in a locked safe.

3. *Procedural (or technical) safeguards:* Computer software providing restricted commands.

4. *Implementation guidelines:* Safeguards are established in accordance with Chapter 45-13 and PHS hf: 45-13 of the Department's General Administration Manual and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with FDA's Records Control Schedule. The Records Control Schedule and disposal standard for these records may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

The policy coordinating official for this system of records is also the system manager for the Office of Regulatory Affairs.

Chief, Administrative Services Branch (HFA-210), 5600 Fishers Lane, Rockville, MD 20857

Assistant to the Director, Investigations Operations Branch (HFC-132), Office of Regulatory Affairs, 5600 Fishers Lane, Rockville, MD 20857

Administrative, Investigative and Compliance Branches at Field/District Offices, see Appendix A.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with identification if request is made in person, directed to:

FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the system manager. If access is denied to requested records, an appeal may be made to:

Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857

You may also request an accounting of disclosures that have been made of your record, if any.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified under notification procedures and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, from third parties such as consumers, scientists, representatives of other companies, state agencies, or developed by FDA during investigations for law enforcement purposes.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a (c)(3), (d)(1) to (4), (e)(3), (e)(4)(G) to (H) and (f), to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, where access would be likely to prejudice the conduct of the investigation.

Appendix A—Addresses and working hours of the Food and Drug Administration Field Offices

The following is a list of the Food and Drug Administration Field Offices, their addresses and working hours where individuals may have access to records in Food and Drug Administration Privacy Act Record Systems:

Northeast Region

Regional Office

830 Third Avenue, Brooklyn, NY 11232, Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

District Offices

585 Commercial Street, Boston, MA 02109, Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)
850 Third Avenue, 4th Floor, Brooklyn, NY 11232, Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)
599 Delaware Avenue, Buffalo, NY 14202, Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)
Fernandez Juncos Ave., Stop 8½, Puerta de Tierra, San Juan, PR 00906–5719, Office hours: 8:00 a.m. to 4:30 p.m. (a.t.)

Regional Laboratory

850 Third Avenue, 4th Floor, Brooklyn, NY 11232, Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)
Winchester Engineering and Analytical Center (WEAC), 109 Holton Street, Winchester, MA 01890

Mid-Atlantic Region

Regional Office

900 US Customhouse, 2nd and Chestnut Streets, Philadelphia, PA 19106, Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

District Offices

900 U.S. Customhouse, 2nd and Chestnut Streets, Philadelphia, PA 19106, Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)
61 Main Street, West Orange, NJ 07052, Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)
900 Madison Avenue, Baltimore, MD 21201, Office hours: 7:45 a.m. to 4:15 p.m. (e.s.t.)
1141 Central Parkway, Cincinnati, OH 45202–1097, Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

Southeast Region

Regional Office

60 Eighth Street, NE., Atlanta, GA 30309, Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

District Offices

60 Eighth Street, NE., Atlanta, GA 30309, Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)
297 Plus Park Boulevard, Nashville, TN 37217, Office hours: 8:00 a.m. to 4:30 p.m. (c.t.)
7200 Lake Ellenor Drive, Suite 120, Orlando, FL 32809, Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)
4298 Elysian Fields Avenue, New Orleans, LA 70122, Office hours: 8:00 a.m. to 4:30 p.m. (c.t.)

Regional Laboratory

60 Eighth Street, NE., Atlanta, GA 30309, Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

Midwest Region

Regional Office

20 N. Michigan Avenue, Room 550, Chicago, IL 60602, Working hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)

District Offices

1222 PO Building, 433 W. Van Buren Street, Chicago, IL 60607, Working hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)
1560 East Jefferson Avenue, Detroit, MI 48207, Office hours: 8:00 a.m. to 4:30 p.m. (e.s.t.)
240 Hennepin Avenue, Minneapolis, MN 55401, Office hours: 8:00 a.m. to 4:30 p.m. (c.t.)

Southwest Region

Regional Office

3032 Bryan Street, Dallas, TX 75204, Office hours: 8:00 a.m. to 4:30 (c.t.)

District Offices

3032 Bryan Street, Dallas, TX 75204, Office hours: 8:00 a.m. to 4:30 (c.t.)
1009 Cherry Street, Kansas City, MO 64106, Office hours: 8:00 a.m. to 4:30 p.m. (c.t.)
Denver Federal Center, Building 20, P.O. Box 25087 Denver, CO 80225–0087, Working hours: 8:00 a.m. to 4:30 p.m. (m.t.)

Pacific Region

Regional Office

Federal Office Building, Room 568, 50 U.N. Plaza, San Francisco, CA 94102, Working hours: 8:00 a.m. to 4:30 p.m. (p.t.)

District Offices

Federal Office Building, Room 506, 50 U.N. Plaza, San Francisco, CA 94102, Working hours: 8:00 a.m. to 4:30 p.m. (p.t.)
1521 W. Pico Boulevard, Los Angeles, CA 90015–2486, Office hours: 8:00 a.m. to 4:30 p.m. (p.t.)
909 1st Avenue, Seattle, WA 98174, Office hours: 8:00 a.m. to 4:30 p.m. (c.t.)

Appendix B—General Services Administration, Federal Archives, and Records Centers

National Centers

District of Columbia, Maryland, Virginia, and West Virginia except for U.S. Court records for Maryland, Virginia, and West Virginia: Washington National Records Center, Washington, DC 20408
National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118
National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132

Regional Centers

GSA Region 1, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island, Federal Archives and Records Center, 380 Trapelo Road, Waltham, MA 02154
GSA Region 2, New York, New Jersey, Puerto Rico, the Virgin Islands, and the Panama Canal Zone, Federal Archives and Records Center, Military Ocean Terminal, Building 22, Bayonne, NJ 07002
GSA Region 3, Delaware, Pennsylvania east of Lancaster, and U.S. Court records for Maryland, Virginia, and West Virginia Federal Archives and Records Center, 9th and Market Streets, Room 1330, Philadelphia, PA 19107
Pennsylvania except areas east of Lancaster, Federal Records Center, Defense Activities Building 308, Mechanicsburg, PA 17055
GSA Region 4, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, and Kentucky, Federal Archives and Records Center, 1557 St. Joseph Avenue, East Point, GA 30344
GSA Region 5, Illinois, Wisconsin, Minnesota, and U.S. Court records for Indiana, Michigan, and Ohio, Federal Archives and Records Center, 7358 South Pulaski Road, Chicago, IL 60629
Indiana, Michigan, and Ohio except for U.S. Court records, Federal Records Center, 3150 Bertwynn Drive, Dayton, OH 45439
GSA Region 6, Kansas, Iowa, Nebraska, and Missouri except Greater St. Louis area, Federal Archives and Records Center, 2306 East Bannister Road, Kansas City, MO 64131
GSA Region 7, Texas, Oklahoma, Arkansas, Louisiana, and New Mexico Federal Archives and Records Center, P.O. Box 6216, Fort Worth, TX 76115
Shipping address only (do not use for mail), 4900 Hemphill Street, Building 1, Dock 1, Fort Worth, TX
GSA Region 8, Colorado, Wyoming, Utah, Montana, North Dakota, and South Dakota, Federal Archives and Records Center,

Building 48, Denver Federal Center, P.O. Box 25307, Denver, CO 80225
GSA Region 9, American Samoa, California, except Southern California, and Nevada, except Clark County, Federal Archives and Records Center, 1000 Commodore Drive, San Bruno, CA 94066
Arizona; Clark County, Nevada; and Southern California (counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Riverside, Orange, Imperial, Inyo, and San Diego), Federal Archives and Records Center, 2400 Avila Road, Laguna Niguel, CA 9267,
GSA Region 10, Washington, Oregon, Idaho, Alaska, Hawaii, and Pacific Ocean areas (except American Samoa), Federal Archives and Records Center, 6125 Sand Point Way, N.E., Seattle, WA 98115

[FR Doc. 88-6523 Filed 3-24-88; 8:45 am]
BILLING CODE 4160-01-M

Social Security Administration

Study of Payment Process

AGENCY: Social Security Administration, HHS.

ACTION: Notice of study.

SUMMARY: This notice is to advise the general public that the Social Security Administration's (SSA) Office of Hearings and Appeals (OHA) is conducting a study of the attorney fee payment process as directed by recent legislation. Through this notice, we are soliciting the views of anyone who wishes to offer comments.

DATE: Comments will be accepted through April 22, 1988. Any comments received after that date will not be considered for inclusion in the study.

ADDRESS: Comments should be addressed to Jean H. Hinckley, Director, Office of Policy and Procedures, Office of Hearings and Appeals, 101 Webb, P.O. Box 3200, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Jean Hinckley, (703) 235-8489.

SUPPLEMENTARY INFORMATION: Section 9021 of Pub. L. 100-203 requires the Secretary of Health and Human Services to conduct a study of the attorney fee payment process under Title II of the Social Security Act. Specifically, the law requires that the study shall:

- Assess levels of reimbursement to attorneys taking into account the contingent nature of most agreements between claimants and their legal representatives;
- Propose alternative methods for establishing fees which take into account the nature of these contingent agreements; and
- Suggest changes which simplify and streamline the fee payment process.

In addition, the law directs us to consult with individuals who represent the views of attorneys and with others who represent the views of claimants and to report our findings, together with any recommendations, to Congress by July 1, 1988.

To ensure that our study and report is comprehensive and complete, we are particularly interested in receiving public comments on the areas listed below. However, all comments on matters relating to the attorney fee payment process will be considered.

1. Under both the American Bar Association (ABA) Model Code of Professional Responsibilities and Model Rules of Professional Conduct, contingent fee arrangements are subject to a reasonableness standard. To what degree should an attorney be required to show that a fee based on a contingency arrangement is reasonable?

How would your proposal differ from the standards for evaluating a request for approval of a fee presently published in the Secretary's regulations at 20 CFR 404.1725(b)?

2. As a matter of public policy, the ethics rules of the various unified bars prohibit entering into contingent fee arrangements in domestic relations matters and criminal cases (cf. ABA Model Code and Model Rules). On the other hand, contingent fee arrangements are accepted in other types of cases because they often provide the only practical means by which an individual can afford to hire an attorney. Should contingent fee arrangements based upon a percentage of past-due benefits payable upon successful resolution of a claim be permitted in Social Security programs, the purpose of which is to provide economic security for beneficiaries?

If so, how can an individual claimant's interest in paying a reasonable fee for services be balanced with the broader purpose of contingency fee arrangements to encourage access to representation generally? Can the risks and burdens of litigation be equitably apportioned in Social Security cases without resorting to contingent fee arrangements based on a percentage of past-due benefits payable to a claimant?

3. In Social Security adjudication or litigation, the fund produced by successful prosecution of the claim is the amount of past-due benefits payable. Since the amount of past-due benefits payable, and consequently the contingent fee, are determined in part by the length of time it takes to process a case, is there potential for a conflict of interest between an attorney and a client in vigorously expediting final resolution of a claim? If so, should the past-due benefits subject to the contingent agreement be limited?

4. Should there be a dollar limitation on the amount of attorney fees payable on an individual claim for benefits?

If so, how should such a limitation be established and at what amount should the limitation be set?

5. Should there be a sliding precentage schedule for contingent fee arrangements, such as 25% of the first $5,000 of past-due benefits payable, 15% of the next $5,000 and 10% of any amount over $10,000?

If so, what sort of percentage scale would be appropriate?

6. Would it be appropriate to establish a flat rate or rate schedule for legal services provided to claimants, such as $400.00 for any case decided on the record and $750.00 for any case involving a hearing?

If so, how should such a rate be established and at what amounts should the rate or rate schedule be set?

7. Should attorney fees determined by application of dollar limitations, percentage schedule or flat rate be subject to approval by any administrative official or to challenge by the claimant and the attorney? If so, should the approving administrative official be authorized to exceed or reduce the amount so established in exceptional circumstances?

Would it be appropriate for the agency to forego the supervision traditionally exercised by the courts in contingent fees in view of the remedial intent of social security legislation?

8. Many fee shifting statutes base attorney fees on an hourly rate established by law or the hourly rate customarily charged for the same or similar services by attorneys with similar levels of skill and competence. Would it be equitable to establish a "lodestar" hourly amount for represenatation in Social Security cases and then to enhance the attorney fee payable to take into account the contingent fee arrangement or other exceptional circumstances?

If so, how should an appropriate "lodestar" hourly amount be established, what should it be, and how should it be enhanced?

9. Would you favor no longer having the Agency authorize attorney fees if, as a concomitant result, attorney fees were no longer withheld from past-due benefits payable to a claimant?

10. Would it be appropriate to establish special admittance or certification procedures for these individuals (both attorneys and persons other than attorneys) who wish to represent claimants for a fee before the Social Security Administration?

If so, what sort of qualifications or requirements should be satisfied prior to an individual's recognition as a claimant's representative?

11. Can the present procedures for requesting approval of an attorney fee be simplified? If so, what steps should be undertaken to modify the process?

Can the information required in the written request for approval be simplified? If so, in what manner?

Does the present procedure for obtaining review of a fee determination provide a satisfactory remedy to both the attorney and the client? If not, how can it be improved?

Dated: March 22, 1988.

Dorcas R. Hardy,

Commissioner of Social Security.

[FR Doc. 88-6643 Filed 3-24-88; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Natural Resource Damage Assessments

AGENCY: Department of the Interior.

ACTION: Notice of availability.

SUMMARY: Elsewhere in this issue the Department of the Interior (the Department) published a final rule making technical corrections in a technical document and computer model that were incorporated by reference in the "type A" natural resource damage assessment rule, published March 20, 1987 (52 FR 9042), and codified at 43 CFR Part II. That rule as codified established simplified type A procedures for assessing damages to natural resources in coastal and marine environments where those damages result from a discharge of oil or a release of a hazardous substance and are compensable under either the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or under the Clean Water Act (CWA) (also known as the Federal Water Pollution Control Act). The technical document incorporated by reference in the rule is entitled "Measuring Damages to Coastal and Marine Natural Resources: Concepts and Data Relevant to CERCLA Type A Damage Assessments" (NRDAM/CME technical document). The NRDAM/CME technical document also contained a computer model on four diskettes that must be used when conducting a type A assessment of damages in coastal and marine environments. This Notice announces the availability of and the procedures for obtaining the errata sheet to this technical document and the revised computer diskettes containing the model.

DATE: This action is effective April 25, 1988.

ADDRESS: Office of Environmental Project Review, Room 4239, Department of the Interior, 1801 C Street NW, Washington, DC 20240 (regular business hours are 7:45 a.m. to 4:15 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: David Rosenberger or Linda Burlington (202) 343-1301.

SUPPLEMENTARY INFORMATION:

Background

Section 301(c) of CERCLA requires the promulgation of rules for the assessment of damages for injury to, destruction of, or loss of natural resources resulting from a discharge of oil or a release of a hazardous substance for the purposes of CERCLA and section 311(f)(4) and (5) of the CWA. Section 301(c)(2) of CERCLA specifies two types of procedures to be developed. The type A procedures are to be standard procedures for simplified assessments requiring minimal field observation. The type B procedures are to include alternative methodologies for conducting assessments in individual cases.

The type A rule was published March 20, 1987, at 52 FR 9045 and codified at 43 CFR Part 11. That rule may be used to assess damages for injuries to natural resources in coastal and marine environments where those damages result from either a discharge of oil or a release of a hazardous substance. Assessments performed under that rule require the use of a computer model called the Natural Resource Damage Assessment Model for Coastal and Marine Environments (NRDAM/CME). A general overview of the NRDAM/CME, its interactive submodels, data bases, and user inputs was published in the preamble tothe final type A rule (see 52 FR 9045). A detailed description of the NRDAM/CME was published in the NRDAM/CME technical document. A hard copy of the source code for the NRDAM/CME was listed in apendix H of the NRDAM/CME technical document.

A final rule published elsewhere in this issue of the **Federal Register** amends the type A rule incorporation by reference citation and the version designation of the NRDAM/CME that is to be used for natural resource damage assessments. These amendments are based upon the correction of technical errors in the NRDAM/CME source code listing of Appendix H of the NRDAM/CME technical document. A discussion of the technical corrections is provided in the preamble to the final rule published elsewhere in this issue of the **Federal Register.**

Availability

This Notice is to inform the public that anyone who received from the Department or NTIS the original NRDAM/CME technical document and version 1.1 of the NRDAM/CME published March 20, 1987, may return the four computer diskettes containing the NRDAM/CME to the address given at the front of this Notice. The Department will reformat those diskettes and copy version 1.2 of the NRDAM/CME onto the diskettes. The diskettes will then be returned to the owner, at no charge. Please ensure that a correct return address is enclosed with the diskettes.

Do not return the NRDAM/CME technical document. The Department cannot accept and return that technical document. The Department will also enclose a copy of the errata sheet for the NRDAM/CME technical document with the returned computer diskettes. If only the errata sheet for the NRDAM/CME technical document is desired, written requests should be made to the same Department address. The Department will accept requests for an errata sheet for the NRDAM/CME technical document and for version 1.2 of the NRDAM/CME until [90 days from date of publication].

All *new* requests for the NRDAM/CME technical document and version 1.2 of the NRDAM/CME should continue to be made directly to the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; ph: (703) 487-4650. Orders to NTIS should specify document number PB87-142485, and the document title: "Measuring Damages to Coastal and Marine Natural Resources: Concepts and Data Relevant to CERCLA Type A Damage Assessments." Orders to NTIS will receive the errata sheet and the four diskettes containing version 1.2 of the NRDAM/CME.

