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Wednesday
March 30, 1988

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WHO: The Office of the Federal Register.

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Reader Aids
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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.

Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Famers Home Administration

7 CFR Part 1944 and 1980

Single Family Housing Fund Analysis

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its Single Family Housing regulations by revising and renumbering Form FmHA 444–2. The change is required so that the form may accurately reflect the current regulations, terminology, and data needs of the agency. This action will provide an accurate and more complete database for use of funds information.

EFFECTIVE DATE: March 30, 1988.

FOR FURTHER INFORMATION CONTACT: Karen A. Savoie, Senior Loan Specialist, Single Family Housing Processing Division, Farmers Home Administration, USDA, Room 5338, South Agricultural Building, 14th and Independence Avenue SW., Washington, DC 20250, telephone (202) 382–0099.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291, and has been determined to be exempt from those requirements because it involves internal Agency management and has no adverse impact on the government. Form FmHA 444–2 is now being submitted to the Finance Office by the State Offices, in many cases adding an extra processing step. There is no reporting requirement for Section 504 Grants, and no database exists to demonstrate use of funds. The form does not reflect type of subsequent loan, income category, grant funds, type of assistance, or current terminology used in FmHA regulations. This action will remove obsolete reporting fields, insert missing information, and renumber the form to reflect its reference to Subparts A and J of Parts 1944. An additional change is made in 7 CFR Part 1980, Subpart D to correct references to Form FmHA 440–1. The Correct reference is to Form FmHA 1940–1.

It is the policy of this department to publish for comment rules relating to public property, loans, grants, benefits, or contracts not withstanding the exemption on 5 U.S.C. 553 with respect to such rules. This action, however is not published for proposed rulemaking since it involves only internal Agency management with no increased cost to the government. Therefore, publication for comment is unnecessary.

Programs Affected

This activity impacts two programs listed in the Catalog of Federal Domestic Assistance under numbers 10.410, Low Income Housing Loans, and 10.417, Very Low Income Housing Repair Loans and Grants, both of which are excluded from the scope of Executive Order 12372.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

List of Subjects

7 CFR Part 1944

Aged, Grant programs—Housing and community development, Home improvement, Loan programs—Housing and Community development, Low and moderate income housing-Manufactured Housing, Mortgages, Rural Housing, Subsidies.

7 CFR Part 1980

Home improvement, Loan programs—Housing and community development, Mortgage insurance, Mortgages, Rural Areas.

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1944—HOUSING

1. The authority citation for Part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

§ 1944.30 [Amended]

2. Section 1944.30(a) is amended in the listing of forms by changing the reference "444–2" to read "1944–2."

§ 1944.31 [Amended]

3. In § 1944.31, paragraph (e) is removed.

Subpart J—Section 504 Rural Housing Loans and Grants

4. In § 1944.468, paragraph (d) is removed and paragraph (c) is revised to read as follows:

§ 1944.468 Loan or grant approval.

* * * * *

(c) When a loan is approved, the approval official will prepare Forms FmHA 1940–1, "Request for Obligation of Funds," and FmHA 1944–2, "Single Family Housing Fund Analysis."

PART 1980—GENERAL

5. The authority citation for Part 1980 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart D—Rural Housing Program Loans

1980.33 [Amended]

6. In § 1980.331, Administrative paragraph is amended by changing the reference "Form FmHA 444–2" to read "Form FmHA 1944–2."

§ 1980.332 [Amended]

7. In § 1980.332, Administrative paragraph A is amended by changing the references "Form FmHA 440–1" to read Form FmHA 1940–1."

Dated: February 25, 1988.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 88–6958 Filed 3–29–88; 8:45 am]
BILLING CODE 3410–70–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 108

[Rev. 4; Amendment 17]

Loans to State and Local Development Companies

AGENCY: Small Business Administration.

ACTION: Final and interim final rules.

SUMMARY: The interim final rules published on July 23, 1987 at 52 Federal Register 27672–27680 are now promulgated as final, with the changes discussed below. In addition, two interim final rules are published, and comments thereon invited. One rule liberalizes the "alter ego" rule relative to the right of space rental, to bring it into conformity with a parallel rule governing the same subject. The other interim final rule permits the contribution of land to a project at appraisal value if the land has been held more than two years.

DATES: *Effective date:* March 30, 1988. Comments on the regulations identified as interim final should be submitted on or before May 31, 1988.

ADDRESS: Written comments in duplicate on the Regulations identified herein as interim final for comment may be sent to the Office of Economic Development, Small Business Administration, Room 720, 1441 L Street NW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: LeAnn M. Oliver, Financial Analyst, 202–653–6416.

SUPPLEMENTARY INFORMATION: On July 23, 1987, SBA published (at 52 FR 27672) Amendment 16 to Revision 4 of the captioned regulations as an interim final rule and invited comment. Two (2) timely comments were received. The comment period expired September 21, 1987. SBA is now promulgating Amendment 17 as a final rule, with changes that are responsive to the comments received on the July 23 publication. In addition, SBA invites comments on two interim final provisions which are identified as such, with an invitation for comment within 60 days, for future consideration.

The following is a description of the changes made in the rules promulgated in interim final form in the July 23 publication, and the reasons therefor. Those sections which are being adopted without change are not discussed here.

The authority citation failed to reflect the legislation which amended the Small Business Investment Act, to permit the pooling and sale of development company debentures, viz the Consolidated Omnibus Reconciliation Act of 1985, section 18009 (100 Stat. 366), adding sections 504 and 505 to that Act, 15 U.S.C. 697 a and b.

The amendment to § 108.5(d) revises the reference to the definition section, § 108.2, to reflect the reorganization of that latter section.

Section 108.503–3(f) Reporting Requirements is amended by removing the language related to the mandatory regulatory compliance audit performed by the 503 company's independent public accountant. Review of this requirement has shown that it is neither cost effect nor efficient, given the nature of 503 companies' involvement with cash flows and their public service (non-profit) purpose. SBA's Inspector General will have the right to perform a compliance audit (or to cause such audit to be performed) of any 503 company at any time without charge to the 503 company. Comments on this amendment are invited.

In line with the removal of language requiring compliance reports from the independent public accountants of the 503 companies, discussed above, § 108.503–15(b) *Periodic Compliance Audit* published as interim final on June 6, 1986, (51 Federal Register 20764, 20780), is revised for the reason stated above, to omit the description of a periodic compliance audit; and the discussion thereof in paragraph (c) and (d), which are repealed and reserved for future use.