In the preamble to the type A rule published on March 20, 1987, the Department stated, at 52 FR 9061, that the final source code for version 1.1 of the NRDAM/CME was available on diskette upon request and payment of a reasonable duplication fee. Anyone currently in possession of the source code for version 1.1 of the NRDAM/CME on diskette may return that diskette to the address given at the front of this Notice. The Department will reformat that diskette and copy the corrected version of the source code for

version 1.2 of the NRDAM/CME onto the diskette. The diskette will then be returned to the owner, at no charge. Any *new* requests for version 1.2 of the source code on diskette should be made, in writing, to the address given at the front of this Notice. Again, a reasonable duplication fee will be charged for each new request.

Because of the nature and importance of the damage assessment procedure, the Department wants to ensure that all those who may have need of the NRDAM/CME will be working only with the corrected version 1.2. If there are any questions concerning this Notice, please contact the Office at the address given at the front of this Notice.

Dated: December 11, 1987.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 88-6511 Filed 3-24-88; 8:45 am]

BILLING CODE 4310-RG-M

Bureau of Land Management

[CA-930-08-4332-13; FES 88-9]

Availability of Final Environmental Impact Statement; Arcata Resource Area Wilderness, CA

AGENCY: Bureau of Land Management; Interior.

ACTION: Notice of Availability of Final Environmental Impact Statement (EIS) on the Wilderness Recommendations for the King Range and Chemise Mountain WSAs in California.

SUMMARY: This EIS assesses the environmental consequences of managing two Wilderness Study Areas (WSAs) as wilderness or non-wilderness. The alternatives assessed include: (1) A "no wilderness/no action" alternative for each WSA, (2) an "all wilderness" alternative for each WSA and (3) two "partial wilderness" alternatives for one of the WSAs.

The total acreage, and the proposed actions for the two WSAs are as follows:

King Range—32,900 acres; 20,620 acres suitable, 12,280 acres nonsuitable.

Chemise Mountain—4,340 acres; 4,340 suitable, 0 acres nonsuitable.

The Bureau of Land Management wilderness proposal will ultimately be forwarded by the Secretary of the Interior to the President and from the President to Congress. The final decision on wilderness designation rests with Congress.

In any case, no final decision on these proposals can be made by the Secretary during the 30 days following the filing of this EIS. This complies with the Council on Environmental Quality Regulations, 40 CFR 1506.1b(2).

SUPPLEMENTARY INFORMATION: A limited number of individual copies of the EIS may be obtained from the Area Manager, Arcata Resource Area, P.O. Box 1112, Arcata, California 95521. Copies are also available for inspection at the following locations:

Department of the Interior, Bureau of Land Management, 18th and C Street, NW., Washington, D.C. 20240
or
Bureau of Land Management, California State Office, 2800 Cottage Way, Room E-2841, Sacramento, CA 95825
or
Bureau of Land Management, Ukiah District Office, 555 Leslie Street, Ukiak, CA 95482.

FOR FURTHER INFORMATION CONTACT: John Lloyd, Area Manager, Arcata Resource Area, P.O. Box 1112, Arcata, CA 95521, (707) 822-7648.

Bruce Blanchard,

Director, Office of Environmental Project Review.

Date: March 16, 1988.

[FR Doc. 88-6300 Filed 3-24-88; 8:45 am]

BILLING CODE 4310-40-M

Bureau of Reclamation

Final Supplement to the Final Environmental Statement, Colorado-Big Thompson, Windy Gap Projects, Green Mountain Reservoir Water Sale, CO

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of final supplement environmental statement to the final environmental statement.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a final supplement to the final environmental impact statement for the Colorado-Big Thompson, Windy Gap Project (INT FES 81-20) on a proposed water sale from Green Mountain Reservoir that would provide for future water demands that include industrial (primarily snowmaking and oil shale), municipal, recreation, wildlife, and fisheries.

FOR FURTHER INFORMATION CONTACT: This final supplement was prepared from a draft supplement filed with the Environmental Protection Agency in September 1985 that evaluated an array of water sale level scenarios for Green Mountain Reservoir.

ADDRESSES: Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Bureau of Reclamation, Room 7425 Washington, DC 20240, Telephone: (202) 343-4991;

Management Operation Center, Document Systems Management Branch, Library Section, Code 823, Engineering and Research Center, Denver Federal Center, Denver CO 80225, Telephone: (303) 236-6763;

Regional Director, Bureau of Reclamation, P.O. Box 36900, Federal Office Building, Billings, MT 59107-6900, Telephone: (406) 657-6214;

Eastern Colorado Projects, Office, Bureau of Reclamation, 955 Wilson Avenue, P.O. Box 449, Loveland, CO 80539, Telephone: (303) 667-4410.

Single copies of the final supplement may be obtained on request to the Director, Office of Environmental Affairs, Bureau of Reclamation, the Eastern Colorado Projects Office, or the Regional Director, at the above addresses. Copies will also be available for inspection at the following libraries in the project vicinity:

Colorado State University Library, Fort Collins, CO 80521;

Glenwood Springs Branch Library, 413 9th Street, Glenwood Springs, CO 81601;

University of Colorado, Library, Boulder Campus, Boulder, CO 80302.

Date: March 18, 1988.

C. Dale Duvall,

Commission.

[FR Doc. 88-6466 Filed 3-24-88; 8:45 am]

BILLING CODE 4310-09-M

National Park Service

Intention To Negotiate Concession Permit; Adventure Bound, Inc., et al.

Public notice as given on February 3, 1988 (52 FR 3083), stated that sixty (60) days thereafter the Department of Interior, through the Director of the National Park Service proposes to negotiate permits with sixteen (16) existing river running operators authorizing them to continue to provide guided white water interpretive river trips for the public at Canyonlands National Park, Utah for period of five (5) years from January 1, 1987, through December 31, 1991. The Secretary has amended the Statement of Requirements whereas the premit five (5) year term is extended to seven (7) years from

January 1, 1987, through December 31, 1993.

The earlier public notice provisions remain in full effect. Interested parties should contact the Regional Director, Rocky Mountain Region, P.O. Box 25287, Denver, Colorado for information as to the amended requirements of the proposed permit.

Homer L. Rouse,

Acting Regional Director, Rocky Mountain Region.

Date: March 16, 1988.

[FR Doc. 88-6565 Filed 3-24-88; 8:45 am]

BILLING CODE 4310-70-M

Martin Luther King, Jr., National Historic Site Advisory Commission; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of Advisory Commission Meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Martin Luther King, Jr., National Historic Site Advisory Commission will be held at 10:30 a.m. at the following location and date.

DATE: April 20, 1988.

ADDRESS: The Southern Bell Center, Room 512, 675 West Peachtree Street, Atlanta, Georgia 30375.

FOR FURTHER INFORMATION CONTACT: Mr. Randolph Scott, Superintendent, Martin Luther King, Jr., National Historic Site, 522 Auburn Avenue NE., Atlanta, Georgia 30312, Telephone (404) 331-4979.

SUPPLEMENTARY INFORMATION: The purpose of the Martin Luther King, Jr., National Historic Site Advisory Commission is to consult and advise with the Secretary of the Interior or his designee on matters of planning and administration of the Martin Luther King, Jr., National Historic Site. The members of the Advisory Commission are as follows:

Ms. Portia Scott, Chairperson
Mr. William W. Allison
Mr. John H. Calhoun
Mr. Arthur J. Clement
Mr. John Cox
Mrs. Christine King Farris
Mrs. Valena Henderson
Mr. C. Randy Humphrey
Dr. Elizabeth A. Lyon
Mr. Daniel H. Nall
Rev. Joseph L. Roberts, Jr.
Mrs. Coretta Scott King, Ex-Officio Member
Director, National Park Service, Ex-Offico Member

The matters to be discussed at this meeting will include: (1) The status of park development and interpretive activities.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Written statements may also be submitted to the Superintendent at the address above. Minutes of the meeting will be available at Park Headquarters for public inspection approximately 4 weeks after the meeting.

Frank Cattroppa,

Acting Regional Director, Southeast Region.

Date: March 15, 1988.

[FR Doc. 88-6566 Filed 3-24-88; 8:45 am]

BILLING CODE 4310-70-M

Management Policies

AGENCY: National Park Service, Interior.

ACTION: Notice of availability of proposed revised management policies with request for review and comments.

SUMMARY: The National Park Service is proposing revised policies for management of areas of the national park system. These policies will provide guidance to NPS managers, planners and others in areas concerning preservation and use of park system areas.

DATE: Written comments will be accepted until May 10, 1988.

ADDRESS: Comments should be directed to: Chief, Office of Policy, National Park Service, P.O. Box 37127, MIB-MS1226, Washington, DC 20013-7127.

Single copies of the draft management policies may be requested from National Park Service, Office of Policy, 18th and C Streets NW., MIB-MS1226, Washington, DC 20013-7127. Copies are available for review in the National Park Service Washington Office, regional offices all units of the National Park System, and GPO repository libraries. Addresses of the Washington Office and regional offices are:

National Park Service, 18th and C Streets NW., Main Interior Building, Room 1226, Washington, DC 20013-7127
Alaska Regional Office, National Park Service, 2525 Gambell Street, Room 107, Anchorage, AK 99503
Mid-Atlantic Regional Office, National Park Service, 143 South Third Street, Philadelphia, PA 19106
Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102
National Capital Parks, National Park Service, 1100 Ohio Drive SW., Washington, DC 20242
North Atlantic Regional Office, National Park Service, 15 State Street, Boston, MA 02109-3572
Pacific Northwest Regional Office, National Park Service, 83 South King Street, Suite 212, Seattle, WA 98104
Rocky Mountain Regional Office, National Park Service, 12795 West Alameda Parkway, P.O. Box 25287, Lakewood, CO 80225
Southeast Regional Office, National Park Service, 75 Spring Street SW., Atlanta, GA 30303
Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, New Mexico 87504-0728
Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102

FOR FURTHER INFORMATION CONTACT: Office of Policy, 202/343-4298 or 7456.

SUPPLEMENTARY INFORMATION: The National Park Service has completed a comprehensive review and revision of policies on management of the national park system—something that has not been done since 1978. Changes which resulted are primarily due to new legislation, revisions of regulations, shifts in program emphasis and new concerns and responsibilities. Nevertheless, for the most part, this document represents an update more so than a revision.

Management policies address the role of the National Park Service as legislatively mandated in preserving the Nation's natural and cultural resources, park planning, park facilities, natural resource management, cultural resource management, wilderness preservation, use of the parks, concessions management and land protection. The management policies provide guidance to National Park Service managers, superintendents, planners, and others concerning preservation and use of park system areas.

The Service is hereby soliciting comment from any and all interested groups or individuals on these policies. We urge you to be specific as to how the policy might be changed or strengthened. All comments will be reviewed and, where appropriate, incorporated. The policies will remain on review for 45 days. The revised final policy an an explanation of how comments were addressed will be available to the public. Notice of availability of the final document will appear in the **Federal Register**. These policies, in final form, will become the

National Park Service Management Policies.

William Penn Mott,

Director.

[FR Doc. 88-6572 Filed 3-24-88; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

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).

A. Parent Corporation: Commercial Metals Company, 7800 Stemmons Freeway (75247), Post Office Box 1046 (75221), Dallas, Texas, State of Incorporation: Delaware.

The following 100% wholly-owned or controlled subsidiaries will participate in the operation:

CMC Process Products, Inc., 7800 Stemmons Freeway, Dallas, Texas 75247, State of Incorporation: Texas

CMC Oil Company, 7800 Stemmons Freeway, Dallas, Texas 75247

CMC Steel, Inc., Mill Road, Seguin, Texas 78155, State of Incorporation: Texas

Capitol City Steel Company, 6717 Circle S Road, Austin, Texas 78745, State of Incorporation: Texas

Cometals, Inc., One Penn Plaza, Room 3401, New York, New York 10001, State of Incorporation: New York

Commercial Metals-Austin, Inc., 710 Industrial, P.O. Box 19169, Austin Texas 78760-9169

Commercial Metals Railroad Salvage Company, 7800 Stemmons Freeway, Dallas, Texas 75221, State of Incorporation: Texas

Commonwealth Metal Corporation, 560 Sylvan Avenue, Englewood Cliffs, New Jersey 07632, State of Incorporation: New Jersey

Enterprise Metal Corporation, 175 Great Neck Road, Room 408, Great Neck, New York 10021, State of Incorporation: New York

Howell Metal Company, State Route 728, P.O. Box 218, New Market, Virginia 22844

SMI Steel, Inc., P.O. Box 2875 A, Birmingham, Alabama 35212

Structural Metals, Inc., Mill Road, Seguin, Texas 78155, State of Incorporation: Texas

Texas Cold Finished Steel, Inc., 1300 Baker, Houston, Texas 77002, State of Incorporation: Texas

CMC Steel Fabricators, Inc., State of Incorporation: Texas, Doing business under the following names:

SMI Steel-Arkansas, Kerlin Road, Box 1147, Magnolia, Arkansas 71753

Alamo Steel, Inc., Old Dallas Road, P.O. Box 86, Waco, Texas 76703

Capitol Steel, Inc., 2655 North Foster Drive, P.O. Box 66636, Baton Rouge, Louisiana 70896

CoMet Steel, Inc., 4846 Singleton Boulevard, Dallas, Texas 75212

Houston Steel Service Company of Texas, Inc., 5321 Westpark Drive, Houston, Texas 77065

Houston Steel Service Company—Rebar Division, 5321 Westpark Drive, Houston, Texas 77065

Safety Railway Service Company, Aloe Field, P.O. Box 2298, Victoria, Texas 77901

Safety Steel Service, Inc., Rodd Field, P.O. Box 6546, Corpus Christi, Texas 78411

Safety Steel Service, Inc., 201 East Crestwood Drive, Victoria, Texas 77901

Safety Steel Construction, Inc., 201 East Crestwood Drive, P.O. Box 2298, Victoria, Texas 77901

Southern States Steel Company, 9675 Walden Road, Beaumont, Texas 77706

Southern Farm Supply Company, 1318 Buschong Road, Houston, Texas 77093

Southern Fence Post Company, 1318 Buschong Road, Houston, Texas 77093

Southern Post Company, 1318 Buschong Road, Houston, Texas 77093

Southern Post Company, 1960 Benchmark Drive, Roundrock, Texas 78664

Safety Detention Systems, Inc., Victoria, Texas 77901

Southern Post Company, Kerlin Road, P.O. Box 489, Magnolia, Arkansas 71753

Sterling Steel Company, 5600 Braxton, Suite 12, Houston, Texas 77036

B.1. Parent corporation and address of principal office: Montgomery Ward & Co., Incorporated, One Montgomery Ward Plaza, Chicago, Illinois 60671.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(a) American Delivery Service Company, Delaware.

(b) Continental Transportation, Inc., Delaware.

(c) Standard T Chemical Company, Inc., Delaware.

C.1. Parent corporation and address of principal office: Oklahoma Steel & Wire Company, Inc., P.O. Box 220, Madill, OK 73446.

2. Wholly-owned subsidiaries which will participate in the operations, and State of Incorporation:

a. Cyclone Trucking Company, Inc., Incorporated—Oklahoma.

Noreta R. McGee,

Secretary.

[FR Doc. 88-6546 Filed 3-24-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 236X)]

CSX Transportation, Inc.; Exemption for Abandonment and Discontinuance of Trackage Rights in Wilmington, DE

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* (1) to abandon its .9-mile line of railroad between milepost 2.0 and milepost 2.9, and (2) to discontinue its trackage rights over Conrail between milepost 2.9 and milepost 3.0, in Wilmington, DE, a total distance of 1 mile.

Applicant has certified that (1) no local traffic has moved over the line for at least 2 years and that overhead traffic has been rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 24, 1988 (unless stayed pending reconsideration). Petitions to stay and formal expressions of intent to file an offer [1] of financial assistance under 49

[1] *See Exemption of Rail Line Abandonments or Discontinuance—Offers of Financial Assistance*, — I.C.C.2d —, served December 21, 1987, and final rules published in the **Federal Register** on December 22, 1987 (52 FR 48440-48446).

CFR 1152.27(c)(2) must be filed by April 4, 1988, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by April 14, 1988 with:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative:

Lawrence H. Richmond, CSX Transportation, 100 North Charles Street, Baltimore, MD 21201,

and

Charles M. Rosenberger, Senior Counsel, Patricia Vail, Counsel, CSX Transportation, 500 Water Street, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will serve the EA on all parties by March 30, 1988. Other interested persons may obtain a copy of the EA from SEE by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, SEE at (202) 275-7316.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: March 15, 1988.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88-6244 Filed 3-24-88; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; Inmar Associates, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Inmar Associates, Inc.* has been lodged with the United States District Court for the District of New Jersey. The consent decree addresses claims under sections 106(b) and 107 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") for violations alleged of an Administrative Order, Index No. II CERCLA—50115, issued to Inmar Associates, Inc. by the United States Environmental Protection Agency, and for federal response costs associated with implementation and oversight of that administrative order. The consent decree provides that Inmar Associates, Inc. will pay $545,000 in settlement of those claims.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Inmar Associates, Inc.*, D.J. Ref. 90-11-2-162.

The proposed Consent Decree may be examined at the office of the United States Attorney, District of New Jersey, 502 Federal Building, 970 Broad Street, Newark, New Jersey 07102, and at the Office of Regional Counsel, United States Environmental Protection Agency, Region II, 26 Federal Plaza, Rm. 437, New York, New York 10278. Copies of the Consent Decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1517, Ninth Street and Pennsylvania Ave., NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please refer to *United States v. Inmar Associates, Inc.*, D.J. Reference #90-11-2-162 and enclose a check in the amount of $1.00 (ten cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88-6613 Filed 3-24-88; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 87-76]

Ralph J. Bertolino d/b/a Ralph J. Bertolino Pharmacy, Philadelphia, PA; Hearing

Notice is hereby given that on October 27, 1987, the Drug Enforcement Administration, Department of Justice, issued to Ralph J. Bertolino, d/b/a Ralph J. Bertolino Pharmacy, an Order to Show Cause as to why the Drug Enforcement Administration should not revoke the pharmacy's DEA Certificate of Registration, AB2343503, and deny any pending applications for registration.

Thirty days having elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Wednesday, April 6, 1988, commencing at 10:00 a.m., in the U.S. Claims Court, 717 Madison Place NW., Washington, DC.

Dated: March 18, 1988.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 88-6524 Filed 3-24-88; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 87-82]

Elliott Brender, M.D. Huntington Beach, CA; Hearing

Notice is hereby given that on December 3, 1987, the Drug Enforcement Administration, Department of Justice, issued to Elliott Brender, M.D., an Order to Show Cause as to why the Drug Enforcement Administration Should not deny your applications for a DEA Certificate of Registration.

Thirty days having elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Wednesday, March 30, 1988, commencing at 9:30 a.m., in the U.S. Court if Appeals for the 9th Circuit, Courtroom 2, 7th and Mission Streets, San Francisco, California.

Dated: March 18, 1988.

John C. Lawn,

Administrator Drug Enforcement Administration.

[FR Doc. 88-6525 Filed 3-24-88; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 87-77]

Jerome Pittman, M.D., Los Angeles, CA; Hearing

Notice is hereby given that on October 1, 1987, the Drug Enforcement Administration, Department of Justice, issued to Jerome Pittman, M.D., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke your DEA Certificate of Registration, AP2286501, and deny any pending applications for registration.

Thirty days having elapsed since the said Order to Show Cause was received

by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Tuesday, March 29, 1988, commencing at 9:30 a.m., in the U.S. Court of Appeals for the 9th Circuit, Courtroom 2, 7th and Mission Streets, San Francisco, California.

Dated: March 18, 1988.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 88-6526 Filed 3-24-88; 8:45 am]

BILLING CODE 4410-09-M

Immigration and Naturalization Service

[INS Number: 1107-88]

Immigration and Naturalization Service User Fee Advisory Committee; Meeting

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of meeting.

Committee Holding Meeting: Immigration and Naturalization Service User Fee Advisory Committee.

Date and Time: April 14, 1988 at 10:00 a.m.

Place: Washington Dulles Ramada Renaissance Hotel, 13869 Park Center Road (At Rte. 28 and McClearen Drive) Herndon, Virginia [Tel. 703/478-2900]

Status: Open. First meeting of this Advisory Committee.

Purpose: Performance of advisory responsibilities to the Commissioner of the Immigration and Naturalization Service pursuant to section 286(k) of the Immigration and Nationality Act of 1952, as amended, [8 U.S.C. 1356(k)] and the Federal Advisory Committee Act [5 U.S.C. App. 2].

Agenda:

1. Introduction of the Committee members.
2. Discussion of administrative issues.
3. Discussion of purpose and scope of responsibilities.
4. Discussion of specific concerns and questions of Committee members.
5. Discussion of relevant written statements submitted in advance by members of the public.
6. Scheduling of next meeting.

Public Participation: The meeting is open to the public, but advance notice of attendance is requested to assure adequate seating. Persons planning to attend should notify the Contact Person at least two (2) days prior to the meeting. Members of the public may submit written statements at any time before or after the meeting to the Contact Person for consideration by this Advisory Committee. Only written statements received at least five (5) days prior to the meeting by the Contact Person will be considered for discussion at the meeting.

Contact Person: Sharon L. Isenberg, Program Analyst, Office of the Asst. Comm. for Inspections, Immigration and Naturalization Service, Room 7123, Chester Arthur Bldg., 425 I Street NW., Washington, DC 20536, Telephone (202) 633-2680.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

Dated: March 18, 1988.

[FR Doc. 88-6554 Filed 3-24-88; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Fletcher Paper Co. et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period March 7, 1988—March 11, 1988 and March 14, 1988—March 18, 1988.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a signficant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-20,391; Fletcher Paper Co., Alpina, MI

TA-W-20,398; Sealed Power Div., Sealed Power Corp., Muskegon, MI

TA-W-20,397; Eyelet Specialty Co., Inc., Subsidiary of Risdon Corp., Wallingford, CT

TA-W-20,351; Steven Knitting Mills, Inc., New York, NY

TA-W-20,405; Excel Handbag Co., Miami, FL

TA-W-20,339; Beaumont Co., Morgantown, WV

TA-W-20,428; Camphill Manufacturing, Camphill, AL

TA-W-20,349; Reichert Stamping Co., Toldeo, OH

TA-W-20,409; Heraeus Amersil, Inc., Sayreville, NJ

TA-W-20,426; Allison Abrasive Co., Shelton, CT

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-20,481; The Wiser Oil Co., Leeco, KY

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20,387; Bethlehem Steel Corp., Sparrows Point Plant, Sparrows Point, MD

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20,460; Gregory and Cook, Inc., Houston, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-20,385; Wean Industries, Inc., Henricks Road Plant, Youngstown, OH

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20,465; Maine Guide, Bath, ME

U.S. imports of womens, misses and childrens coats and jackets decreased absolutely in Jan-Sept 1987 compared to the same period in 1986.

TA-W-20,356; International Paper Co., Androscoggin Mill, Jay, ME

Increased imports did not contribute importantly to workers separations at the firm.

Affirmative Determinations

TA-W-20,386; Apache Corporation, Denver, CO

A certification was issued covering all workers of the firm separated on or after December 10, 1986.

TA-W-20,410; Inmos Corporation, Colorado Springs, CO

A certification was issued covering all workers of the firm separated on or after January 14, 1987 and before March 31, 1988.

TA-W-20,395; The Okonite Co., Phillipsdale, RI

A certification was issued covering all workers of the firm separated on or after January 4, 1987.

TA-W-20,491; Muller Manufacturing Co., Syracuse, NY

A certification was issued covering all workers of the firm separated on or after February 12, 1987.

TA-W-20,389; Ciba-Geigy Corp., Glens Falls, NY

A certification was issued covering all workers of the firm separated on or after March 20, 1988.

TA-W-20,364; Baxter Travenol, Kingstree, SC

A certification was issued covering all workers of the firm separated on or after December 17, 1986.

TA-W-20,392; General Motors Corp., Fisher Guide Div., Trenton, NJ

A certification was issued covering all workers of the firm separated on or after January 10, 1987.

TA-W-20,431; Ladd Petroleum Corporation, Mid-Continent Region

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,431A; Ladd Petroleum Corporation, Corporate Office, Denver, CO

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,431B; Ladd Petroleum Corporation, Tulsa, OK

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,431C; Ladd Petroleum Corporation, Enid, OK

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,431D; Ladd Petroleum Corporation, Bethany, OK

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,431E; Ladd Petroleum Corporation, Balko, OK

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,431F; Ladd Petroleum Corporation, Magnolia, AR

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,432; Ladd Petroleum Corporation, Rocky Mountain Region

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,432A; Ladd Petroleum Corporation, Denver, CO

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,432B; Ladd Petroleum Corporation, Dickinson, ND

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,432C; Ladd Petroleum Corporation, Dagmar, MT

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,432D; Ladd Petroleum Corporation, Farmington, NM

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,432E; Ladd Petroleum Corporation, Midland, TX

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,432F; Ladd Petroleum Corporation, Ozona, TX

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,433; Ladd Petroleum Corporation, Gulf Coast Region

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,433A; Ladd Petroleum Corporation, Houston, TX

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,433B; Ladd Petroleum Corporation, Carlton, AL

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,433C; Ladd Petroleum Corporation, Bayou Boeuf, LA

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

TA-W-20,433D; Ladd Petroleum Corporation, Springtown, TX

A certification was issued covering all workers of the firm separated on or after January 20, 1987.

I hereby certify that the aforementioned determinations were issued during the period March 7–11, 1988 and March 14–18, 1988. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Dated: March 22, 1988.

[FR Doc. 88-6606 Filed 3-24-88; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-87-275-C]

Kelly Energy Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Kelly Energy Company, Inc., P.O. Box 478, Clintwood, Virginia 24228-0478 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 5 Mine (I.D. No. 44-06406) located in Wise 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 statements follows:

1. The petition concerns the requriement that cabs or canopies be installed on the mine's electric face equipment.

2. The No. 5 mine was 72 plus inches in height when first established. Canopies were installed on the equipment at that time, however, as mining progressed the mine height decreased. The mine now ranges from 43 to 53 inches in height, and has a soft bottom that tears up on occasion causing a very uneven bottom with an up an down effect.

3. Petitioner states that the canopies shear off roof bolts and tear down check or line curtains, thereby disrupting ventilation, limiting visibility and causing cramped conditions for the operator.

4. 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 field 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 April

25, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: March 16, 1988.

[FR Doc. 88-6605 Filed 3-24-88; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 88-19; Exemption Application No. D-6762 et al.]

Grant of Individual Exemptions; Philip Specialty Co. et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applicants have been available for public inspection at the Department of Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries, and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Philip Specialty Company restated Profit Sharing Plan (the Plan)

[Prohibited Transaction Exemption 88-19; Exemption Application No. D-6762]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale of improved real property located in Dallas County, Texas, by the Plan to Philip Specialty Company for $119,000 in cash, provided that all of the terms of the proposed sale are as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party on the date the transaction is consummated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 26, 1988 at 53 FR 2104.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Individual Retirement Account of Robert R. Black (the IRA) Located in Dallas, Texas.

[Prohibited Transaction Exemption 88-20; Exemption Application No. D-6866]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale of a parcel of real property (the Property) located in Keller, Texas, by the IRA to Mr. Robert R. Black for $333,000 in cash, provided such amount is not less than the fair market value of the Property on the date of the sale.[1]

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 26, 1988 at 53 FR 2106.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Central States, Southeast and Southwest Areas Pension Fund (the Plan) Located in Chicago, Illinois

[Prohibited Transaction Exemption 88-21; Exemption Application No. D-6978]

Amendments to Exemption

The Department hereby modifies a portion of Prohibited Transaction Exemption (PTE) 85-211 (50 FR 53222, December 30, 1985) issued to Morgan Stanley Group Inc., the Named Fiduciary (the Named Fiduciary) on behalf of the Plan. Authority to grant the amendments to the exemption is given the Department under section 408(a) of the Act, section 4975(c)(2) of the Code and ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Accordingly, paragraph (A) of PTE 85-211 is restated so that the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply until January 21, 1992 to the adjustment, disposition, and/or continuation by investment managers of any pre-existing loan, lease, service agreement, or other arrangement, or the holding by the Plan of any pre-existing employer security or real property (as described in Part VIII of PTE 77-11 (42 FR 54041, October 7, 1977) and PTE 84-114 (49 FR 30609, July 31, 1984)), but only to the extent that PTE 84-14 (49 FR 9494, March 13, 1984) is not applicable with respect to such transactions by reason of any of the following: (1) The assets of the Plan represent more than 20 percent of the total client assets under the management of the investment manager at the time of the transaction; (2) the investment manager does not satisfy the definition contained in Part V(a)(4) of PTE 84-14; or (3) the transaction is between the Plan and the Central States, Southeast and Southwest Areas Health and Welfare Fund, or the transaction is between the Plan and a person which is a party in interest and at the time of the transaction (as defined in Part V(i) of PTE 84-14) either such party in interest

[1] Because the IRA does not meet the conditions described in 29 CFR 2510.3-2(d), there is no jurisdiction under Title I of the Act. However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

or its "affiliate" (as defined in Part V(c) of PTE 84–14) has the authority or, during the preceding one year, has exercised the authority: (a) To appoint or terminate the Named Fiduciary of the Plan or (b) to otherwise alter the terms under which a person serves as the Named Fiduciary of the Plan.

For a more complete statement of the facts and representations supporting the Department's decision to grant the amendments to this exemption refer to the proposed amendments to the exemption that were published on January 13, 1988 at 53 FR 811.

Effective Date: The amendments are effective January 1, 1985. They will expire on January 21, 1992.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

William H. Kimball, Inc. Profit Sharing Plan (the Plan) Located in Orinda, California

[Prohibited Transaction Exemption 88–22; Exemption Application No. D–7238]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the purchase by the Plan for cash of certain real property (the Real Property) from William H. Kimball, a disqualified person with respect to the Plan, provided that the price paid is no more than the fair market value of the Real Property on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 26, 1988 at 53 FR 2107.

For Further Information Contact: Joseph L. Roberts III of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 22nd day of March 1988.

Robert J. Doyle,

Acting Associate Director for Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 88–6616 Filed 3–24–88; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (88–28)]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Ad Hoc Review Team on Aeronautics Technology Competitiveness.

DATE AND TIME: April 12, 1988, 8 a.m. to 4:30 p.m.

ADDRESS: National Aeronautics and Space Administration, Room 625, Federal Office Building 10B, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. John S. Burks, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453–2807.

SUPPLEMENTARY INFORMATION: The NAC Aeronautics Advisory Committee (AAC) was established to provide overall guidance to the Office of Aeronautics and Space Technology (OAST) on aeronautics research and technology activities. Special ad hoc review teams are formed to address specific topics. The Ad Hoc Review Team on Aeronautics Technology Competitiveness, chaired by Mr. Louis F. Harrington, is comprised of ten members. The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons including the team members and other participants).

Type of Meeting: Open.

Agenda

April 12, 1988

8 a.m.—Review of Action Groups Assignments.
1 p.m.—Continued Review of Action Groups Assignments.
2 p.m.—Presentation of Contractor Technology Assessment.
3 p.m.—Summary By Chairman and Task Assignments.
4:30 p.m.—Adjourn.

March 17, 1988.

Ann Bradley,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 88–6519 Filed 3–24–88; 8:45 am]

BILLING CODE 7510–01–M

[Notice (88–27)]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–462, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee.

DATE AND TIME: April 13, 1988, 8:30 a.m. to 4:30 p.m. ADDRESS: National Aeronautics and Space Administration, Room 625, Federal Office Building 10B, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Joanne Teague, Office of Aeronautics and Space Technology, National Aeronautics and Space

Administration, Washington, DC 20546, 292/453-2775.

SUPPLEMENTARY INFORMATION: The NAC Aeronautics Advisory Committee (AAC) was established to provide overall guidance to the Office of Aeronautics and Space Technology (OAST) on aeronautics research and technology activities. The Committee, chaired by Mr. Robert B. Ormsby, is comprised of 23 members. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including the committee members and other participants).

Type of Meeting: Open.

Agenda

April 13, 1988

8:30 a.m.—Aeronautics Overview: Budget Strategy, Plans and Issues.
9:45 a.m.—Technology Development & Validation Plan.
10:15 a.m.—Discussion of FY 90-92 Program Requirements.
11:15 a.m.—Actions from AAC/ARTS Meeting.
1 p.m.—Reports of Ad Hoc Teams.
3:15 p.m.—Committee New Business.
4:30 p.m.—Adjourn.

March 16, 1988.

Ann Bradley,

Advisory Committee Management Office, National Aeronautics and Space Administration.

[FR Doc. 88-6520 Filed 3-24-88; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786-0322.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6), and (9)(B) of section 552 of Title 5, United States Code.

1. *Date:* April 14-15, 1988.
Time: 7:30 a.m. to 5:30 p.m.
Room: 415
Program: This meeting will review applications submitted for Humanities Projects in Media, submitted to the Division of General Programs, for projects beginning after October 1, 1988.

2. *Date:* April 21-22, 1988.
Time: 7:30 a.m. to 5:30 p.m.
Room: 415
Program: This meeting will review applications submitted for Humanities Projects in Media, submitted to the Division of General Programs, for projects beginning after October 1, 1988.

3. *Date:* April 26-27, 1988.
Time: 7:30 a.m. to 5:30 p.m.
Room: 415
Program: This meeting will review applications submitted for Humanities Projects in Media, submitted to the Division of General Programs, for projects beginning after October 1, 1988.

4. *Date:* April 28, 1988.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316-2
Program: This meeting will review Summer Seminars for College Teachers applications in English and American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after October 1, 1988.

5. *Date:* April 29, 1988.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316-2
Program: This meeting will review Summer Seminars for College Teachers applications in Arts, submitted to the Division of Fellowships and Seminars, for projects beginning after October 1, 1988.

Stephen J. McCleary,

Advisory Committee Management Officer

[FR Doc. 88-6600 Filed 3-24-88; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Archaeometry; Meeting

Name: Advisory Panel for Archaeometry.

Date and Time: April 15, 1988, 9:00 AM-5:00 PM each day.

Place: National Science Foundation, 1800 G Street NW, Room 642, Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. John E. Yellen, Program Director, Anthropology Program, Room 320, National Science Foundation, Washington, DC 20550 Telephone (202) 357-7804.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in archaeometry.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of the Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer

[FR Doc. 88-6527 Filed 3-24-88; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Economics; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Economics.

Date/Time:

Thursday, April 14, 1988—9:00 a.m. to 5:00 p.m.
Friday, April 15, 1988—9:00 a.m. to 5:00 p.m.
Saturday, April 16, 1988—9:00 a.m. to 1:00 p.m.