A new amendment is promulgated as interim final, without prior notice and comment, in reliance on 5 U.S.C. 553(b). The amendment brings § 108.8(d) *Eligibility of passive small concerns ("alter ego")* into line with another regulation, § 108.503–4(a), insofar as both regulations deal with the right of a small concern to lease a portion of newly acquired space to third parties. Section 108.8(d), amended herein, will now permit a small concern which has obtained a facility from an eligible passive borrower under the specified conditions of this rule, to lease up to 15% of newly constructed space or up to 49% of an existing facility, either financed with debenture proceeds, to a third party or parties. It has come to SBA's attention that the prior prohibition of such leasing, not applied to direct borrowers, has caused hardships to small concerns otherwise eligible for the benefits of this rule, and in some cases has made projects uneconomical. Since it would be contrary to the public interest to let these hardships persist, the relaxation of the prohibition is adopted as an interim final rule, and comments are invited thereon.

Another new amendment is likewise promulgated as interim final, without prior notice and comment, in reliance on 5 U.S.C. 553(b). This amendment to § 108.503–5(d) *Expenditures made in anticipation of a 503 loan* permits the valuation of land contributed to a 503 project to be made pursuant to an independent appraisal satisfactory to SBA, if the land was acquired more than two years before the submission of the related loan application to SBA. The appraisal must be accompanied by a title report covering the history of sales of the land in question over the five-year period before the independent appraisal. (OMB approval number #3245–0192). The purpose of this requirement is to afford SBA a basis of comparison of prices paid for land in the recent past, with the independent appraisal. Before this new rule, land had always to be contributed at the lower of cost or market value, without regard to any increase in value over the years as a result of population or economic growth, inflation or other time-related factors. SBA has been advised by a comment on the July 23, 1987 publication that this restriction, in many situations, has prevented desirable real estate from being used in economic development projects. It is not in the public interest to let this restriction persist. Accordingly, the alternative valuation rule for long-held land is promulgated as interim final, and comments are invited thereon.

Compliance with Executive Order 12291 and the Regulatory Flexibility Act

SBA considers this final amendment of regulations taken as a whole to be both a major rule for the purposes of Executive Order 12291 and a rule which will have a significant economic impact on a substantial number of small entities for the purpose of the Regulatory Flexibility Act. It is a major rule because it makes final our interim final regulations published July 23, 1987 (52 FR 27672 *et. seq.*). These interim final regulations, implementing our public loan sales authority granted under Title XVIII of Pub. L. 99–272, authorize loan sales well in excess of $100,000,000 ($450,000,000 in fiscal 1988). It will save a significant economic impact on all small concerns assisted under this program, averaging 1,200 each year, because the funding for the Federal share of their loans will be obtained at market rates from these public sales, with their attendant underwriting and legal costs. Therefore, we offer the following Regulatory Impact Analysis/ Regulatory Flexibility Analysis for the purpose of compliance with the pertinent requirements of those two measures.

1. *Description of potential benefits of the rule:* This amendment taken as a whole will provide both SBA and the participants in its Development Company Program with clearer guidance as to the process by which participation in the program is achieved, and once that participation is achieved, how the participants and SBA are to conduct their mutual roles in the administration of the program. It is our belief that this amendment will benefit SBA since its purpose is to clarify the regulatory framework governing the program and thus provide for more efficient administration. In addition, program applicants and participants should benefit from the amendment because it should clarify for them the procedure by which participation in the program is attained and participation in the program is governed.

2. *Description of potential costs of the rule:* There should be no increase in costs inherent in the amendment which are not presently involved in the administration of the Development Company Program. This amendment merely establishes the regulatory framework upon which the program is administered, it does not increase monetary or other types of costs upon SBA or program participants.

3. *Description of the net benefits of amendment:* This amendment taken as a whole, provides for more efficient program management.

4. *Description of reasons why this action is being considered:* This action is being considered as part of normal periodic Agency revisions of its regulations. As such, the amendment is based upon general experience with administration of the regulations as they presently exist.

5. *Statement of objectives and legal basis for the final rule:* The purpose of this regulation is to amend the regulations governing the Development Company Program and reflects statutory changes occurring since the initial program regulations were promulgated and administrative application of those regulations. The legal basis for the final rule is Title V of the Small Business Investment Act.

6. *Description of entities to which the final rule will apply:* This amendment will apply to all small businesses seeking assistance under the program and all development companies participating in the program.

7. *Description of the reporting, recordkeeping and compliance requirements of the proposed rule:* Reporting requirements subject to OMB approval are discussed under § 108.503–3(f) and 108.503–5(d) above. None of the other provisions of the final rule imposes significant reporting requirements.

8. *Federal rules:* There are no relevant Federal rules which duplicate or overlap the amendment.

9. *Analysis of public participation:* SBA submits that it has rejected no significant alternative to this amendment which would minimize any significant economic impact of the proposed rule upon small entities.

In this regard, only two comments were received within the comment period which ended September 21, 1987. One comment generally praised the interim final rule. The other comment, as noted above, suggested the change in the valuation of land, § 108.503–5(d) which is carried out by this rule. The same comment expressed approval of § 108.503–6(d), permitting an assumption fee where a 503 loan is assumed by a substitute small concern, but proposed further that the same fee be permitted where a major change in the collateral securing a 503 loan is effected. SBA rejects this latter suggestion on the grounds that such change of collateral is a servicing action covered by the periodic servicing fee permitted under § 108.503–6(a)(3). In preparing these rules, we have sought to adhere closely to the statutory framework in establishing the eligibility and participation requirements for the program. We feel that no alternatives which might in some way minimize economic impact on applicants or participants accomplish the stated objectives of the applicable statutes in a manner more consistent than that provided in the amendment.

These regulations contain no reporting requirements which have not been approved by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. Ch. 35).

In addition, SBA certifies pursuant to 5 U.S.C. 553(d) that good cause exists for immediate effectiveness of these regulations. The public interest requires the immediate repeal of both the leasing provision and the amendment of the provision limiting the valuation of land to the lower of cost or market value, because both provisions have had a detrimental effect on small concerns and the program as set forth above. However, comments are invited on the two regulations promulgated herein as interim final, and will be considered for possible amendment of these two provisions.

List of Subjects in 13 CFR Part 108

Loan programs—Business, Reporting and recordkeeping requirements, Small business.

The interim final rule amending 13 CFR Part 108 which was published at 52 FR 2762–27680 on July 23, 1987, is adopted as final with the following changes.

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

1. The authority citation for Part 108 is revised to read as follows:

Authority: 15 U.S.C. 687(c), 695, 696, 697, 697a, 697b.