Place: National Science Foundation, Room 543, 1800 G Street NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Daniel H. Newlon or Dr. Lynn A. Pollnow, Program Directors, Division of Social and Economic Science, Room 336, National Science Foundation, Washington, DC 20550, telephone (202) 357–9674.

Summary Minutes: May be obtained from the Contact Persons at the above address.

Purpose of Meeting: To provide advice and recommendations concerning support for research in economics.

Agenda: Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 88–6528 Filed 3–24–88; 8:45 am]

BILLING CODE 7555–01–M

Directorate for Engineering, Division of Mechanics, Structures, and Materials Engineering Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Committee for the Division of Mechanics, Structures, and Materials Engineering.

Date & Time

April 11, 1988 8:30 a.m. to 5:00 p.m.
April 12, 1988 8:30 a.m. to 4:00 p.m.

Type of Meeting: Open.

Contact Person: Ms. Hope Duckett, National Science Foundation, Room 1110, Washington, DC 20550.

Summary Minutes: May be obtained from the Contact Person.

Agenda:

Monday, April 11, 1988

8:30–9:15 a.m.	Call to Order and Welcoming Remarks.
9:15–10:00 a.m.	Status of Program Plans.
10:00–10:30 a.m.	Remarks by Acting Assistant Director for Engineering.
10:45–12:00 NOON.	Status of Program Plans.
12:00–1:30 p.m.	Lunch.
1:30–5:00 p.m.	Discussion of Program Status and Plans.

Tuesday, April 12, 1988

8:30–10:00 a.m.	Task Group Reports.
10:30–NOON	Discussion and Closing Remarks by Acting Assistant Director for Engineering.
1:00–4:00 p.m.	Drafting of Meeting Report and Summary Remarks.
4:00 p.m.	Adjourn.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 88–6529 Filed 3–24–88; 8:45 am]

BILLING CODE 7555–01–M

Metabolic Biology Panel; Meeting

The National Science Foundation announces the following meeting:

Name: Metabolic Biology Panel.

Date: April 13, 14 and 15, 1988.

Place: National Science Foundation, Rm 1243, Washington, DC 20550.

Type of Meeting: Closed.

Time

Wednesday, 9:00 a.m. to 5:00 p.m.
Thursday, 8:30 a.m. to 5:00 p.m.
Friday, 8:00 a.m. to 1:00 p.m.

Contact Person: Carter Kimsey, Metabolic Biology Program, Rm 325–I, National Science Foundation, Washington, DC 20550, Telephone (202) 357–7987.

Summary of Minutes: May be obtained from the Contact Person at the above address.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in metabolic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 88–6530 Filed 3–24–88; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Psychobiology; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Psychobiology.

Date and Time: April 13–15, 1988, 8:30 a.m.–5:00 p.m. each day.

Place: National Science Foundation, 1800 G Street, NW., Room 1242, Washington, DC.

Type of Meeting

Part Open

Open 4/13/88—9:00 a.m. to 11:00 a.m.
Closed 4/13/88—11:00 a.m. to 5:00 p.m.
Closed 4/14/88—8:30 a.m. to 5:00 p.m.
Closed 4/15/88—8:30 a.m. to 5:00 p.m.

Contact Person: Dr. Fred Stollnitz, Program Director, Psychobiology Program, Room 320, National Science Foundation, Washington, DC 20050, Telephone (202) 357–7949.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in psychobiology.

Agenda

Open—General discussion of research trends and opportunities in psychobiology.

Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of the Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 88–6531 Filed 3–24–88; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–424]

Georgia Power Co. et al., Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the schedular requirements of § 50.71(e)(3)(i) to 10 CFR Part 50 to the

Georgia Power Company, et al. (the licensee) for the Vogtle Electric Generating Plant, Unite 1 located on the licensee's site in Burke County, Georgia.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant an exemption from the requirement of 10 CFR 50.71(e) to submit an updated Final Safety Analysis Report (UFSAR) for Unit 1 of the Vogtle Electric Generating Plant (VEGP) within 24 months of the issuance of the operating license. A low power operating license was issued for VEGP Unit 1 on January 16, 1987. By letter dated January 15, 1988, the licensee requested an exemption to 10 CFR 50.71(e), which would defer submittal of the UFSAR for VEGP Unit 1 until one year following issuance of a full power operating license for VEGP Unit 2 on the basis that the present Final Safety Analysis Report (FSAR) applies to both units. The FSAR has been updated on May 6, 1987, and August 31, 1987, and will continue to be updated to support the licensing of VEGP Unit 2 and to provide updated information on VEGP Unit 1.

The Need for the Proposed Action

10 CFR 50.34 requires that, until VEGP Unit 2 receives an operating license, the information contained in the FSAR docketed with the operating license application be maintained current. Therefore, if an extension to the submittal date for the UFSAR is not granted, the licensee would be required to maintain current both the present FSAR as well as the UFSAR until VEGP Unit 2 is licensed. Maintaining two versions of the same document for the two VEGP units would cause a hardship, could lead to ambiguities and confusion and would serve no useful purpose if the existing FSAR is maintained up-to-date until VEGP Unit 2 is licensed. Therfore, an extension is needed to eliminate the hardship of maintaining two versions of the same document.

Environmental Impacts of the Proposed Action

The proposed exemption affects only the require date for submitting the UFSAR and does not affect plant operation or the risk of facility accidents. Accordingly, the exemption will not increase the probability or consequences of any dominate reactor accident sequence and will not otherwise affect any other radiological impact associated with the facility. Consequently, the Commission concludes that there are no significant radiological impacts associated with the proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associate with the proposed exemption.

Alternative to the Proposed Action

Because the staff has concluded that there is no significant emvironmental impact associated with the proposed exemption, any alternative to this exemption will have either no significantly different environmental impact or greater environmental impact.

The prinicpal alternative would be to deny the requested exemption. This would not reduce environmental impacts as a result of plant operations.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement related to the operation of the Vogtle Electric Generating Plant, Units 1 and 2" dated March 1985.

Agencies and Persons Consulted

The NRC staff has reviewed the licensee's request that supports the proposed exemption. The NRC staff did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for the exemption dated January 15, 1988, which is available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, DC, and at the Burke County Library, 4th Street, Waynesboro, Georgia 30830.

Dated at Rockville, Maryland, this 21st day of March 1988.

For the Nuclear Regulatory Commission.

Lawrence P. Crocker,

Acting Director, Project Directorate II-3, Division of Reactor Projects I/II.

[FR Doc. 88-6558 Filed 3-24-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-498 OL]

Houston Lighting and Power Co.; South Texas Project, Unit 1

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has denied a Petition under 10 CFR 2.206 (DD-88-3) filed by Ms. Billie P. Garde and Mr. Richard E. Condit on behalf of the Government Accountability Project (GAP or Petitioner). The Petitioner asked the Nuclear Regulatory Commission (NRC) to delay the Commission's consideration of a full-power license for the South Texas Project, Unit 1. The Petitioner alleged that insufficient review had been performed of concerns which had been provided to GAP by workers associated with the South Texas Project.

The Petitioner's request has been denied for the reasons fully described in the "Director's Decision Under 10 CFR 2.206," issued on this date, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and the Local Public Document Rooms for the South Texas Nuclear Project located at the Austin Public Library, 810 Guadalupe Street, Austin, Texas 78701 and at the Wharton County Junior College, J. M. Hodges Learning Center, 911 Bowling Highway, Wharton, Texas 77488.

A copy of the Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provided in this regulation, the Decision will constitute the final action of the Commission twenty-five (25) days after issuance, unless the Commission, on its own motion, institutes review of the Decision within that time period.

Dated at Rockville, Maryland, this 18th day of March 1988.

For The Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 88-6559 Filed 3-24-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos.: STN 50-454, STN 50-455, STN 50-456 and STN 50-457]

Commonwealth Edison Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity For Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-37 and NPF-66, issued to Commonwealth

Edison Company (the licensee), for operation of Byron Station, Units 1 and 2 located in Ogle County, Illinois, and Facility Operating License Nos. NPF–72 and NPF–75, issued to the licensee for operation of Braidwood Station, Units 1 and 2, located in Will County, Illinois.

The amendments would change Technical Specification 4.6.1.6.1.d. to reduce the containment tendon design stresses.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 25, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petitions for leave to intervene. Requests for a hearing and petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularly the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference schedule in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine wtinesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–800–325–6000 (in Missouri 1–800–342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Daniel R. Muller: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Michael Miller, Esq., Sidley and Austin, One First National Plaza, Chicago, Illinois 60603, attorney for the licensee.

Nontimely filing of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated March 2, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC; the Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61101; and the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Dated at Rockville, Maryland, this 18th day of March 1988.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director, Project Directorate III–2, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 88–6560 Filed 3–24–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–341]

Detroit Edison Co. and Wolverine Power Supply Cooperative, Inc.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–43, issued to the Detroit Edison Company and Wolverine Power Supply Cooperative, Inc. (the licensees), for operation of Fermi-2 located in Monroe County, Michigan.

In accordance with the licensees' application for amendment dated November 20, 1987, the amendment would revise the provisions in the Technical Specifications to correct an error in Table 3.3.7.12–1, "Radioactive Gaseous Effluent Monitoring Instrumentation," by deleting Item 3.d, Effluent System Flow Rate Monitor for the Standby Gas Treatment System (SGTS). The correction would make Table 3.3.7.12–1 consistent with the Surveillance Requirements of Technical Specification Table 4.3.7.12–1.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended

(the Act) and the Commission's regulations.

By April 25, 1988, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Martin J. Virgilio: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226, attorney for Detroit Edison Company.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated November 20, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555, and at the Monroe County Library System, 3700 S. Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 15th day of March 1988.

For the Nuclear Regulatory Commission.

Theodore R. Quay,

Project Manager, Project Directorate III-1, Division of Reactor Projects III, IV, V & Special Projects.

[FR Doc. 88-6561 Filed 3-24-88; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-282 and 50-306]

Northern States Power Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-42 and DPR-60, issued to Northern States Power Company (the licensee), for operation of the Prairie Island Nuclear Generating Plant, Units Nos. 1 and 2, located in Goodhue, Minnesota.

In accordance with the licensee's application for amendments dated November 3, 1987, the amendments would change the protective instrumentation setting for the automatic reactor trip associated with high flux, power range (low setpoint) from equal to or less than 25% of rated power to equal to or less than 40% of rated power. This instrumentation setting applies only for reactor startup protection.

Prior to issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 25, 1988, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing or petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an

Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularly the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Martin J. Virgilio:

Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated November 3, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555, and at the Technology and Science Department, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Rockville, Maryland, this 15th day of March 1988.

For the Nuclear Regulatory Commission.

Dominic Dilanni,

Project Manager, Project Directorate III-1, Division of Reactor Projects III, IV, V, and Special Projects.

[FR Doc. 88-6562 Filed 3-24-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260 and 50-296]

Tennessee Valley Authority (Browns Ferry Nuclear Plant, Units 1, 2 and 3;) Exemption

I

The Tennessee Valley Authority (the licensee) is the holder of Facility Operating Licenses No. DPR-33, DPR-52, and DPR-68 which authorize operation of the Browns Ferry Nuclear Plants, Units 1, 2, and 3, respectively. These licenses provide that, among other things, the facility is subject to all rules, regulations, and orders of the commission now or hereafter in effect.

II

10 CFR 50.55a(g)(4)(ii) requires that in-service examinations of components, in-service tests to verify operational readiness of pumps and valves whose function is required for safety, and system pressure tests, conducted during the successive 120-month inspection intervals shall comply with the requirements of the latest edition and addenda of the Code incorporated by reference in paragraph (b) of the applicable section.

The Licensee would be required to update its Browns Ferry ASME Section XI pump and valve program to a later edition of the code at the end of the initial 120-month inspection interval which would be no later than March 1, 1988. However, as a result of discussions between TVA and the NRC, TVA agreed to revise and update its pump and valve (IST) program to the later code edition earlier than was required. This revised program was submitted to the NRC on August 31, 1982, which was 5 years into the initial 10-year IST inspection interval.

By letter dated April 6, 1983, TVA requested an exemption to allow Browns Ferry to utilize the updated IST program for a full 10-year interval beginning on August 31, 1982, the date of the revised program submittal. The Licensee revised its exemption request on February 17, 1988 in accordance with the requirements of 10 CFR 50.12(a)(2) pertaining to special circumstances.

With regard to this exemption request, the staff concludes that permitting the 120-month interval for pumps and valves to be extended for all units until August 31, 1992 is acceptable since the Browns Ferry program would not exceed a ten-year period without updating to a more recent edition of the code as required by the rule. The Licensee's revised IST program was submitted on August 31, 1982, mid-way through the first ten-years IST interval. The revised program was

based upon the most recent edition of the ASME Code which was the 1980 edition of the Code through the Winter Addenda. Granting the exemption results in updating to a revised ASME Code Edition two times in a 180-months period compared to two times in a 240-months period permitted under the rule. Therefore, granting the exemption would not result in the IST program exceeding the 10-year interval without receiving an ASME code update. In addition, the staff has compared the requirements of the 1980 edition of the Code requirements which would apply in March 1987 if the exemption were not granted (i.e., the 1983 Edition and Addenda through the Summer 1983 Addenda) and has determined that there is no significant difference in the testing requirements for pumps and valves. Therefore, the staff finds that an exemption from the requirements of 10 CFR 50.55a(g)(4) is justified.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances as provided in 10 CFR 50.12(a)(2)(ii) are present and justify the exemptions—namely, that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule in that at no point would granting the exemption result in the IST program exceeding ten years without receiving an ASME code update.

The Commission hereby grants an exemption from the requirements of 10 CFR 50.55a(g)(4)(ii) to the Licensee for the operation of the Browns Ferry Plant, Units 1, 2, and 3, in that the revised IST program of August 31, 1982 complied with the requirements of the latest edition and agenda of the Code and, therefore, the Browns Ferry IST program will not exceed the 120-month interval without an update to a more recent ASME Code update.

Pursuant to 10 CFR 51.21, the Commission has determined that the issuance of this exemption will have no significant impact on the environment (53 FR 8521, March 15, 1988).

For further details with respect to this action, see the request for exemption dated April 6, 1983, as supplemented February 17, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Athens Public Library, South Street, Athens, Alabama 35611.

This exemption is effective upon issuance.

Dated at Bethesda, this 18th day of March 1988.

For The Nuclear Regulatory Commission.

Stewart D. Ebneter,

Director, Office of Special Projects.

[FR Doc. 88-6563 Filed 3-24-88; 8:45 am]

BILLING CODE 7590-01-M

Toledo Edison Co. et al.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-3, issued to the Toledo Edison Company and the Cleveland Electric Illuminating Company (the licensees), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio.

The proposed amendment would revise the provisions in the Davis-Besse Nuclear Power Station, Unit No. 1, Technical Specifications (TS's), relating to once through steam generator (OTSG) tube sample selection and inspection requirements. Specifically, the proposed amendment would revise TS Surveillance Requirement 4.4.5.2 by adding an additional special interest tube group. The new special interest group would consist of the tubes near the center of each OTSG.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 25, 1988, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may

be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Kenneth E. Perkins: (petitioner's name and telephone number); (date Petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Office of the General Counsel-Rockville, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its intent to make a no significant hazards consideration finding in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated January 11, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 16th day of March, 1988.

For The Nuclear Regulatory Commission.

Kenneth E. Perkins,

Director, Project Directorate III-3, Division of Reactor Projects—III, IV, V and Special Projects

[FR Doc. 88-6564 Filed 3-24-88; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Performance of Commercial Activities; Revision to Circular No. A-76

AGENCY: Office of Management and Budget.

ACTION: Revisions to Circular No. A-76, "Performance of Commercial Activities".

SUMMARY: This notice contains Transmittal Memorandum No. 6, dated March 7, 1988, to Circular No. A-76, "Performance of Commercial Activities."

The transmittal memorandum updates the retirement cost factors and inflation factors for personnel and non-pay costs used by Executive Branch agencies in cost comparison studies under OMB Circular No. A-76.

The revised retirement cost factors represent the amount the Government contributes to the basic defined benefit fund of the retirement system. The rate excludes the Government's contribution to Social Security (OASDI) and thrift plan costs in the Federal Employees Retirement System (FERS) as required by the FERS Act of 1986.

This change reflects composite factors that are derived from the six (1988-1993) yearly dynamic normal cost rates developed by the Office of Personnel Management actuary.

This change uses the same rates and percentage of payroll assumptions included in OMB Bulletin No. 88-06 of December 24, 1987.

The revised employee pay and non-pay factors reflect the same economic assumptions contained in the President's Fiscal Year 1989 Budget of the U.S. Government.

The revision does not require any agency to (1) create or maintain a duplicative control/monitoring/reporting system or (2) adopt any additional controls if presently in compliance with the Federal Acquisition Regulations (FAR).

FOR FURTHER INFORMATION CONTACT: Sandra Popham, Office of Federal Procurement Policy, Office of Management and Budget, (202) 395-6810.

James C. Miller III,

Director.

March 4, 1988.

CIRCULAR NO. A-76
Revised Transmittal Memorandum No. 6

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Revised Retirement Cost Factors

This transmittal memorandum updates the standard retirement cost factor and inflation factors used for computing Government personnel and non-pay costs under OMB Circular No. A-76, dated August 4, 1983.

The revised standard retirement cost factor to be used is 19.1 percent for all agencies except the Department of Medicine and Surgery (DM&S) within the Veterans Administration (VA). The factor for DM&S is 8.8 percent. The composite factors are derived from the six (1988-1993) yearly dynamic normal cost rates developed by the Office of Personnel Management. The standard factor represents the Government's share of the full dynamic normal costs of the Civil Service Retirement System (CSRS) and the Federal Employees' Retirement System (FERS). The factors do not include the Government's contributions to Social Security (OASDI) and thrift savings plan costs. The DM&S factor reflects only the actual costs the VA contributes to the two retirement funds.

The revised standard retirement cost factors for cost comparisons which contain special class employees are 23.5 percent for air traffic controllers and 25.5 percent for law enforcement and fire protection employees.

The President's FY 1989 Budget contains revised economic assumptions for Federal employee pay and non-pay cost increases covering FY 1988 through FY 1993. The following factors should be applied per paragraph C of the Supplement to Circular No. A-76 on pages IV-6 and 7:

Federal pay raise assumptions	Inflation factors	
Effective date	Military	Civilian
January 1988	2.0	2.0
January 1989	4.3	2.0
January 1990	4.6	3.0
January 1991	4.5	3.0
January 1992	4.2	3.0
January 1993	4.0	3.0

Non-Pay Categories (supplies, equipment, etc.)	
FY 1988	3.3
FY 1989	3.9
FY 1990	3.6
FY 1991	3.3
FY 1992	2.8
FY 1993	2.3

The wage base to compute the medicare benefit factor (1.45 percent) will increase on a fiscal year basis as shown below. This factor should be applied per paragraph D.3.g. of the Supplement on page IV-10.

FICA wage base	
FY 1988	$44,700
FY 1989	$46,125
FY 1990	$48,525
FY 1991	$51,450
FY 1992	$54,450
FY 1993	$57,450

These revisions are effective upon publication and shall apply to all studies in

process where the bids or proposals have not been opened.

James C. Miller III,

Director.

[FR Doc. 88-6258 Filed 3-24-88; 8:45 am]

BILLING CODE 3110-01-M

POSTAL SERVICE

Postal Service Owned Invention; Availability for Licensing

AGENCY: Postal Service.

ACTION: Notice of availability of invention for licensing.

SUMMARY: The invention listed below is assigned to the Postal Service and is made available for licensing. A postal industry technical briefing was given to potential users on January 29, 1988 at which time the compression methodology covered by the patent was disclosed.

It is the policy of the Postal Service to make available royalty-free licenses for this patent to contractors that directly provide the Postal Service with equipment or services. Requests for such royalty-free licenses should be made to: David F. Letts, Contracting Officer, Office of Procurement, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-6234.

It is also the policy of the Postal Service to make available royalty-bearing licenses to any others who may be interested. Such persons or firms are invited to purchase a license or enter into a royalty agreement. Inquiries should be made to Arthur D. Little Enterprises, Inc., 25 Acorn Park, Cambridge Massachuetts, 02140-2390, which will act as agent for the Postal Service.

DATE: March 25, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. W. J. Maloney, Jr., Program Director, Office of Operations Research & Systems Requirements, Technology Resources Department, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington DC, 20260-8112, Telephone (202)- 268 3861.

Patent Application #144380: "Method and System for Storing and Retrieving Compressed Data" January 15, 1988.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 88-6500 Filed 3-24-88; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-25493; File No. SR-MSE-88-2]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval to Proposed Rule Change by the Midwest Stock Exchange, Incorporated Relating to the Extension of the Portfolio Execution System Pilot Program

On February 18, 1988, the Midwest Stock Exchange, Inc. ("MSE" or "Exchange"), submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] a proposed rule change to extend the approval of the portfolio execution system pilot program until such time as the Commission makes a final determination on whether or not approval of the pilot program should be granted on a permanent basis.

On February 12, 1986, the Commission approved on a one-year pilot basis four proposed changes to the Midwest's Automatic Execution System ("MAX") (see SR-MSE-85-11; Release No. 34-22896).

The pilot program, as approved on February 12, 1986, consists of four changes to MAX procedures. These changes apply only to portfolio executions. The MSE's current proposal seeks the extension of these four changes until such time as a filing for permanent approval of the pilot is made by the Exchange and considered by the Commission. The first of the four changes will allow principal orders for portfolio executions to be sent over MAX. This change will enable member firms to execute more efficiently a portfolio for the firm's own account as well as for customers.

Second, the time frame between the time a market order is entered into MAX and the time it is automatically executed will be reduced from 15 seconds to 0 seconds.[3] According to the MSE, the need for a timely execution is significantly more important to the customer and the firm in this type of transaction than the possibility that a better fill may be obtained in a particular issue in a portfolio by exposing the order for 15 seconds.

The third change clarifies that specialist participation in a portfolio execution is voluntary for principal orders or agency orders above 1,099 shares. The MSE notes that this is consistent with the current MAX requirements. Portfolio executions over MAX beyond the existing MAX requirements only will be executed in accordance with arrangements agreed upon in advance by the specialist and the order entry firm.

The fourth change precludes the use of the MAX System for portfolio executions before 9:00 a.m. and after 2:45 p.m. (Central Standard Time).[4] According to the MSE, this restriction will avoid creating any problems at the opening or closing in periods of heavy volume.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6 and 11A, and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that accelerated approval will enable the Exchange to continue the use of the portfolio execution system while the Commission continues to examine the appropriateness of the proposed modifications to MAX. Extension of the pilot program will permit the MSE to assess and develop further its procedures under the program.

As the Commission noted in the initial approval of the pilot program, however, the reduction of order exposure time through MAX from 15 seconds to zero seconds for portfolio executions represents an exception from procedures for executing orders in individual securities based on the need by member firms for timely execution of portfolios. The Commission recognizes the pricing benefits that may adhere to the exposure of orders in individual securities are significantly reduced in the context of the simultaneous execution of a number of securities

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1986).

[3] We note that the current order exposure time for MAX orders is based on a pilot program that reduces order exposure from 30 seconds to 15 seconds. *See* SR-MSE-85-5, Release No. 22357, 52 FR 35890 (Aug. 26, 1985).

[4] The Commissions February 12, 1986 approval of the pilot program provided that the MAX system could not be used before 9:30 am. The Exchange, however, amended its rules to commence trading one-half hour earlier, at 8:30 a.m. instead of 9:00 a.m. central time. [*See* MSE-85-9, Release No. 22474, 50 FR 41280, (Sept. 29, 1985)]. In light of this change, the Exchange proposes that the use of the MAX system for portfolio executions be precluded before 9:00 a.m. instead of 9:30 a.m. as originally approved in the pilot. This will maintain the 30 minute delay from the opening of trading in which portfolio executions through MAX are currently prohibited.

comprising a portfolio. In this regard, the Commission will continue to examine the appropriateness of eliminating any exposure time for portfolio executions.[5]

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by April 15, 1988.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[6] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Dated: March 21, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-6599 Filed 3-24-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25489; File No. SR-MSRB-87-12]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

On October , 1987, the Municipal Securities Rulemaking Board ("MSRB") filed with the Commission, pursuant to section 19 of the Securities Exchange Act of 1934 ("Act"), a proposed rule change that amends MSRB rules concerning the delivery of interchangeable municipal securities ("interchangeables")[1] and the confirmation of transactions for those securities. The proposal would permit a delivery of municipal securities to be in either registered or bearer form unless the parties to the transaction specifically agree to a particular form. The Commission published notice of the Proposal on December 10, 1987.[2] No comments were received. This Order approves the proposal.

I. Description

Currently, MSRB rules provide that certain deliveries of interchangeables must be in bearer form unless the parties agree to registered form certificates.[3] The proposal would eliminate that presumption in favor of bearer certificates and permit deliveries of interchangeables to be in bearer or registered form, unless there is an agreement between parties on a specific form of delivery. The proposal provides that it will become effective six months from the date of approval, on September 18, 1988. The proposal also would eliminate a reclamation provision that currently allows a receiving party to return registered securities to the delivering party if registered securities were not specified at the time of the trade.[4] Finally, the proposal would eliminate an MSRB requirement that confirmations disclose whether interchangeables are in registered form.[5]

II. Rationale

The MSRB believes that its proposal should benefit depositories, brokers, dealers, and customers. The MSRB states in its filing that the proposal would facilitate depository conversion of bearer certificates to registered certificates, which would reduce depository costs associated with housing and processing bearer certificates. The MSRB also believes dealers would experience a reduction in the number of failed transactions and missed call notices. Customers, according to the MSRB, would benefit from better call notification, prompt interest payments, and reduced risk of certificate theft or loss offered by registered certificates. Accordingly, the MSRB believes that the proposal is consistent with section 15B(b)(2)(c) of the Act.

The MSRB solicited comments on the proposals in an exposure draft published in June 1987. The MSRB states in its filing that 18 comment letters were received. Thirteen commentators supported the proposal, and five opposed the proposal. Supporting commentators believed the proposal would promote the efficiencies of registered-form municipal securities. Opposing commenters believed the proposal would restrict their ability to service customers who prefer bearer securities. As noted above, however, no comments were received by the Commission.

III. Discussion

The Commission is approving the proposal because it believes the proposal is consistent with the Act, and Sections 15B and 17A in particular. As discussed below, the Commission believes that the proposal is designed to promote efficiencies and reduced risk associated with the use of registered-form municipal securities. The Commission believes that those efficiencies benefit depositories, dealers, and customers. The Commission also believes that the proposal should reduce the number of failed transaction settlements that result from current rules that create a presumption in favor of delivery of bearer certificates.

Since the enactment of TEFRA, most municipal securities have been issued in registered rather than bearer form. Moreover, the majority of municipal securities deliveries in primary distributions and in secondary-market transactions currently are effected by book-entry deliveries at depositories.[6] Although brokers and dealers that use depositories must accept book-entry deliveries of interchangeable issues, not all municipal securities brokers and dealers use depositories and many interchangeable issues are not eligible

---

[5] In this regard, the Commission is also currently considering whether order exposure for MAX order should be reduced from 30 to 15 second on a permanent basis. *See* SR-MSE-86-9, Release No. 24047, 52 FR 4548 (Feb. 12, 1987).

[6] 15 U.S.C. 78s(b)(2) (1982).

[7] 17 CFR 200.30-3(a)(12) (1986).

[1] Interchangeables are municipal securities issues that may be held in registered or bearer form and converted from one form to the other.

[2] *See* Securities Exchange Act Release No. 25172 (December 4, 1987), 52 FR 46875.

[3] *See* MSRB Rules G-12(e)(vi)(a) and G-15(c)(iv)(A). Since July 1, 1983, the Tax Equity and fiscal Responsibility Act of 1982 ("TEFRA") has made the tax-exempt status of new municipal bond issues contingent, in part, upon issuance of the securities in registered form. According to the MSRB, almost all municipal securities issued since that date have been in registered form. Current MSRB rules that would be amended by the proposal were adopted before TEFRA.

[4] *See* MSRB Rule G-12(g)(iii)(4).

[5] *See* MSRB Rules G-12(c)(vi)(B) and G-15(a)(iii)(B). Under the proposal, if parties do agree on a specific form of delivery, it would have to be noted on the confirmation as a special condition to the trade.

[6] In 1983, the Commission approved an MSRB proposal requiring dealers, brokers, and customers that participate in registered clearing agencies to use automated clearing agency facilities to process their municipal securities transactions. The proposal was intended to bring more municipal securities transactions into the National Clearance and Settlement System. *See* Securities Exchange Act Release No. 20465 (November 14, 1983), 48 FR 52531 corrected at 48 FR 54310.

for depository services. Current MSRB rules that presume deliveries of interchangeables must be in bearer form, unless specified otherwise, have hampered centralized automated processing of municipal securities transactions. Those rules effectively prevent depositories from converting interchangeable bearer securities on deposit to registered form, because many depository participants now need the ability to withdraw bearer certificates to satisfy delivery obligations to other dealers.[7] Moreover, those deliveries often are made physically and not by book-entry movements at depositories. As discussed below, current procedures create unnecessary cost and risk to depositories, brokers and dealers, and customers.

Depository costs and risk from maintaining interchangeables in bearer form are significant. Each bearer certificate must be individually maintained in the depository's vault, because bearer certificates cannot be consolidated into large-denomination certificates. Prior to interest payment dates, depositories must manually retrieve each bearer bond, physically "clip" the interest coupon, and physically deliver coupons to appropriate paying agents. Depositories also must monitor hundreds of newspapers and financial periodicals to determine which bearer bonds in their custody have been called for redemption by issuers. Depositories often incur significant interest costs when a call is missed.[8] In contrast, depositories can consolidate registered certificates into "jumbo" certificates and bond trustees send interest payments and call notices directly to depositories.

The proposal should benefit brokers and dealers by lowering depository costs,[9] which participants pay through depository fees, and reducing costs and risk resulting from physical deliveries. Currently, brokers and dealers that discover they have sold interchangeables,[10] without specifying registered-form delivery, must withdraw bearer certificates (and pay withdrawal fees) and physically deliver certificates to a receiving party that does not use a depository.[11] Bearer certificates are readily negotiable and present risk from loss or theft. If those brokers or dealers attempt to deliver registered certificates, they face reclamation under MSRB rules by the receiving party and must finance the position until physical delivery of bearer certificates can be made.

Although the Commission understand that some customers continue to prefer bearer certificates, registered certificates offer lower costs and risk to customers without any discernible detriment.[12] Like depositories, individual holders of registered certificates receive interest payments and call notices directly from bond trustees. The Commission understands that individual holders of bearer certificates are the most likely holders to miss call notices and often absorb resulting interest loss. Moreover, when individuals lose bearer certificates, trustees often require that the investor pay the cost of new printing plates in addition to a replacement bond, which together can exceed the face amount of the lost bond. The cost of printing plates is not incurred in replacement of registered bonds, because transfer agents maintain blank certificates for transfer or replacement purposes.

In commenting on an exposure draft published by the MSRB in June 1987, commentators opposing the proposal believed it would restrict their ability to service customers preferring bearer securities. Those commentators cited the ease of transferring bearer securities and the possibility of transfer fees as reasons for customer preferences for bearer securities. The Commission believes that registered certificates can be negotiated easily and with less risk of improper negotiation and resulting loss to investors. The Commission believes the efficiencies promoted by the proposal outweigh any burden the proposal may place on customers preferring bearer securities or parties servicing those customers.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the Act and, in particular, with Sections 15B and 17A.

It is therefore ordered, pursuant to section 19 of the Act, that the proposed rule change (SR–MSRB–87–12) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30–3.

Jonathan G. Katz,

Secretary.

Dated: March 18, 1988.

[FR Doc. 88–6538 Filed 3–24–88; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–16328(812–6968)]

AIM Convertible Securities, Inc., et al.; Application

March 21, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

Applicants: AIM Convertible Securities, Inc., AIM Government Funds, Inc., AIM Tax-Exempt Funds, Inc., The Constellation Growth Fund, Inc., Cortland Trust, The Greenway Fund, Inc., High Yield Securities, Inc., Short-Term Investments Co., Summit Investors Fund, Inc., Tax-Free Investments Trust and Weingarten Equity Fund, Inc.

Relevant 1940 Act Sections: Exemption requested under section 6(c) from section 32(a)(1).

Summary of Application: Applications seek an order to permit them and any open-end management investment company and any series, class or portfolio thereof that are sponsored, advised or administered now or in the future by AIM Advisors, Inc., AIM Capital Management, Inc. or their affiliates and are not required by law to hold annual shareholder meetings to file with the SEC financial statements signed or certified by an independent

---

[7] The Commission understands that after this proposal takes effect, depositories likely will begin comprehensive conversion of interchangeables to registered form, a process that could take several years. The effect of such a conversion would be to reduce the available supply of bearer certificates. Because that conversion could change a depository participant's current ability to withdraw interchangeables in bearer form, the Commission expects depositories to file any such policy change with the Commission under section 19 of the Act and Rule 19b–4.

[8] Recently, the improvement of municipal bond call notification has been of concern to the Commission. *See* Securities Exchange Act Release No. 23856 (December 3, 1986), 51 FR 44398. In that release, the Commission endorsed standards aimed at improving the processing of muncipal securities redemptions. The standards were endorsed at a meeting of industry organizations, self-regulatory organizations, and Federal regulatory agencies.

[9] One estimate indicates that a depository that currently holds over 15 million interchangeable bearer certificates could save $1.00 per certificate per year if those certificates were converted to registered form. Letter from Robert N. Downey, Chairman, Public Securities Association, Municipal Securities Division, to Angela Desmond, General Counsel, MSRB, dated March 31, 1987 ("PSA letter").

[10] The Commission understands that over 50% of municipal bonds issued prior to TEFRA are interchangeable, but that there is no readily available source to determine whether a particular bond is interchangeable.

[11] Estimates indicate that physical deliveries cost $10 to $15 more per trade to process than book-entry deliveries at depositories. *See, e.g.*, SEC, Division of Market Regulation, *Progress and Prospects: Depository Immobilization of Securities and Use of Book-Entry Systems*, Draft Staff Report (June 14, 1985).

[12] The Commission notes that the Public Securities Association and Depository Trust Company have committed to take steps to inform brokers, dealers, and investors of the implications of the proposal before the proposal's effective date. *See* PSA letter.

public accountant selected at a board of directors or trustees meeting held more than thirty but not more than ninety days before or after the beginning of their respective fiscal years.

Filing Date: The application was filed on January 25, 1988.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on April 14, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by certificate. Request notification of the date of the hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, Eleven Greenway Plaza, Suite 1919, Houston, Texas 77046.