§ 108.5 [Amended]

2. Section 108.5(d) is amended by revising the parenthetical phrase "(see §§ 108.2(d) and 108.503–1 as the case may be)" to read "(see definition of 'development company' in § 108.2)".

§ 108.503–3 [Amended]

3. Section 108.503–3 is amended by revising the introductory text of paragraph (f) and removing and reserving paragraph (f)(3) to read as follows:

* * * * *

(f) *Reporting requirements.* In addition to the requirements of §§ 108.4(c), 108.5 (c) and (d) and 108.503(d), each 503 company shall submit to the SBA field office serving the area where its headquarters are located, within 90 days after the end of its fiscal year, an annual report, in duplicate, containing financial statements, operational and management information. SBA may require, within a stated period, additional or interim reports of a similar nature. The Report shall be prepared in accordance with the Guide for the Preparation of the Annual Report (SBA Form 1253).

* * * * *

(3) [reserved]

* * * * *

§ 108.503–15 [Amended]

4. Additionally, a regulation published as interim final on June 6, 1986 at 51 FR 20764, 20780 is now promulgated as final in revised form. Section 108.503–15 *Oversight and evaluation; suspension and revocation* is amended by revising paragraph (b) thereof and repealing and reserving paragraphs (c) and (d) thereof, as follows:

(b) *Compliance audit.* Each 503 company shall be subject to compliance audits conducted, supervised or coordinated by the SBA Office of the Inspector General pursuant to the Inspector General Act (5 U.S.C. App. section 1, et seq.).

(c) [reserved]

(d) [reserved]

* * * * *

The following rule is promulgated as interim final:

§ 108.8 [Amended]

5. Section 108.8 *Borrower requirements and prohibitions* is amended by adding to the beginning of paragraph (d)(3) thereof the phrase "subject to paragraph (d)(7) of this section" and by striking the words "the exclusive" in paragraph (d)(3) thereof. Section 108.8(d) is further amended by revising paragraph (d)(7) to read as follows:

* * * * *

(d) * * *

(7) The operating small concern must lease the entire facility from the applicant and may sublease a part thereof under the same conditions and to the same extent as set forth in § 108.503–4(a) for projects directly financed by a 503 loan.

§ 108.503–5 [Amended]

6. Section 108.503–5 *Eligible and ineligible uses of 503 loan proceeds* is hereby amended as interim final by revising paragraph (d)(2) therof and adding an OMB approval citation to read as follows:

* * * * *

(d) *Expenditures made in anticipation of a 503 loan.* * * *

(2) Land previously acquired by the small concern or the 503 company may be contributed as the 503 company's injection in a project involving new construction. The value of the contribution shall be the contributor's equity in such land. If the land was acquired within two years before the submission of the related application for development company assistance to SBA, it shall be valued at the lesser of cost or market. If the land was acquired before such two-year period, its value may be determined by independent appraisal satisfactory to SBA. With such independent appraisal shall also be submitted a title report setting forth the purchase history of the land for the last five years before the date of such appraisal. None of the loan proceeds shall be used for reimbursement of the acquisition cost of the land.

* * * * *

(Reporting and recordkeeping requirements contained in paragraph (d)(2) have been approved by the Office of Management and Budget under control number 3245–0178.)

(Catalog of Federal Domestic Assistance 59.036 Certified Development Company Loans (503 Loans); 59.041 Certified Development Company Loans (504 Loans).)

Dated: February 3, 1988.

James Abdnor,

Administrator.

[FR Doc. 88–6763 Filed 3–29–88; 8:45 am]

BILLING CODE 8025–01–M

13 CFR Part 121

Small Business Size Standards; Modification of Size Standards for Research and Development on Aircraft; Aircraft Parts; Aircraft Engines; Guided Missiles and Space Vehicles, Their Parts, Auxiliary Equipment, Propulsion Units and Propulsion Unit Parts

AGENCY: Small Business Administration (SBA).

ACTION: Emergency interim final rule.

SUMMARY: The SBA is modifying, on an emergency interim basis, the size standards applicable to firms engaged in research and development (R&D) for aircraft; aircraft parts; aircraft engines; guided missiles and space vehicles, their parts, propulsion units and propulsion unit parts, and their auxiliary equipment to conform with the size standards for these services in existence prior to January 1, 1987. Due to a reassignment in the Standard Industrial Classification (SIC) System by the Office of Management and Budget (OMB), these services became subject to a much lower size standard. The size standards are being temporarily reinstated by this rule, in part, because those firms affected by this change were not provided with an adequate opportunity to comment on the effects of the lower standard.

This interim rule establishes a size standard of 1,500 employees for aircraft research and development, and a size standard of 1,000 employees for all other aforementioned research and development within SIC code 8731 (Physical and Biological Research). These size standard are the same standards for similar R&D activities within the manufacturing SIC codes 3731, 3724, 3728, 3761, 3764, and 3769.

Interested parties are invited to comment on the suitability of these emergency interim size standards or the suitability of adopting a size standard of 500 employees for these services, the same as applicable to R&D contracts for other services within SIC code 8731.

DATE: Effective March 30, 1988. Comments to be submitted on or before May 31, 1988.

ADDRESS COMMENTS TO: Gary M. Jackson, Director, Size Standards Staff, U.S. Small Business Administration, 1441 L Street NW.—Room 601, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Mr. Norman Salenger, Size Standards Staff, (202) 653–6373.

SUPPLEMENTARY INFORMATION: Effective January 1, 1987, the Office of Management and Budget (OMB) revised the Standard Industrial Classification (SIC) System and, at that time, published the industry titles with a limited description for most industries. The SBA issued an emergency interim rule, effective January 1, 1987, to set size standards for the revised SIC system.

In its notice of January 6, 1987, SBA stated that the modification was "to make its size standards compatible with the new SIC system, not to initiate any size standard changes" (FR Vol. 52, No. 3, January 6, 1987, page 397). In September 1987, the SIC Manual was published, describing each SIC classification in greater detail. At this time, it first became generally known that research and development (R&D) on aircraft; aircraft engines; aircraft parts; guided missiles and space vehicles, their propulsion units, parts and auxiliary equipment had been partially reclassified. When such R&D is performed by firms not owned by the manufacturer of these items, those firms would no longer be classified under the manufacturing SIC codes 3721, 3724, 3728, 3761, 3764, and 3769 (which had a 1,500-employee size standard for aircraft (SIC code 3721) and a 1,000-employee size standard for the others), but would be classified under SIC code 8731, Commercial Physical and Biological Research, which has a 500 employee size standard.

This reassignment by OMB of these activities effectively changed the size standard on small business set-aside contracts for the aforementioned R&D services. Under § 121.5(b)(1) of the SBA's size regulations, a size standard for a procurement is selected from the SIC industry category most closely associated with the product or service being procured. Consequently, the reclassification of nonmanufacturing aircraft, guided missiles and space vehicles R&D firms to a service industry division, also changed the SIC designation for such R&D contracts to the service SIC code 8731 with its lower size standard of 500 employees. The lower size standard applies to any firm bidding on such R&D contracts, irrespective of whether the firm is primarily a manufacturer or nonmanufacturer. Firms experience other impacts, also. The reclassification of nonmanufacturing firms to a service

industry with a lower size standard than the previously applicable manufacturing industry also affects their eligibility for assistance through other SBA programs, such as the financial and guarantee assistance program. Since the comment period for the January 6, 1987, Emergency Interim Rule ended on March 9, 1987, and the SIC Manual indicating the reclassification of firms engaged in R&D activities from their former SIC codes was first published in September 1987, the affected firms did not have adequate opportunity to comment on the new size standard.

The SBA has received numerous complaints from affected firms and Federal agencies concerning the adverse effect of the lowering of the size standard for these activities. The size of many firms active in Federal procurement of R&D on aircraft, guided missiles, space vehicles, and related equipments fall between the current and previous size standards. Firms above the 500-employee size standard were not given an opportunity to provide SBA with information on the appropriateness of retaining higher size standards. Federal agencies are particularly concerned about the feasibility of continuing to set aside these types of R&D procurements at the 500-employee size standard.

The SBA certifies that this interim final rule is being published pursuant to an emergency for the reasons indicated above, and the SBA is, therefore, waiving the requirements of section 603 of the Regulatory Flexibility Act. The SBA will publish a final regulatory analysis when this rule is promulgated in final form. This rule imposes no new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C., Chapter 35.

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Government procurement, Government property, Grant programs-business, Loan programs-business, Recording and recordkeeping requirement, Small business.

PART 121—[AMENDED]

Accordingly, Part 121 of 13 CFR is amended as follows:

1. The authority citation for Part 121 continues to read as follows:

Authority: Secs. 3(a) and 5(b)(6) of the Small Business Act, 15 U.S.C. 632(a) and 634(b)(6).

§ 121.2 [Amended]

2. Section 121.2 is amended by changing footnote 19 to read as follows:

[19] *SIC–8731:* For research and development contracts requiring the delivery of a manufactured product, the appropriate size standard to use is that of the manufacturing industry in which the specific product is classified.

Research and development, as defined in the SIC Manual, means laboratory or other physical research and development on a contract or fee basis. Research and development for purposes of size determinations does not include the following: economic, educational, engineering, operations, systems, or other nonphysical research; or computer programming, data processing, commercial and/or medical laboratory testing.

For purposes of the Small Business Innovation and Research (SBIR) program, a different definition has been established by law. See § 121.7 of these regulations.

For research and development for aircraft, a size standard of 1,500 employees shall apply.

For research and development for guided missiles and space vehicles; aircraft engines; aircraft parts; guided missile and space vehicle propulsion units and propulsion unit parts; guided missile and space vehicle parts and auxiliary equipment, not elsewhere classified, a size standard of 1,000 employees shall apply. Research and development for guided missiles and space vehicles includes evaluation and simulation, and other services requiring thorough knowledge of complete guided missiles and space craft.

James Abdnor,

Administrator, U.S. Small Business Administration.

Dated: February 10, 1988.

[FR Doc. 88–6892 Filed 3–29–88; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87–NM–114–AD; Amdt. 39–5885]

Airworthiness Directives; Boeing Model 767 Series Airplanes and Boeing Model 757 Series Airplanes Equipped With Rolls-Royce RB211 Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Model 767 series airplanes and those Model 757 series airplanes equipped with Rolls-Royce RB211 engines, that currently requires installation of a guard on the fuel shut off panel. This action requires relocation of the electronic engine control (EEC) switches and the engine limiter control (ELC) switches (Model 757 only) from the control stand to the overhead panel. This amendment is prompted by reports of dual engine shutdowns in flight on the Model 767 airplane. These shutdowns occurred when the flight crews were reported to have inadvertently shut off the fuel control switches to each engine while intending to operate the EEC switches. The EEC switches on the Model 767 are located on the control stand just aft of the fuel control switches. Since the EEC switches or ELC switches on the Rolls-Royce RB211-powered Model 757 airplanes are located in a similar position on the control stand, the potential exists for the same inadvertent crew action to be taken on these airplanes. This condition, if not corrected, could lead to inadvertent engine shutdowns.

DATES: Effective May 11, 1988.

ADDRESSES: The applicable service information, when available, may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Bernie Gonzalez, Propulsion Branch, ANM–140S; telephone (206) 431–1964. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires relocation of the electronic engine control (EEC) switches and the engine limiter control (ELC) switches from the control stand to the overhead panel on Boeing Model 767 and certain Model 757 airplanes, was published in the **Federal Register** on November 16, 1987 (52 FR 43770).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Two airlines, commenting directly, and five others, commenting through the Air Transport Association (ATA) of America, objected to the proposed compliance time of 2,000 hours time-in-service or 1 year, whichever occurs first. Three commenters suggested the compliance time be revised to 3,000 hours or 1 year; another suggested 3,000 hours or 2 years; and the rest of the

commenters requested 4,000 hours or from 1 to 2 years. The ATA requested a 2-year compliance time. The underlying concern prompting these objections was uncertainty regarding the availability of kits required to accomplish the EEC and ELC switch relocations, and a desire to modify the airplanes during regularly scheduled maintenance. Since issuance of the Notice, improved kit availability and service bulletins have been identified by the Boeing Commercial Airplane Company. Boeing Service Bulletin Nos. 767–73–0024 (for the Model 767) and 757–73–0018 (for the Model 757), which provide instructions for EEC switch relocation, are scheduled for release April 21, 1988, and July 14, 1988, respectively. Boeing Service Bulletin No. 757–73–0019, which provides instructions for ELC switch relocation, is also scheduled to be released July 14, 1988. These service bulletins, when reviewed and approved by the FAA, will be considered a means of compliance with this AD. Regarding kit availability, Boeing has advised FAA that the last kits for the Model 767 and the Model 757 airplanes are now scheduled to be shipped in November 1988. In light of the foregoing, the FAA has determined that extending the compliance time cannot be justified.