FOR FURTHER INFORMATION CONTACT: Sherry Hutchins Perkins, Staff Attorney, (202) 272–3032 or Brion R. Thompson, Special Counsel, (202) 272–3016.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person, or the SEC's commercial copier, (800) 231–3282 (in Maryland, (301 258–4300).

Applicants' Representations

1. Applicants are open-end management investment companies registered under the 1940 Act. All of the Applicants are Maryland corporations except for Tax-Free Ivestments Trust, Short-Term Investments Co. and Cortland Trust, which are Massachusetts business trusts. Each Applicant is advised by AIM Advisors, Inc. or AIM Capital Management, Inc. Applicants' fiscal years range from March 31 to December 31.

2. The Boards of Directors or Trustees (hereinafter, the "Boards") of each Applicant currently select an independent public accountant at a meeting held prior to mailing the proxy soliciting material for those Applicants that hold annual meetings, and within thirty days before or after the beginning of the fiscal year for those Applicants that do not hold annual meetings. Applicants (other than Tax-Free Investments Trust, Short-Term Investments Co. and Cortland Trust) have in the past generally held an annual meeting of shareholders.

3. Tax-Free Investments Trust, Short-Term Investments Co. and Cortland Trust, as Massachusetts business trusts, are not required to hold annual shareholder meetings. Recently, Maryland State law has been changed so that it no longer requires annual meetings if the charter or by-laws of a Maryland corporation registered under the 1940 Act provides that such corporation need not hold annual meetings except when required in certain specific circumstances. At their most recent meetings, the Boards of Applicants that are incorporated in Maryland took such action as was necessary so that such Applicants need no longer hold annual meetings. Therefore, unless shareholder action is required under the 1940 Act for (i) election of directors, (ii) approval of the investment advisory agreement, (iii) ratification of the selection of independent public accountants or (iv) approval of the distribution agreement, annual meetings will not be held for any of the Applicants.

4. The procedures which have been followed by Applicants for the selection of independent public accountants rely on the work of the Audit Committee which is comprised of the same directors for all Applicants, except Cortland Trust and Tax-Free Investments Trust which have their own Audit Committees. Each of their Audit Committees is composed of "distinterested" directors (as contemplated in section 2(a)(19) of the 1940 Act) who meet with the independent public accountants at least twice a year.

5. The Audit Committees meet to discuss the scope of the audits, the significant audit procedures to be applied and the estimated costs. The Audit Committees also review the results of the annual audits, including such factors as the cooperation given by the investment manager's personnel, any changes in accounting practices and principles, and questions about the independent public accountant's qualifications or independence and the actual fees. Based on its work, the Audit Committee makes its recommendation to the respective Board of each Applicant regarding the selection of the independent public accountant.

6. Under the provisions of section 32(a)(1) of the 1940 Act, Applicants which do not hold regular annual meetings will now be required to select their independent public accountant within thirty days before or after the beginning of each Applicant's fiscal year. This would require a meeting of the Boards almost monthly due to the range of fiscal year-ends from March 31 to December 31.

7. Typically, the Boards of all of the Applicants meet at the same time which is more convenient for the board members and officers of the Applicants and which results in a substantial savings in meeting costs. To select the independent public accountant within thirty days before or after the beginning of each Applicant's fiscal year as required under section 32(a)(1) would require a change in the existing procedures of the Applicants, would be more inconvenient and costly and would not change the results.

8. Accordingly, to assure that the purposes expressed in the language of the 1940 Act are met while at the same time making an effective use of each Boards' time, it is proposed that the time frame in which meetings of the Boards could consider the selection of an independent public accountant be expanded from thirty days to ninety days before or after the beginning of the fiscal year. By so doing, the Board meetings on a complex-wide basis could be arranged so that the selection of an independent public accountant need be considered only twice each year.

Applicants' Legal Analysis

1. Each Applicant submits that it would be desirable for it to consider the selection of its independent public accountant at a regularly scheduled Board meeting during its fiscal year. Expanding the thirty day window under section 32(a)(1) to ninety days will permit a regular and structural consideration of the independent public accountant for complexes at a meaningful interval of time. This is preferable to the almost monthly selection which would be required if the interval is not expanded.

2. By permitting the scheduling of the selection of the independent public accountant through expanding the window from thirty to ninety days, the SEC will allow a member of each Board to review procedures to be put in place that will ensure the selection of the Applicants' independent public accountants is considered on a systematic basis that will (i) provide detailed review of the services furnished by the independent public accountants and (ii) result in the Boards' consideration of all information developed by the Audit Committees. Further, the process will more accurately reflect the reality of doing business in complexes having a substantial number of investment companies, which is different from the

time the 1940 Act was passed when investment companies were operated on an individual basis or in small investment company groups.

For the Commission, by the Division of Investment Management, under developed authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-6601 Filed 3-24-88; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16325; 812-6960]

The Chase Manhattan Bank, N.A.; Application

March 18, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

Applicant: The Chase Manhattan Bank, N.A.

Relevant 1940 Act Sections: Exemption requested under section 6(c) from the provisions of section 17(f).

Summary of Application: Applicant seeks an order to permit it to continue to deposit the securities and assets of U.S. registered management investment companies with Nederlandse Credietbank N.V. ("NCB") in The Netherlands, in accordance with prior orders, notwithstanding the fact that Applicant has transferred its interest in NCB.

Filing Date: The application was filed on January 20, 1988 and amended on March 9, 1988.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on April 12, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, One Chase Manhattan Plaza, New York, NY 10081.

FOR FURTHER INFORMATION CONTACT: Victor R. Siclari, Staff Attorney (202) 272-3026, or Curtis R. Hilliard, Special Councel (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. In Investment Company Act Release No. 12053 (November 20, 1981), the SEC granted an order exempting Applicant, any subcustodian of Applicant, any custodian for which Applicant acts as subcustodian and any management, investment company registered under the 1940 Act other than an investment company registered under section 7(d) of the 1940 Act ("Company") from the provisions of section 17(f) of the 1940 Act and Rule 17f-4 thereunder to the extent necessary to permit Applicant, as the custodian of securities and other assets of a Company ("Securities") or as the subcustodian of such Securities as to which any other entity is acting as custodian, and such other entity for which Applicant so acts, to deposit or to cause or permit the deposit of such Securities in certain foreign banks and foreign securities depositories under certain conditions. The term "Securities" does not include securities issued by the Government of the United States or by any state or any political subdivision thereof or by any agency thereof or any securities issued by any entity organized under the laws of the United States or any state thereof (other than certificates of deposit, evidences of indebtedness and other securities, issued or guranteed by an entity so organized which have been issued and sold outside the United States). In Investment Company Act Release No. 14184 (October 9, 1984), the SEC amended the order so that it would confrom to certain conditions in Rule 17f-5 under the 1940 Act which was adopted by the SEC in Investment Company Act Release No. 14132 (September 7, 1984) (the orders collectively referred to as "Existing Orders"). The Existing Orders provide, among other things, that any Company relying on the Existing Orders may maintain its Securities in the custody of only eligible foreign custodians as defined therein, which include: (i) a banking institution or trust company incorporated or organized under the laws of a country other than the United States that is regulated as such by that country's government or an agency thereof, and that has shareholders' equity in excess of $200 million (U.S. $ or U.S. $ equivalent) and (ii) a majority-owned direct or indirect subsidiary of a qualified U.S. bank or bank holding company that is incorporated or organized under the laws of a country other than the United States and that has shareholders' equity in excess of $100 million (U.S. $ or U.S. $ equivalent).

2. In Investment Company Act Release No. 14697 (August 28, 1985), the SEC granted an order ("NCB Order") under section 6(c) of the 1940 Act exempting Applicant, any Company and NCB from the provisions of section 17(f) to the extent necessary to permit Applicant to deposit, or to cause or permit the deposit of, Securities of any Company with NCB in The Netherlands. At that time, NCB was an indirect, wholly-owned subsidiary of Applicant and regulated as a banking institution by the Central Bank of The Netherlands. However, NCB had shareholders' equity of less than U.S. $100 million, and thus, did not satisfy the maximum requirement to qualify as an "eligible foreign custodian" under the existing Orders, as modified by Rule 17f-5 under the 1940 Act. Pursuant to the terms of the NCB Order, Applicant can make deposits with NCB only in accordance with an agreement, which agreement is required to remain in effect at all times during which NCB does not meet the requirements of the Existing Orders relating to shareholders' equity, among (a) the Company or a custodian of the Securities of the Company for which Applicant acts as subcustodian, (b) Applicant and (c) NCB, pursuant to the terms of which Applicant would act as the custodian or subcustodian, as the case may be, of the Securities of the Company and NCB would be delegated such duties and obligations of Applicant thereunder as would be necessary to permit NCB to hold in custody the Securities of the Company in The Netherlands, provided that such delegation would not relieve Applicant of any responsibility to the Company for any loss due to such delegation, except such loss as may result from political risk (*e.g.*, exchange control restrictions, confiscation, expropriation, nationalization, insurrection, civil strife or armed hostilities) and other risk of loss (excluding bankruptcy or insolvency of NCB) for which neither Applicant nor NCB would be liable under the Existing Orders (*e.g.*, despite the exercise of reasonable care, loss due to Act of God, nuclear incident and the like).

3. In investment Company Act Release No. 14711 (September 11, 1985), the SEC adopted amendments to Rule 17f-5 under the 1940 Act to clarify

certain aspects of the Rule. The release stated that the clarifications are equally applicable to the Existing Orders which incorporate the rule requirements.

4. On December 31, 1987, Applicant transferred its entire interest in NCB to Credit Lyonnais Bank Nederland N.V., a majority-owned direct subsidiary of Credit Lyonnais S.A. ("Credit Lyonnais"). Credit Lyonnais, a banking organization formed under the laws of France in 1863, is the second largest commercial bank in France and is regulated as a banking institution by the French government. Nothwithstanding the sale of Applicant's interest in NCB, Applicant requests an order to permit it to continue to deposit Securities of any Company in The Netherlands with NCB so long as such deposit is made in accordance with the terms of the Existing Orders as modified by the NCB Order.

Applicant's Legal Conclusions

The exemption requested should be granted because it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. In support thereof, the proposed foreign custodian arrangements with NCB would continue to comply with the requirements of the Existing Orders as modified by Rule 17f–5 under the 1940 Act and the NCB Order.

Applicant's Conditions

Applicant agrees that the requested order may be expressly conditioned on the following:

Applicant will comply with all the terms of the Existing Orders, as modified by Rule 17f–5 under the 1940 Act, except those relating to shareholders' equity and those which would have to be modified to accommodate the requirements of the NCB Order.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–6602 Filed 3–24–88; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC-16326; File No. 812–7993]

Robert A. Katz; Filing of Application

March 21, 1988.

Notice is hereby given that Robert A. Katz ("Katz" or "Applicant") 200 East 58th Street, New York, New York 10022, has filed an application ("Application") and amendment thereto requesting an order of the Commission pursuant to section 9(c) of the Investment Company Act of 1940, as amended (the "Act"), that would grant a permanent exemption from the prohibitions of section 9(a)(2) of the Act, applicable to him by virtue of an injunction entered in 1977. Katz requests relief only to the extent necessary to serve as a trustee of the Eclispe Financial Asset Trust.

The application states that Katz is an attorney who has been in private practice in New York City and, before that, in Chicago, for more than 22 years. He received an A.B. degree in 1946 from Harvard University where he also did post-graduate work from 1947 to 1948, and he received an LL.B. degree from the Boston University School of Law in 1954. The Application further states that Katz has been a member in good standing of the Illinois bar since 1954, the Connecticut bar since 1960 and the New York bar since 1966. In addition to practicing law, Applicant was an officer of Jospeh E. Seagram & Sons in New York City from 1965 to 1969. He served as chairman of the executive committee and director of Bevis Industries, Inc., in Providence, Rhode Island from 1969 to 1972, and as chairman of McGrath Services Corp. from 1973 to 1974. He served in the United States National Reserve from 1944 to 1946. In addition to maintaining his private legal practice, Applicant currently serves as an officer and director of Opportunity Press, Inc., in Chicago, Illinois.

From January to June 1987, Applicant served as a disinterested trustee of Eclipse Financial Asset Trust (the "Trust"), an open-end management investmenet company registered under the Act. Applicant resigned as a trustee of the Trust upon learning that he is prohibited, for the reasons discussed below, from serving in such capacity under section 9(a) of the Act.

In 1972, Applicant was named as one of approximately 20 defendants in an action commenced in the United States District Court for the District of Columbia entitled *SEC v. National Student Marketing Corporation*, Civ. Action No. 225–72 (D.D.C. filed Feb. 3, 1972) (the "Action"). In its complaint the Commission alleged, among other things, that Applicant violated and aided and abetted in the violation of the antifraud and reporting provisions of the Federal securities laws by issuing legal opinions which he knew or should have known were materially false and misleading and would be relief upon by third parties.

In April 1977, Applicant executed a stipulation in which he consented, without admitting or denying the allegations of the complaint except as to jurisdiction, to entry of a Final Judgment of Permanent Injunction (the "Final Judgment"). The Final Judgment, which was entered on April 26, 1977, permanently enjoined Applicant from

making materially false and misleading statements, or omitting to state any material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, including but not limited to issuing any legal opinion, in the form of a letter or otherwise, which he knows or reasonably should know is materially false or misleading in whole or part, to any company registered with the Commission or to any officer, director, employee, agent, accountant or attorney for such a company; or

engaging in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person, including but not limited to, issuing to any accountant, attorney, firm, company or any other person any proposed or actual contract, purchase and/or sale agreement, promissory note, management agreement or other legal instrument which he knows or reasonably should know is wholly or partially designed to or will likely be used to conceal the true nature of, or to materially promote, a transaction which is a sham or illusory in commercial or economic substance and which transaction he knows or reasonably should know could be misleading to stockholders of any company involved in the transaction or to the investing public.

In the Final Judgment, it was further ordered that any written legal opinion issued by Applicant to any issuer registered with the Commission (or to certain persons connected with such an issuer) and relied on in connection with the filing with the Commission of any required information clearly describe (i) the identity of any person or entity to whom and for whose benefit such opinion is rendered, (ii) the purpose for which such opinion is designed to be utilized, and (iii) any restriction on the use to which such opinion is put. In addition, pursuant to the Final Judgment, Applicant, who represents that he has not practiced law before the Commission since 1971, agreed to notify the Commission in writing prior to resuming such practice.

No evidence against Applicant was received in the Action and the Court did not make any findings of fact or conclusions of law regarding Katz in entering the Final Judgment.

Section 9(a) of the Act provides, in relevant part, that it is unlawful for any person to serve or act in the capacity of employee, officer, director, member of an advisory board, investment adviser or depositor of any registered investment company is such person, by reason of any misconduct, is permanently or temporarily enjoined

from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

Section 9(c) of the Act provides that upon application, the Commission shall be order grant an exemption, either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of section 9(a), as applied to the applicant, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or the protection of investors to grant such application.

The provisions of section 9(a) would preclude Applicant from serving as trustee for the Trust unless the relief requested pursuant to section 9(c) of the Act in this Application is granted. Applicant submits that the prohibitions of section 9(a) of the Act would be unduly and disproportionately severe as applied to him, and that his conduct has been such as to make it not against the public interest or the protection of investors to grant him an exemption from its provisions.

In support of this contention, Applicant submits that:

1. There were no factual findings or admissions of misconduct by Applicant in the Action. Moreover, the complaint filed by the Commission contained no allegations of self-dealing by Applicant.

2. More than 10 years have elapsed since Applicant consented to entry of the Final Judgment, and he has complied in all respects with its terms since its imposition. Applicant has taken all steps necessary to ensure that his legal practice is conducted in accordance with the terms of the Final Judgment.

3. At no time other than in the Action has Applicant been the subject of any federal or state enforcement or other administrative or judicial disciplinary proceeding, nor has he been named as a defendant in any other action relating to the securities laws. Applicant has not previously filed an application for relief pursuant to section 9(c) of the Act.

4. Applicant's participation as a disinterested trustee of the Trust would be in the best interests of investors in the Trust, and in the public interest, since his experience and expertise in the areas of law and business, and his personal integrity and commitment, make him especially well-suited to serve as trustee to the Trust. If Applicant is not permitted to serve as trustee for the Trust pursuant to an exemption under section 9(c) of the Act, investors will be deprived of the benefit of his experience and expertise.

5. The allegations in the Commission's complaint against Applicant, and the actions enjoined in the Final Judgment, involve Applicant's legal practice. Applicant will not be retained to render legal counsel to the Trust, nor will he resume practice before the Commission in connection with his position as trustee. To prohibit him from serving as trustee for the Trust would place an undue and disproportionate limitation on his activities.

6. Applying the prohibitions of section 9(a) to Applicant would result in detriment to investors in the Trust and deprive Applicant of his ability to serve as trustee for the Trust even though Applicant's contemplated activities as trustee of the Trust are completely unrelated to the activities and capacity in connection with which he was enjoined and he has complied fully with the terms of the Final Judgment.

Based upon the foregoing, Applicant states that the prohibitions of section 9(a) would be unduly and disproportionately severe as applied to him, and that it is not against the public interest or the protection of investors to grant the order of exemption requested in this Application. Applicant therefore requests that the Commission, pursuant to section 9(c) of the Act, grant him a permanent exemption from the provisions of section 9(a) operative as a result of the injunction entered against him in 1977, to the extent necessary to permit him to serve as a trustee of the Trust.

Applicant represents that he acknowledges, understands, and agrees that the Commission's issuance of the order requested by the Application shall not prejudice nor limit the Commission's rights in any manner with respect to any investigation, enforcement action, or proceeding under section 9(b) of the Investment Company Act, based, in whole or in part, upon conduct other than that giving rise to the Application.

Notice is further given that any interested person may, not later than April 20, 1988, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the Application, accompanied by a statement as to the nature of his or her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted. Any such request should be addressed to: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application herein will be issued as of course following said date unless the Commission orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–6602 Filed 3–24–88; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 16324; (812–6986)]

USAA Mutual Fund, Inc., et al.; Application

March 18, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

Applicants: USAA Mutual Fund, Inc. (consisting of: USAA Growth Fund, USAA Sunbelt Era Fund, USAA Income Stock Fund, USAA Income Fund and USAA Money Market Fund), USAA Tax Exempt Fund, Inc. (consisting of: USAA High Yield Fund, USAA Intermediate-Term Fund, USAA Short-term Fund and USAA Tax Exempt Money Market Fund), and USAA Investment Trust (consisting of: USAA Cornerstone Fund and USAA Gold Fund).

Relevant 1940 Act Sections: Exemption requested under section 6(c) from section 32(a)(1).

Summary of Application: Applicants seek an order to permit them and any future funds, trusts or series which become part of the USAA Group of Funds to file with the SEC financial statements signed or certified by an independent public accountant selected at a board of directors or trustees meeting held within sixty days after their respective fiscal years.

Filing Date: The application was filed on February 4, 1988.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on April 11, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either

personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by certificate. Request notification of the date of the hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, USAA Building, 9800 Fredericksburg Road, San Antonio, Texas 78288.

FOR FURTHER INFORMATION CONTACT: Sherry Hutchins Perkins, Staff Attorney, (202) 272–3032 or Brion R. Thompson, Special Counsel, (202) 272–3016.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person, or the SEC's commercial copier, (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations: 1. Each Applicant is a registered open-end management investment company under the 1940 Act incorporated under the laws of Maryland, except USAA Investment Trust which is organized as a Massachusetts business trust. Each Applicant is a series company which is advised by USAA Management Company, an affiliate of United Services Automobile Association, a major property and casualty insurer.

2. Each of the Applicants has a Board of Directors or Board of Trustees (hereinafter "Board" or "directors"). Traditionally, Applicants have held concurrent quarterly meetings of their Boards and selected independent public accountants at the first quarterly meeting held subsequent to each Applicant's fiscal year end. Neither the corporate laws of Maryland nor applicable business trust law of Massachusetts require Applicants to hold annual shareholders' meetings.

3. Therefore, unless shareholder action is required for some other reason, it is the intention of Applicants that annual meetings not be held. Accordingly, under the provisions of section 32(a)(1) of the 1940 Act, Applicants are required to select their independent public accountant within thirty days before or after the beginning of each Applicant's fiscal year.

4. According to the application, the thirty day period for the selection of an independent public accountant mandated by section 32(a)(1) does not provide adequate time for Applicants' Combined Audit Committee (the "Committee") to review the audit findings in detail and formulate recommendations for the Boards. The selection of an independent public accountant for each Applicant is predicated on the recommendations of the Committee, which is composed of "disinterested directors" (as contemplated in section 2(a)(19) of the 1940 Act) serving on the Board of each Applicant. The Committee meets at least twice a year with the independent public accountant to discuss the audit plan, significant audit procedures to be implemented and projected costs. Upon completing the audits of the Applicants, the Committee reviews the results and formulates recommendations for consideration by the Boards. The Committee's recommendations are based on such criteria as: accountant's qualifications, ability to meet deadlines, suggested changes in accounting practices and principles, and actual fees.

5. Accordingly, to ensure that the purpose expressed in the language of section 32(a)(1) of the 1940 Act is met while at the same time ensuring that each Applicant's Board has the benefit of the Committee's recommendations prior to their selection of an independent public accountant, Applicants propose to allow the thirty day period in which meetings of directors could consider the selection of an independent public accountant be expanded to sixty days after the end of their respective fiscal years.

6. The fiscal year-ends of Applicants are March 31 for USAA Tax Exempt Fund, Inc., and September 30 for USAA Mutual Fund, Inc. and USAA Investment Trust. The expanded period for selection would enable Board meetings on a complex-wide basis to be arranged so that the selection of an independent public accountant need be considered only twice each year at a time sufficient to provide for a detailed review by the Committee and the Boards of the previous year's audit results.

Applicants' Legal Analysis

1. Each Applicant submits that it would be desirable for it to consider the selection of its independent public accountant at a regularly scheduled Board meeting during its fiscal year. Applicants believe that the exemption is appropriate and in the public interest, is consistent with the protection of investors, and is consistent with the purposes intended by the policy and provisions of the 1940 Act.

2. By permitting the scheduling of the selection of the independent public accountant through expanding the window form thirty to sixty days, the SEC will allow review procedures that would (i) provide the Committee with a more realistic timeframe for a detailed review of the services and results furnished by the independent public accountant to Applicants and (ii) enable each Board to give sufficient consideration to all of the information submitted by the Committee prior to making their selection. Further, the process will more accurately reflect the practicalities of doing business in complexes having a substantial number of investment companies, as opposed to investment companies operated on an individual basis or in small investment company groups.

For the Commission, by the Division of Investment Mangement, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–6604 Filed 3–24–88; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–8040]

Issuer Delisting; Application To Withdraw From Listing and Registration; USR Industries, Inc.

March 21, 1988.

USR Industries, Inc. ("Company") (Common Stock, $1.00 par value), has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company concluded that, given its relatively small size and the additional costs required for compliance with Amex requirements, the Company should not continue its listing on the Amex. In addition, the Company does not fully satisfy all of the Amex's financial guidelines for continued listing. The Company has listed its common stock on the National Association of Securities Dealers Automated Quotation System ("NASDAQ"). Trading in the Company's common stock over NASDAQ commenced on January 25, 1988.

Any interested person may, on or before April 11, 1988, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order

granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-6537 Filed 3-24-88; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. IP 88-02; Notice 01]

Goodyear Tire and Rubber Co.; Receipt of Petition for Determination of Inconsequential Noncompliance.

Goodyear Tire and Rubber Company (Goodyear), of Akron, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.109, Federal Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires," on the basis that it is inconsequential as it relates to motor vehicle safety.

This Notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S4.3(e) of Federal Motor Vehicle Safety Standard No. 109 requires that the actual number of plies in the sidewall, and the actual number of plies in the tread area if different, be permanently molded into or onto both sidewalls. Goodyear produced and labeled 17,694 P195/60HR15 Eagle GT+4 tires with the incorrect number of plies in tread.

The tires in question were marked as follows:

Tread 6 Plies: 2 Polyester cord + 2 Steel Cord + 2 Nylon Cord Sidewall 2 Plies Polyester Cord.

The correct marking should be:

Tread 5 Plies: 2 Polyester Cord + 2 Steel Cord + 1 Nylon Cord Sidewall 2 Plies Polyester Cord.

Goodyear believes that the incorrect stamping has no effect on the tire performance or safety. The company supports the petition for inconsequential noncompliance "because the tires meet all test requirements of FMVSS No. 109, including tire strength, tire endurance, high speed performance, tubeless tire resistance to bead unseating, and physical dimensions." In addition, "the tires meet the temperature resistance requirement of § 575.14 of Title 49 Code of Federal Regulation, Uniform Tire Quality Grading Standard."

Interested persons are invited to submit written data, views and arguments on the petition of Goodyear Tire and Rubber Company, described above. Comments should refer to the Docket Number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: April 25, 1988.

(Sec. 102 Pub.L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on March 22, 1988.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 88-6541 Filed 3-24-88; 8:45 am]

BILLING CODE 4910-59-M

[Docket 79-17; Notice 37]

New Car Assessment Program (NCAP); Review of Studies Which Compare NCAP Crash Test Results and Real-World Crash Data

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for comments.

SUMMARY: Over the past few years, several studies have been conducted in an attempt to compare the experimental New Car Assessment Program (NCAP) crash test results with real-world crash injury/fatality data. These studies reflect divergent views on whether NCAP results show a positive correlation to the real world. In an effort to assess the validity of these studies, the methodologies and conclusions of each study were reviewed and documented.

From a purely analytical perspective, the agency believes that the real-world crash data necessary to conduct a statistically valid real-world correlation should match the NCAP crash test conditions as closely as possible in terms of vehicle parameters (i.e., model year, make, model, and body style), impact direction and speed, safety belt usage, and injury descriptions to the head, chest and femurs. However, it is recognized that perfect real-world crash data are not available in sufficient amounts to conduct an ideal correlation. Thus, any study of the relationship between NCAP crash test results and real-world crash data must apply certain assumptions and adjustments to the two data sets in an effort to develop sufficient data that are as similar as possible for legitimate correlation analyses. It is within this context that the seven studies known to the agency were reviewed.

The agency seeks written comments on its review of the various studies. Additionally, the agency seeks comments and suggestions on the best method(s) and assumptions for conducting a real-world correlation analysis of NCAP which will provide statistically valid conclusions based on a logical, defendable methodology.

Copies of the individual studies and the agency's review of them are contained in a report titled, "Comparison of New Car Assessment Program Crash Test Results With Real-World Crash Data—Summary and Analysis of Existing Studies." The report is available for review in the NHTSA Docket Section, at the following address, under Docket Number 79-17-GR, item number 060. Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590.

DATE: Written comments on this notice must be submitted no later than May 24, 1988.

ADDRESSES: Comments on this notice must refer to the docket and notice numbers set forth above and be submitted (preferably in 10 copies) to the Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. Submissions containing information for which confidential treatment is requested should be submitted (3 copies) to Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, DC 20590, and 7 additional copies from which the purportedly confidential information has been deleted should be sent to the Docket Section.

FOR FURTHER INFORMATION CONTACT: Charles L. Gauthier, Office of Market Incentives, National Highway Traffic Safety Administration (NRM-22), 400

Seventh Street SW., Washington, DC 20590 (202–366–4805).

SUPPLEMENTARY INFORMATION: Title II of the Motor Vehicle Information and Cost Savings Act requires the development and dissemination of comparative information on the crashworthiness, damage susceptibility, and ease of diagnosis and repair of motor vehicles. The foundation of Title II is the belief that, if consumers have valid comparative information on important motor vehicle characteristics, they will use that information in their vehicle purchasing decisions, thereby encouraging motor vehicle manufacturers to improve the safety and reliability of their products. The experimental NCAP addresses the crashworthiness aspect of Title II by providing comparative frontal crashworthiness safety performance information, in the form of dummy injury measurements, on selected vehicles which are crashed head-on into a fixed barrier at 35 mph.

Since its inception in 1979, NCAP has been not only an important information dissemination tool, but also an important crashworthiness improvement mechanism. Many manufacturers have voluntarily made changes (oftentimes small but significant) to their vehicles in an effort to improve the vehicle's NCAP performance. Additionally, NCAP has been the catalyst for many improvements in crash testing and related test procedures, e.g., instrumentation accuracy and dummy placement. NCAP has made it possible to examine a variety of issues, such as crash test repeatability and instrumentation accuracy through the waveform signal generator, and was the motivation for exploring alternative crash test configurations—frontal deformable moving barrier testing. Although NCAP remains an "experimental" program, it has provided significant benefits to consumers and the agency.

NCAP is termed "experimental" in that it is unclear whether the program will provide a long-term basis for comparing the crashworthiness and safety performance built into new production vehicles. As a result, NCAP is more properly characterized as a program which provides consumers with comparative information on a limited aspect of vehicle crashworthiness—high-speed frontal impacts. And while NCAP has led to vehicle improvements and enhanced consumer information, the agency recognizes the limitations on the data it presents (e.g., comparisons should be made only with comparable weight vehicles, only one car per model tested, etc.) and so informs the public in its news releases.

There are several reasons why NCAP by itself cannot be used as a "ratings" program to compare the crashworthiness of all vehicles in all crash modes. These are the appropriateness of the test configuration (frontal impact, fixed barrier, one test speed); the ability of the test dummies to measure only certain types of injury (e.g., abdominal injuries cannot be replicated with the current test dummies); and the running of only one test per vehicle type (i.e., repeat tests might give slightly different results). Thus, NCAP only measures the performance of vehicles in one type of crash (frontal), at one speed (35 mph barrier equivalent velocity), in terms of reducing certain types of injuries (head, chest, and femurs). It does not attempt to measure performance in other crash configurations or in ameliorating other types of injuries. (Of course, the speed and configuration in which NCAP is conducted represent the single crash situation which causes the most serious injuries and fatalities.) Also of concern is the relationship of test results to real-world accidents, which inherently involves the other concerns to various degrees. The agency believes the real-world relevancy of NCAP is an important question to be resolved. Thus, the agency has undertaken a review of the various studies that have assessed the NCAP/real-world correlation.

From a purely analytical perspective, the agency believes that the real-world crash data necessary to conduct a statistically valid real-world correlation should match the NCAP crash test conditions as closely as possible, including:

- Vehicle model year
- Vehicle make
- Vehicle model/body style
- Impact direction
- Impact speed and/or delta-V
- Occupant protection device (use of belts, automatic belts, or air bags at the driver and passenger seating positions)
- Specific injury data (head, chest, femurs)

However, it is recognized that perfect real-world crash data are not available in sufficient amounts to conduct an ideal correlation. Thus, any study of the relationship between NCAP crash test results and real-world crash data must apply certian assumptions and adjustments to the two data sets in an effort to develop sufficient data that are as similar as possible for legitimate correlation analyses. For example, precise impact speed information is rarely available, and reported use of occupant protection devices is sparse or questionable. In reviewing any study, one of the major issues to be assessed is the reasonableness of the assumptions made by the authors in their efforts to obtain sufficient data for analysis.

Over the past five years, several studies have been conducted which attempt to determine whether a relationship exists between NCAP test results and real-world crash injuries and/or fatalities. The agency is aware of seven studies in this area and these are reviewed in the report, "Comparison of New Car Assessment Program Crash Test Results With Real-World Crash Data—Summary and Analysis of Existing Studies."

The report concludes that each study contains some element in its statistical approach or data compilations which prevents direct comparisons between NCAP crash test results and real-world crash data. The primary issue and the agency has found which affects all of the studies is the lack of an adequate crash data source for drawing comparisons. Such a source should, ideally, include sufficient data on injuries and fatalities for front seat occupants using the available occupant protection devices in high-speed frontal accidents for the various years/makes/models tested in NCAP.

The agency is continuing its efforts to establish a correlation between NCAP crash test results and real-world accidents. With the increase in safety belt usage in the United States as a result of safety belt use laws and the number of vehicles on the road with automatic crash protection systems, the amount of crash data on belted occupants and occupants protected by automatic crash protection should increase substantially over the next few years. The agency is planning further work on the relationship between NCAP and real-world crashes using these data. Any comments on the conduct of such analyses would be welcome.

Interested persons are invited to submit comments. It is requested, but not required, that 10 copies be submitted. A 60-day comment period is provided.

All comments must be limited not to exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the

complete submission, including the purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the address given above, and seven copies, from which the purportedly confidential information has been deleted, should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be accepted, and will be available for examination in the docket at the above address both before and after that date. The agency will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the public docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Issued on March 22, 1988.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 88-6542 Filed 3-24-88; 8:45 am]

BUILDING CODE 4910-59-M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 58
Friday, March 25, 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).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, March 30, 1988.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

FY 90 Planning Issues

The staff will brief the Commission on Fiscal Year 1990 Planning Issues.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD. 20297 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

March 23, 1988.

[FR Doc. 6667 Filed 3–23–88; 1:46 pm]

BILLING CODE 6355–01–M

Corrections

Federal Register
Vol. 53, No. 58
Friday, March 25, 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.

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Handicapped Special Studies Program; Proposed Annual Evaluation Priorities

Correction

In notice document 88-4807 beginning on page 7294 in the issue of Monday, March 7, 1988, make the following corrections:

1. "Existing" should read "exiting" in the following places on page 7294:

a. In the second column, in the "Priority 2" heading, in the second line;

b. In the second column, in the last paragraph, in the fifth line;

c. In the third column, in the sixth line;

d. In the third column, in the first complete paragraph, in the 23rd line.

2. On the same page, in the third column, in the 23rd line after "school", insert a period.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-81014; FRL-3215-6]

Intent To Remove Forty-Nine Incorrectly Reported Chemical Substances From the TSCA Inventory

Correction

In notice document 88-636 beginning on page 949 in the issue of Thursday, January 14, 1988, make the following corrections on page 951, in the second column:

1. In the first entry, in the fourth line, "dioxo" was misspelled.

2. In the third entry, in the 4th and 5th lines, "terephthalic" was misspelled.

3. In the eighth entry, in the 3rd and 4th lines, "methyl-2-propenoate" should read "methyl 2-methyl-2-propenoate".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-830024H; FRL-3326-4]

Toxic and Hazardous Substances Control; Decision on Exclusion/Waiver Applications of Seven Companies; Aldrich Chemical Co., et al.

Correction

In notice document 88-2807 beginning on page 3938 in the issue of Wednesday, February 10, 1988, make the following correction:

On page 3940, in the third column, in the next to the last paragraph, in the third line, "766.32(1)2(ii)" should read "766.32(a)(2)(ii)".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-020-08-4212-13; A 18270]

Realty Action; Exchange of Public Land; Pima County, AZ

Correction

In notice document 88-4561 appearing on page 6877 in the issue of Thursday, March 3, 1988, make the following correction:

In the second column, after the second paragraph, the land description should read

"T. 12 S., R. 11 E., Gila and Salt River Meridian, Arizona

Sec. 25, SE¼SE¼NE¼, E½SE¼.".