The ATA indicated that its member airlines have installed the switch guards between the fuel control switches, as required by AD T87–13–51, and questioned why the switch guard installation is considered only as an "interim" action, as explained in the preamble to the existing AD. The ATA requested that FAA show why the present switch guard installation is now considered to be "unsafe;" if this cannot be shown, the ATA requested that the rule be withdrawn. Further, if the switch guard is considered by FAA to be safe only for an "interim" period, then the ATA's request to extend the proposed compliance time during this "interim" safe period should be considered justified. The FAA does not concur that the proposal should be withdrawn. Telegraphic AD T87–13–51, identified as interim action upon its issuance, requires installation of a guard intended to impede simultaneous activation of both fuel control switches. Information disclosed following issuance of AD T87–13–51 indicates that the reported dual engine shutdowns, however, were methodically accomplished one engine at a time, not simultaneously. Since the fuel control switch guard does not hinder single engine shutdown, it can serve only as a "reminder" to the flight crew. The "interim" safe period, as described by the ATA, is therefore, a function of flight crew "awareness" and will vary from crew to crew. The FAA has determined that relocation of the EEC and ELC switches from the control stand to the overhead panel is the most effective method of eliminating the addressed unsafe condition resulting from dual engine shutdown. Further, this relocation modification must be done in the minimum amount of time needed to accomplish the task; in consideration of the number of airplanes affected, the cost of required parts and labor, and the availability of parts, the FAA has determined that 2,000 hours time-in-service or one year, whichever occurs first, is the appropriate amount of time that the interim requirements of AD T87–13–51 may be followed before the modification must be accomplished.

Another comment provided by the ATA dealt with the ELC switch and its associated flight deck procedures in which only the failed ELC is turned off after throttle retard, as opposed to both for the EEC switches. The ATA has, therefore, proposed that the Model 757 airplanes with ELC switches be removed from the applicability of the final rule. The FAA considered this aspect in proposing the rule. It is noted that both engine throttles are retarded when one ELC fails and that this motion of throttle retard is considered to contribute to the engine shutdown. The FAA has determined that the applicability of the rule is appropriate.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 32 Model 757 airplanes and 97 Model 767 airplanes will be affected by this AD; that it will take approximately 24 manhours per Model 757 airplane and 28 manhours per Model 767 series airplanes to accomplish the required actions; and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $139,360.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities, because few, if any, Boeing Model 757 and 767 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

2. By superseding AD 87–13–51, Amendment 39–5718 (52 FR 33917; September 9, 1987), with the following new airworthiness directive:

Boeing: Applies to all Model 767 series airplanes and to those Model 757 series airplanes equipped with Rolls-Royce RB211 engines, certificated in any category. Compliance required within the next 2,000 hours time-in-service or 1 year after the effective date of this AD, whichever occurs first, unless previously accomplished.

To minimize the potential for inadvertent engine shutdown when using the electronic engine control (EEC) or engine limiter control (ELC) switches, accomplish the following:

A. Relocate the electronic engine control switches or engine limiter control switches, as applicable, from the control stand to the overhead panel in a manner approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

B. The fuel control switch guard installation made in compliance with AD T87–13–51, Amendment 39–5718, may be removed following accomplishment of paragraph A., above.

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

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

This amendment becomes effective May 11, 1988.

Issued in Seattle, Washington, on March 23, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88–6979 Filed 3–29–88; 8:45 am]

BILLING CODE 4910–13–M

ARMS CONTROL AND DISARMAMENT AGENCY

22 CFR Parts 602 and 603

The Freedom of Information Reform Act of 1986; Revision of Fees, Fee Waiver Policy, and the Law Enforcement Exemption

AGENCY: Arms Control and Disarmament Agency.

ACTION: Final rule.

SUMMARY: On July 27, 1987, at 52 FR 27998, the Arms Control and Disarmament Agency published a proposed rule to amend its Freedom of Information Act regulations, 22 CFR Parts 602 and 603, to implement certain provisions of the Freedom of Information Reform Act of 1986 (Pub. L. 99-570) regarding fees, fee waivers, and law enforcement records and information. The proposed rule affected not only fees for requests under the Freedom of Information Act, but as well requests under the Privacy Act and Executive Order 12356.

DATE: This rule is effective March 30, 1988.

FOR FURTHER INFORMATION CONTACT: Frederick Smith, Jr., Information/Privacy Officer, (202) 647-3442.

SUPPLEMENTARY INFORMATION: Comments were received from two organizations suggesting changes. In light of those comments and a review of the proposed regulations: (1) The definitions of "educational institution" and "noncommercial scientific institution" have been eliminated from paragraph (b) of § 602.20; (2) the requirement in paragraph (c) of § 602.20 that requesters who are representatives of the news media show that their request is not made for a commercial use has been eliminated.

List of Subjects

22 CFR Part 602

Freedom of Information.

22 CFR Part 603

Privacy.

Title 22, Chapter VI, Parts 602 and 603 are amended to read as follows:

PART 602—[AMENDED]

1. The authority citation for 22 CFR Part 602 continues to read as follows:

Authority: Sec. 1, 81 Stat. 54, as amended by sec. 1, 88 Stat. 1561 (5 U.S.C. 552); sec. 41, 75 Stat. 635 (22 U.S.C. 2581), and sec. 501, 65 Stat. 290 (31 U.S.C. 483a).

2. Section 602.20 is revised to read as follows:

§ 602.20 Fees for records search, review, copying, certification, and related services.

The fees for search, review and copying services for Agency records under the Freedom of Information Act or the Privacy Act are as follows:

(a) When documents are requested for commercial use, requesters will be assessed the full direct costs for searching for, reviewing for release, and duplicating the records sought. A "commercial use" request refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

(b) Requesters from educational and noncommercial scientific institutions will be assessed only the cost of reproduction.

(c) Requesters who are representatives of the news media (persons actively gathering news for an entity that is organized and operated to publish or broadcast news to the public) will be assessed only for the cost of reproduction.

(d) All other requesters will be assessed fees which recover the full and reasonable direct cost of searching for and reproducing records that are responsive to the request.

(e) Requesters from educational and noncommercial scientific institutions, representatives of the news media, and all other noncommercial users, will not be assessed for the first 100 pages of reproduction or the first two hours of search time. Commercial use requesters will not be entitled to these free services. All requesters must reasonably describe the records sought.

(f) The search and review hourly fees will be based upon employee grade levels in order to recoup the full, allowable direct costs attributable to their performance of these functions.

(g) The fee for paper copy reproduction will be $.20 per page.

(h) The fee for duplication of computer tape or printout reproduction or other reproduction (e.g., microfiche) will be the actual cost, including operator time.