BILLING CODE 1505-01-D

VETERANS ADMINISTRATION

38 CFR Part 1

Parking Fees at VA Medical Facilities

Correction

In proposed rule document 88-5996 beginning on page 8934 in the issue of Friday, March 18, 1988, make the following correction:

§ 1.302 [Corrected]

On page 8935, in the second column, in § 1.302(a), in the 14th line "related" should read "altered".

BILLING CODE 1505-01-D

federal register

Friday
March 25, 1988

Part II

The President

Proclamation 5779—Modifying the Implementation of the Generalized System of Preferences and the Caribbean Basin Economic Recovery Act

Executive Order 12632—Exclusions From the Federal Labor-Management Relations Program

Federal Register
Vol. 53, No. 58
Friday, March 25, 1988

Presidential Documents

Title 3—

The President

Proclamation 5779 of March 23, 1988

Modifying the Implementation of the Generalized System of Preferences and the Caribbean Basin Economic Recovery Act

By the President of the United States of America

A Proclamation

1. I have determined that, under section 802(b) of the Trade Act of 1974 (the Act) (19 U.S.C. 2492(b)), as amended by the Anti-Drug Abuse Act of 1986 (Pub. L. 99–570, 100 Stat. 3207), during the previous year Panama has not cooperated fully with the United States, and has not taken adequate steps on its own, in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in Panama or transported through Panama, from being sold illegally within the jurisdiction of Panama to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States, and in preventing and punishing the laundering in that country of drug-related profits or drug-related monies.

2. Pursuant to section 802(a) of the Act (19 U.S.C. 2492(a)), I have decided to deny until further notice the preferential tariff treatment under the Generalized System of Preferences (GSP) and the Caribbean Basin Economic Recovery Act (CBERA) now being afforded to articles that are currently eligible for such treatment and that are imported from Panama.

3. Section 604 of the Act (19 U.S.C. 2483) confers authority upon the President to embody in the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) the relevant provisions of that Act, of other acts affecting import treatment, and of actions taken thereunder.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States of America, including but not limited to sections 604 and 802 of the Act, do proclaim that:

(1) General headnote 3(e)(v)(A) to the TSUS is modified by striking out "Panama" from the enumeration of independent countries whose products are eligible for benefits under the GSP.

(2) General headnote 3(e)(vii)(A) to the TSUS is modified by striking out "Panama" from the enumeration of designated beneficiary countries whose products are eligible for preferential treatment under the CBERA.

(3) No article the product of Panama and entered, or withdrawn from warehouse for consumption, into the United States on or after the effective date of this Proclamation shall be eligible for preferential tariff treatment under the GSP or under the CBERA.

(4) This Proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the fifteenth day following the date of the publication of this Proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of March, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 88-6730
Filed 3-24-88; 10:25 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12632 of March 23, 1988

Exclusions From the Federal Labor-Management Relations Program

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including Section 7103(b) of Title 5 of the United States Code, and in order to exempt certain agencies or subdivisions thereof from coverage of the Federal Labor-Management Relations Program, it is hereby ordered as follows:

Section 1. *Determinations.* The agencies or subdivisions thereof set forth in Section 3 of this Order are hereby determined to have as a primary function intelligence, counterintelligence, investigative, or national security work. It is also hereby determined that Chapter 71 of Title 5 of the United States Code cannot be applied to these agencies or subdivisions in a manner consistent with national security requirements and considerations. These agencies or subdivisions thereof are hereby excluded from coverage under Chapter 71 of Title 5 of the United States Code.

Sec. 2. *Relationship to Executive Order No. 12559.* The determinations set forth in Section 1 of this Order are the same determinations that I made at the time of and as a predicate to my issuance on May 20, 1986, of Executive Order No. 12559, which was issued for the same purpose as this Order. On July 10, 1987, Executive Order No. 12559 was held by a United States District Court to be incomplete as a matter of form, and therefore invalid, because it did not expressly set forth these determinations. *AFGE* v. *Reagan,* Civil No. 86–1587 (D.D.C.). These determinations were not expressly set forth in the text of Executive Order No. 12559 because all that Order did was amend Executive Order No. 12171 by adding the agencies or subdivisions referred to in Section 1 of this Order to the list in Executive Order No. 12171 of entities excluded from coverage of the Federal Labor-Management Relations Program, and these determinations were already expressly set forth in the text of Executive Order No. 12171, which remains in effect (as amended). This Order is not intended to reflect any belief that the form of Executive Order No. 12559 was invalid, but is intended solely to accomplish the purpose of that Order.

Sec. 3. *Amendment of Executive Order No. 12171.* Executive Order No. 12171 is amended by deleting Section 1–209 and inserting in its place:

Sec. 1–209. *Agencies or subdivisions of the Department of Justice.* (a) The Office of Enforcement and the Office of Intelligence, including all domestic field offices and intelligence units, of the Drug Enforcement Administration.

(b) The Office of Special Operations, the Threat Analysis Group, the Enforcement Operations Division, the Witness Security Division and the Court Security Division in the Office of the Director and the Enforcement Division in Offices of the United States Marshals in the United States Marshals Service.

Ronald Reagan

THE WHITE HOUSE,
March 23, 1988.

[FR Doc. 88-6731
Filed 3-24-88; 10:28 am]
Billing code 3195-01-M

Reader Aids

Federal Register

Vol. 53, No. 58

Friday, March 25, 1988

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

6115-6552	1
6553-6782	2
6783-6964	3
6965-7176	4
7177-7324	7
7325-7488	8
7489-7722	9
7723-7874	10
7875-8140	11
8141-8420	14
8421-8610	15
8611-8744	16
8745-8858	17
8859-9098	18
9099-9280	21
9281-9422	22
9423-9594	23
9595-9758	24
9759-9852	25

CFR PARTS AFFECTED DURING MARCH

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.

3 CFR

Proclamations:

5774	7323
5775	7723
5776	8863
5777	9420
5778	9425
5779	9850

Executive Orders:

12171 (Amended by EO 12632)	9852
12587 (Superseded by EO 12629)	7875
12607 (Amended by EO 12627)	6553
12627	6553
12628	7725
12629	7875
12630	8859
12631	9421
12632	9852

Administrative Orders:

Presidential Determinations:

No. 88-11 of Mar. 7, 1988	9423

5 CFR

595	8141
630	7325, 8301
831	6555
1650	8421

Proposed Rules:

339	9121
890	7763

7 CFR

1	7177
2	6783, 7877
272	6556
273	6556
301	6783, 6965, 7877
354	7489
401	6559, 6561, 6965, 7878, 9099, 9100
413	9102
420	9103
421	6563
422	6115
424	6564
428	6565
438	6565
440	9104
448	6566
452	6567
455	6115, 6568
719	6119
907	6968, 7328, 7879, 8865
908	7328
910	6969, 7490, 7879, 8422, 8866, 9759
917	6128
925	6572
927	7880
946	8142
948	8145
959	7329
982	8423
984	9595
985	6129
989	9427
1139	6916
1240	8147
1421	6131, 8745
1610	6969
1823	7330
1900	7330
1924	8738
1940	7330
1941	8738
1942	6784
1944	7178, 7491
1951	7330
1955	7330
1962	7330, 8738
1965	7330, 7491, 8738
1980	7330, 8148
2054	9597
3015	8034
3016	8034

Proposed Rules:

28	9774
51	7531
52	7532
252	7188
401	6652-6654
449	6655
800	8921
917	8460, 9634
925	9450
933	7194
944	9450
946	7369
1007	9635
1030	8205
1032	7210
1065	9636
1106	6158
1126	7942
1210	9637
1425	7370
1772	8219
1822	9318
1823	9318
1910	9318
1924	7532
1941	9318
1942	9318
1943	9318
1944	9318
1945	9318
1951	9318
1955	9318
1965	9318

8 CFR

212 9281
241 9281
242 9281
245a 9274
274a 8611
287 9281
292 7727

9 CFR

51 7881
97 7492
317 7493
318 7493
319 8425
381 7493

Proposed Rules:

92 ..... 6656, 6791, 8301
307 8922
350 8922
351 8922
352 8922
354 8922
355 8922
362 8922
381 8922

10 CFR

2 9429
4 6137
15 6137
19 6137
20 6137
21 6137
50 ..... 6137, 8845, 9430
53 6137
55 6137
73 6137
75 6137
81 6137
140 6137
150 6137
170 6137
430 8304
600 8034

Proposed Rules:

Ch. 1 7534
2 6666
34 8460
50 ..... 6159, 7534, 8924
73 7534
430 7110

11 CFR

Proposed Rules:

102 6916
106 6916

12 CFR

4 6573
21 7881
29 7885
30 7885
34 7885
310 7339
545 6792
561 6792
563 6792
563c 6792
564 8167
570 6792
620 7340
621 7340
701 9610
1101 7340

Proposed Rules:

3 8550
225 8500
308 9406
325 8500

13 CFR

120 7343
133 9611
143 8034

14 CFR

21 ..... 6793, 7728, 8866
25 8866
36 ..... 6793, 7728
39 ..... 6793, 6794, 7074, 7346-7348, 7729-7732, 8614, 8615, 8730, 8868-8870, 9284, 9431, 9432
71 ..... 6140-6142, 6219, 6795, 6796, 6918, 7349-7352, 8172, 8173, 8301, 8616, 9285
73 ..... 6796, 7352, 7353, 8173, 8175
95 6573
97 ..... 6592, 8872
121 8726
150 ..... 8722, 9726
1216 9559

Proposed Rules:

Ch. 1 6830
25 8742
27 ..... 7479, 9190
29 ..... 7479, 9190
39 ..... 7371-7373, 7764, 7765, 8220, 8633, 8634, 8926-8928, 9322
61 8368
63 8368
65 8368
71 ..... 6160-36162, 6666, 6830, 6832, 7374-7377, 7468, 8635, 8929, 9124, 9323, 9758
73 ..... 7377, 7378, 9124
91 ..... 7096, 8930, 9758
107 9094
121 8368
133 9190
135 ..... 7096, 8368, 8930
241 9553

15 CFR

4 6972
18 6797
24 8034
370 6143
372 6143
399 7733

Proposed Rules:

379 8221

16 CFR

13 ..... 9104, 9108
1016 6593

Proposed Rules:

Ch. II 6833
13 ..... 6667, 9666

17 CFR

1 ..... 7178, 7179
3 8428
5 7179
31 7179
145 8428
200 9763
211 7892
229 9767
230 ..... 7866, 9767
239 9767
240 9767
270 9767

Proposed Rules:

31 8932
230 7870
400 8598
402 8598
403 8598
404 8598
450 8598

18 CFR

154 7495
157 ..... 7503, 8176
284 ..... 7893, 8439
380 8176
389 7354

Proposed Rules:

35 9324
38 9327
292 9331
293 9324
382 9327

19 CFR

4 ..... 6143, 9285, 9315
6 9285
10 9285
18 9285
24 ..... 9110, 9285
101 8746
122 9285
123 9285
162 9285

Proposed Rules:

6 7766
146 6996

21 CFR

5 8617
60 7298
81 6983
172 6595
176 8618
178 8440
193 ..... 8873, 9433
349 7076
369 7076
524 7504
561 ..... 8873, 9433

Proposed Rules:

182 8301
201 8845
349 6997
356 8845
357 7073
369 8845

22 CFR

40 ..... 9110, 9172
41 ..... 9110, 9172
42 ..... 9110, 9172
135 8034
303 8178
601 9614

23 CFR

655 8620

Proposed Rules:

659 7943

24 CFR

44 8034
85 8034
111 8034
115 6964
200 6600
201 ..... 6922, 8874
203 ..... 6922, 8626, 8874
204 8874
205 8874
207 8874
213 8874
215 6600
220 8874
221 ..... 6600, 8874
231 8874
232 8874
234 ..... 6922, 8874
235 6600
236 6600
240 8874
241 8874
242 8874
244 8874
247 6600
250 8874
251 8874
255 8874
300 6601
511 8034
570 8034
571 8034
575 8034
590 8034
812 6600
850 8034
880 6600
881 6600
882 ..... 6600, 7734, 8034
883 6600
884 6600
885 8874
886 6600
888 8888
904 6600
905 ..... 6600, 8034
912 6600
941 8034
960 6600
968 8034
970 8034
990 8034
3280 6600

25 CFR

176 6145

26 CFR

1 ..... 6602, 6603, 6614, 6670, 6800, 7504, 8302, 8747, 9726
5h 6146
26 8441
26a 8441
41 6625
48 ..... 6518, 8302
51 6626
55 6146
602 ..... 6146, 6518, 6603, 6614, 6770, 6800, 7504, 8441

Proposed Rules:

1 ..... 6670, 6681, 8773
26 8469
26a 8469
48 6524

602 8469

27 CFR

9 9768
25 8626
Proposed Rules:
4 9775

28 CFR

0 9435
9 9614
16 7734
32 8451
50 8452
66 8034
701 8895
Proposed Rules:
16 9452

29 CFR

97 8034
452 8750
1470 8034
1910 ..... 6628, 8322
2619 ..... 8454, 9024
2676 8455

30 CFR

57 9615
202 8181
203 8181
206 8181
207 8181
210 8181
241 8181
914 9316
917 7735
935 7737
946 7180
Proposed Rules:
75 ..... 6162, 6512
702 9777
785 9453
823 9453
906 7211
914 8469
916 9669
917 7212
918 8222
934 8933

31 CFR

25 9728
316 9615
342 9615
351 9615
500 7354
535 7355
540 7355
545 7355
550 7355
Proposed Rules:
103 7948

32 CFR

40a 9317
278 8034
291 9435
295 ..... 7358, 8629
518 8901
Proposed Rules:
838 9455

33 CFR

117 ..... 6984, 8751, 8848, 9627
161 7738
334 6942
Proposed Rules:
110 ..... 7949, 8773, 8774
117 ..... 8850, 9670
165 7949
334 9671

34 CFR

74 8034
80 8034
304 6944
333 6952
Proposed Rules:
300 8390
330 8608
331 8608
350 6958
357 6958
612 7312
653 8397
696 7953
700 9088
706 9408
707 9408
708 9408
779 9246

35 CFR

60 7894

36 CFR

1207 8034
1256 6821
Proposed Rules:
7 7466

37 CFR

203 8456
Proposed Rules:
201 7073

38 CFR

1 9442
2 7183
3 7902
17 ..... 7185, 9627
21 7183
43 8034
Proposed Rules:
1 ..... 8934, 9848
2 8471
3 8471
14 8471
17 9778
21 9125

39 CFR

111 6985
946 6986
Proposed Rules:
111 ..... 6837, 9334

40 CFR

30 8034
31 8034
33 ..... 8034, 9443
35 9736
60 ..... 7514, 8182
61 8182
81 ..... 8182, 9112
180 ..... 7739, 8845, 9024, 9443
228 ..... 6987, 8183, 9444
261 ..... 6822, 7903
264 7740
265 7740
266 7516
270 7740
425 9176
Proposed Rules:
Ch. I 9753
52 ..... 6842, 6845, 9334-9336
81 ..... 6845, 7113
86 7676
116 6762
117 6762
122 7642
123 7642
124 7642
180 ..... 6671, 7539-7543
300 8223
302 ..... 6762, 7073
501 7642
763 8636
795 8638
799 8638

41 CFR

50-201 7741
Proposed Rules:
51-7 8225

42 CFR

57 9114
405 ..... 6525, 6629
406 6629
409 6629
410 6629
413 ..... 6525, 6629, 9172
416 6629
421 6629
424 6629
441 6525
482 6525
485 ..... 6525, 9172
489 6629
498 ..... 6525, 6629
Proposed Rules:
405 ..... 8654, 9337
412 9337
413 ..... 6672, 9337
431 8654
433 8654
434 8654
456 8654
462 8654
466 8654
473 8654
476 8654
489 ..... 8654, 9337
1003 9260

43 CFR

4 8752
11 9769
12 8034
20 8186
Public Land Orders:
6664 7186
6665 7187
6666 7520
6667 9628
6668 9628
6669 9628
Proposed Rules:
3000 9214
3100 9214
3110 9214
3120 9214
3130 9214
3160 9214
3180 9214
3200 9214
3280 9214

44 CFR

13 ..... 8034, 9317
64 ..... 6148, 6150, 8457
67 7915
Proposed Rules:
67 6676

45 CFR

12 7744
16 7832
74 8034
92 8034
96 6824
402 7832
602 8034
1157 8034
1174 8034
1183 8034
1234 8034
1602 ..... 6151, 9726
2015 8034
Proposed Rules:
60 9264

46 CFR

2 7745
31 7745
34 7745
58 7745
71 7745
76 7745
91 7745
95 7745
107 7745
108 7745
109 7745
146 7745
147 7745
167 7745
176 7745
181 7745
189 7745
193 7745
308 8186
550 9629
572 7520
580 9629
586 7361
Proposed Rules:
581 8775
588 7379

47 CFR

0 6916
2 8459
22 8459
25 8459
64 ..... 7753, 8629, 8630
73 ..... 6828, 7754, 8189, 8190, 8902-8904
80 8904
87 8904
90 9447
Proposed Rules:
2 ..... 8225, 8667
22 8472
69 ..... 7214, 9459
73 ..... 6163-6165, 6677, 7216-7218, 8225-8228,

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List March 17, 1988