(i) If the cost of collecting any fee would be equal to or greater than the fee itself, it will not be assessed.

(j) A fee may be charged for searches that are not productive and for searches for records or those parts of records which subsequently are determined to be exempt from disclosure.

(k) Interest charges may be assessed on any unpaid bill starting on the 31st day following the day on which the billing was sent, at the rate prescribed in section 3717 of Title 31 U.S.C. and will accrue from the date of billing. The Debt Collection Act, including disclosure to consumer reporting agencies and the use of collection agencies, will be utilized to encourage payment where appropriate.

(l) If search charges are likely to exceed $25, the requester will be notified of the estimated fees unless requester willingness to pay whatever fee is assessed has been provided in advance.

(m) An advance payment (before work is commenced or continued on a request) may be required if the charges are likely to exceed $250. Requesters who have previously failed to pay a fee in a timely fashion (i.e. within 30 days of the date of billing) may be required to pay this amount plus any applicable interest (or demonstrate that the fee has been paid) and then make an advance payment of the full amount of the estimated fee before the new or pending request if processed.

3. Section 602.21 is revised to read as follows:

§ 602.21 Waiver or reduction of fees.

Documents shall be furnished without any charge or at a charge reduced below the fees set forth above if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. The following six factors will be employed in determining when such fees shall be waived or reduced:

(a) The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government";

(b) The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

(c) The contribution to an understanding of the subject by the general public likely to result from disclosure: whether disclosure of the information will contribute to the "public understanding";

(d) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities;

(e) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so

(f) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is

sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

§ 602.22 [Removed and reserved]

4. Section 602.22 is removed and reserved.

5. Section 602.31 (g) is revised to read as follows:

§ 602.31 Exemptions.

* * * * *

(g) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (1) could reasonably be expected to interfere with enforcement proceedings; (2) would deprive a person of a right to a fair trial or impartial adjudication; (3) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (4) could reasonably be expected to disclose the identity of a confidential source, including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (5) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or (6) could reasonably be expected to endanger the life or physical safety of any individual.

* * * * *

PART 603—[AMENDED]

6. The authority citation for 22 CFR Part 603 continues to read as follows:

Authority: 5 U.S.C. 301; 5 U.S.C. 552a; 5 U.S.C. 553; 22 U.S.C. 2581; and 31 U.S.C. 483a.

S603.5 [Amended]

7. Section 603.5 (c)(3)(iii) is removed.

8. Section 603.10 is added to read as follows:

§ 603.10 Fees.

Fees to be charged in responding to requests under the Privacy Act shall be, to the extent permitted by paragraph (f)(5) of the Act, the rates established in Title 22 CFR 602.20 for responding to requests under the Freedom of Information Act.

Dated: March 22, 1988.

William J. Montgomery,

Administrative Director.

[FR Doc. 88-6876 Filed 3-29-88; 8:45 am]

BILLING CODE 6820-32-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 8F3576/R948; FRL-3354-1]

Poly-N-Acetyl-D-Glucosamine; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement for a tolerance for residues of the biochemical nematicide poly-*N*-acetyl-*D*-glucosamine or chitin (hereater called Clandosan™). This exemption was requested by Igene Biotechnology, Inc.

EFFECTIVE DATE: Effective on March 17, 1988.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M Street SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: By Mail.

Lois Rossi, Product Manager (PM) 21, Registration Division (TS-767C), Environmental Protection Agency, 401 M Street SW., Washington DC 20460.

Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-1900.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of December 16, 1987 (52 FR 47754), which announced that Igene Biotechnology, Inc., 9110 Red Branch Rd., Columbia, MD, had submitted pesticide petition (PP) 8F3576 to EPA. The petition proposed that an exemption from the requirement of a tolerance be established for residues of the chitin-protein complex (poly-*D*-glucosamine) and urea, used as nematicides, on a wide variety of raw agricultural commodities. The petition was amended to clarify the active ingredient as chitin (poly-*N*-acetyl-*D*-glucosamine)-protein complex at 25 percent and delete urea as an active ingredient. This amendment was published in the **Federal Register** of February 17, 1988 (53 FR 4713).

Clandosan™ is a naturally occurring water-insoluble chitin-protein complex isolated from the polymer matrix of crustacean exoskeletons. The product is intended to act in the soil as a biological control agent to stimulate the growth of beneficial saprophytic nematodes and of other normal soil microorganisms, such as funguslike actinomyces bacteria, which produce chitinase, urease, other enzymes, and otherwise act to protect plants by suppressing gall-forming and other pathological effects of plant pathogenic nematodes that parasitize and destroy crops.

A similar active ingredient, Poly-*D*-glucosamine, has previously been exempted from the requirement of tolerances and was registered under the trade name of chitosan (51 FR 34973; October 1, 1988). Chitosan is registered for use as a seed treatment of wheat seeds to stimulate plant root growth and enhance the strength of wheat stems. In its exemption from the requirement of a tolerance for residues of chitosan on the raw agricultural commodity wheat, EPA noted that chitosan (1) is not toxic to humans and animals; (2) is naturally occurring in the environment in large concentrations; (3) has been exempted from regulation by the Food and Drug Administration (FDA) when used as a food or feed additive; and (4) has been approved by the State of Oregon for use in unrestricted amounts as a soil amendment (fertilizer), a use not regulated by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act.

Like chitosan, Clandosan™ is entirely composed of naturally occurring, nontoxic ingredients. Certain chitin-based products are permitted to be used in foods as hypocholesterolemic agents, as dietary fiber in low-calorie diets, and as agents to increase the specific loaf volume of bread.

In support of its request, the applicant noted that chitosan, which is the deacetylated form of chitin, differs from unblended Clandosan™ materials by lacking the native protein component of the crustacean shell. Clandosan™ materials contain both the native protein of crustacean shells and the native form of chitin, which consists of unbranched chains of *N*-acetyl-*D*-glucosamine residues joined by beta-1,4 links.

The Agency has determined that poly-*N*-acetyl-*D*-glucosamine has such low toxicologic potential that it may be considered as an essentially inert or inactive material and no toxicologic testing of this substance is required.

Acceptable daily intake (ADI) and maximum permissible intake (MPI) considerations are not relevant to this petition. No enforcement actions are

expected. Therefore, the requirement for an analytical method for enforcement purposes is not applicable to this exemption request. This is the first exemption from the requirement of a tolerance for this biochemical nematicide.

Clandosan™ is considered useful for the purpose for which the exemption from the requirement of a tolerance is sought. Based on the information considered, the Agency concludes that establishment of the exemption will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objection. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164 (5 U.S.C. 601-612)), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recordkeeping and reporting requirements.

Dated: March 17, 1988.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. New § 180.1089 is added, to read as follows:

§ 180.1089 Poly-N-acetyl-D-glucosamine; exemption from the requirement of tolerance.

An exemption from the requirement of a tolerance is established for residues of the biochemical nematicide poly-*N*-acetyl-*D*-glucosamine on a variety of agricultural crops.

[FR Doc. 88-6548 Filed 3-29-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-282; RM-5569]

Radio Broadcasting Services; Fort Bragg, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 244A to Fort Bragg, California, as that community's third local FM service, in response to a petition for rule making filed on behalf of Charles W. and Josephine R. Stone, d/b/a Fort Bragg Broadcasting Company. With this action, the proceeding is terminated.

DATES: Effective May 2, 1988. The window period for filing applications on Channel 244A at Fort Bragg, California, will open on May 3, 1988, and close on June 2, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530, concerning the allotment. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau, (202) 632-0394.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-282, adopted February 25, 1988, and released March 17, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended by revising the entry for Fort Bragg, California, to add Channel 244A.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-6769 Filed 3-29-88; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 205 and 252

Federal Acquisition Regulation Supplement; Release of Information

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Defense Acquisition Regulatory (DAR) Council has approved revisions to the Defense Federal Acquisition Regulation Supplement (DFARS) to add a new section 205.470 and clause 252.205-7000 which require defense contractors awarded a contract in excess of $500,000 to provide entities holding Cooperative Agreements with the Defense Logistics Agency, upon their request, a list of appropriate employees, their business addresses, telephone numbers, and areas of responsibility, who have responsibility for awarding subcontracts under defense contracts. The change is required to implement section 957 of the 1987 DoD Appropriations Act, Pub. L. 99-500.

EFFECTIVE DATE: March 30, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, OASD (P&L), DASD(P)/DARS, c/o Room 3D139, The Pentagon, Washington, DC 20301-3062; (202) 697-7266.

SUPPLEMENTARY INFORMATION

A. Background

(a) The Defense Logistics Agency enters into Cooperative Agreements with state and local governments and private, nonprofit organizations to support funding of technical assistance centers for the purpose of furnishing procurement technical assistance to business entities. Pub. L. 99-500 requires defense contractors to provide Cooperative Agreement Holders with information on points of contact for subcontract opportunities.

(b) *Public comment.* The DAR Council published an interim rule on April 16, 1987 (52 FR 12386) and solicited public

comment. Only two such comments were received. The DAR Council has considered the comments and made a slight change in the clause to add "or offices" after "employees" in the first sentence of paragraph (b).

B. Regulatory Flexibility Act

This final rule to amend Subpart 205.4 and to add a new clause at 252.205-7000 will have a beneficial impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because small businesses will be furnished with points of contact who will provide them with information needed to obtain additional subcontracts. A Final Regulatory Flexibility Analysis has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Final Regulatory Flexibility Analysis may be obtained from the individual listed above.

C. Paperwork Reduction Act

The Office of Management and Budget has approved a paperwork burden of 16,250 hours under Account No. 0704-0286.

List of Subjects in 48 CFR Parts 205 and 252

Government procurement.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Adoption of Amendments

Therefore, 48 CFR Parts 205 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 205 and 252 continues to read as follows.

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

PART 205—PUBLICIZING CONTRACT ACTIONS

2. The interim rule published at 52 FR 12386 is adopted as final without change.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. The interim rule published at 52 FR 12386 is adopted as final with the following changes:

252.205-7000 [Amended]

Section 252.205-7000 is amended by changing the date of the clause from "April 1987" to read "MAR 1988"; by enclosing in commas the words "upon request" in the first sentence of paragraph (b) of the clause; and by adding in the first sentence of paragraph (b) of the clause between the word "employees" and the word "responsible" the words "or offices".

[FR Doc. 88-6874 Filed 3-29-88; 8:45 am]

BILLING CODE 3810-01-M

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48 CFR Parts 225 and 252

Federal Acquisition Regulation Supplement; Restriction on Procurement From Toshiba Corporation and From Kongsberg Vapenfabrikk

AGENCY: Department of Defense (DoD).

ACTION: Interim rule and request for comment; correction.

SUMMARY: This document corrects an interim rule on Restriction on Procurement from Toshiba Corporation and from Kongsberg Vapenfabrikk which was published in the **Federal Register** on Monday, March 21, 1988 (53 FR 9118). The action is necessary to make editorial corrections to the rule.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, (202) 697-7266.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Accordingly, the Department of Defense is correcting 48 CFR Parts 225 and 252 as follows:

PART 225—FOREIGN ACQUISITION

225.7011 [Corrected]

1. On page 9119, Section 225.7011 is corrected by changing in paragraph (d) the references "252.225-7023" and "252.225-7024" to read "252.225-7026" and "252.225-7027" respectively.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. On page 9119, the amendatory language in paragraph 3. is corrected to read:

"3. Sections 252.225-7024 through 252.225-7027 are added to read as follows:

252.225-7024 [Reserved]

252.225-7025 [Reserved]

252.225-7023 [Correctly Added as 252.225-7026]

252.225-7024 [Correctly Added as 252.225-7027]

3. On page 9119, Sections 252.225-7023 and 252.225-7024 are corrected to read: "252.225-7026" and "252.225-7027" respectively.

[FR Doc. 88-6875 Filed 3-29-88; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-223]

Organization and Delegation of Powers and Duties; Smoking on Airline Flights

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: This amendment delegates authority to the Federal Aviation Administrator to take actions under section 404(d) of the Federal Aviation Act (49 U.S.C. 1374(d), as amended by section 328(a) of the Department of Transportation and Related Agencies Appropriations Act of 1988 (Pub. L. 100-202), concerning smoking on airline flights.

DATE: The effective date of this amendment is March 30, 1988.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street SW., Washington, DC, (202) 366-9306.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register**. The Secretary has determined that the authority to take certain actions under section 328(a) of the Department of Transportation and Related Agencies Appropriations Act of 1988 (Pub. L. 100-202), should be delegated to the Federal Aviation Administrator. Under section 328(a), which created a new section 404(d) of the Federal Aviation Act (49 U.S.C. 1374(d)), it is unlawful to smoke in the passenger cabin or lavatory on any scheduled airline flight in intrastate, interstate, or overseas air transportation if the scheduled duration of the flight is two hours or less. The Secretary is authorized to issue implementing regulations.

Under 49 U.S.C. 322, the Secretary has the authority to delegate responsibilities to other Departmental officials and offices. Therefore, the Secretary has

determined that the Federal Aviation Administrator should carry out the statutory responsibilities under section 328, including promulgation of regulations and enforcement.

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Organization and functions (government agencies), Transportation Department.

In consideration of the foregoing, 49 CFR Part 1 is amended as follows:

PART 1—[AMENDED]

1. The authority of Part 1 continues to read as follows:

Authority: 49 U.S.C. 322.

2. Section 1.47 of Part 1 of Title 49, Code of Federal Regulations, is amended by adding paragraph (q) to read as follows:

§ 1.47 Delegations to Federal Aviation Administrator.

* * * * *

(q) Carry out all of the functions vested in the Secretary under section 404(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1374(d)), as amended by section 328(a) of the Department of Transportation and Related Agencies Appropriations Act of 1988 (Pub. L. 100–202).

Issued in Washington, DC, on March 23, 1988.

Jim Burnley,

Secretary of Transportation.

[FR Doc. 88–6948 Filed 3–29–88; 8:45 am]

BILLING CODE 4910–62–M

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49 CFR Part 1

[OST Docket No. 1; Amdt. No. 1–224]

Organization and Delegation of Powers and Duties; Relocation Assistance

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: Section 402(e) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 Amendments), Pub. L. 100–17, 101 Stat. 247, amended the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), 42 U.S.C. 4601–4655 (1982) to specifically designate the Department of Transportation as the Federal government's lead agency for implementing the Uniform Act, as amended. This document delegates the lead agency authority, vested in the Department of Transportation by the 1987 Amendments, to the Federal Highway Administrator, and simplifies previous delegations to the Federal Highway Administrator involving the Uniform Act.

EFFECTIVE DATE: March 24, 1988.

FOR FURTHER INFORMATION CONTACT: Samuel Whitehorn, Office of the General Counsel, C–50, (202) 366–9307, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: In 1982, the Office of Management and Budget began an effort to make all Federal agency regulations implementing the Uniform Act consistent. The Department of Transportation was named as lead agency for implementing the Uniform Act by a February 27, 1985 Presidential Memorandum (50 FR 8953). One responsibility was the development of a model regulation at 49 CFR Part 25 which served as the basis for a common verbatim regulation which was published as a final rule for all affected Federal agencies on February 27, 1986 (51 FR 7000). The functions vested in the Department of Transportation by the Presidential Memorandum, as well as other relocation functions, were subsequently delegated by the Secretary of Transportation to the Federal Highway Administrator (51 FR 29234). The Secretary has determined that the additional functions and responsibilities conferred by the 1987 Amendments should also be delegated to the Federal Highway Administrator. The 1987 Amendments call for a single government-wide regulation to be promulgated by the lead agency. The Office of the Federal Register has determined that the single government-wide regulation should be issued as Part 24 of this title.

This amendment specifically authorizes the Federal Highway Administrator to prescribe Uniform Act regulations at Part 24 of this Title. This would enable the Federal Highway Administrator to fully implement the lead agency functions prescribed in the 1987 Amendments. As was the case with the previous delegation, the Federal Highway Administrator would develop Uniform Act regulations "in coordination with the Assistant Secretary for Policy and International Affairs." This amendment would also simplify other provisions of the previous Uniform Act delegation.

Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective prior to publication in the **Federal Register.**

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322.

2. Section 1.48 is amended by revising paragraph (cc) and removing and reserving paragraphs (dd) and (ee) as set forth below:

§ 1.48 Delegations to Federal Highway Administrator.

* * * * *

(cc) Prescribe regulations, as necessary, at Parts 24 and 25 of this title, to implement Pub. L. 91–646, 84 Stat. 1894, and any amendments thereto, as appropriate in coordination with the Assistant Secretary for Policy and International Affairs, and carry out all other functions vested in the Secretary by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894, and any amendments thereto.

(dd) [Reserved]

(ee) [Reserved]

* * * * *

Issued on: March 24, 1988.

Jim Burnley,

Secretary of Transportation.

[FR Doc. 88–6949 Filed 3–29–88; 8:45 am]

BILLING CODE 4910–62–M

Proposed Rules

Federal Register
Vol. 53, No. 61
Wednesday, March 30, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

[Docket No. PRM-40-25]

The State of Alabama; Withdrawal of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking, withdrawal.

SUMMARY: The Commission is withdrawing, at the petitioner's request, a petition for rulemaking that was filed by the State of Alabama. In the petition, dated August 26, 1985, the State of Alabama had requested that the Commission review the exemption from licensing requirements for products or parts containing tungsten or magnesium-thorium alloys whose thorium content does not exceed 4% by weight, and either remove the prohibition on processing the parts or set out the prohibition as part of a general license.

ADDRESSES: Copies of the petitioner's letters of request and withdrawal are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Single copies of these letters may be obtained by writing to the Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Sterling W. Bell, Division of Industrial and Medical Nuclear Safety, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-0617.

SUPPLEMENTARY INFORMATION: Section 40.13(c)(4) of 10 CFR Part 40, "Domestic Licensing of Source Material," provides an exemption from licensing requirements for any person who possesses finished products or parts containing tungsten or magnesium-thorium alloys up to 4% thorium by weight. However, the exemption does not authorize chemical, physical, or metallurgical treatment or processing of the products. Therefore, an unlicensed person may possess and use the products as long as the person does not treat or process them.

On August 26, 1985, the State of Alabama, Department of Public Health, submitted a petition for rulemaking which requested NRC to review the exemption and make certain amendments to its regulations. A notice of receipt of the petition was published in the **Federal Register** on December 31, 1985 (50 FR 53335). Public comments were requested by March 3, 1986.

The petitioner stated the prohibition on treatment and processing of the products containing thorium is unenforceable for unlicensed persons. The State of Alabama said that it had identified thorium products in scrap which were being melted or cut by unlicensed persons. The petitioner requested that NRC review the restriction on processing, and delete the restriction if it is unnecessary to protect the public health and safety. The petitioner believed that the restriction was necessary and, therefore, recommended that the exemption be deleted and replaced by a general license. The general license would be similar to the existing general license provided in 10 CFR 40.25, "General license for use of certain industrial products or devices." The petitioner requested that the general license require that the product be obtained from a licensed manufacturer, be labeled, and be authorized for distribution only if the manufacturer demonstrates that its use will not result in radiation doses to persons above certain specified limits.

Only one comment was received on the petition. Covington and Burling, Counsel for North American Philips Lighting Corporation, opposed the petition on the basis that the petitioner did not demonstrate any significant health risks resulting from the current regulatory approach, or demonstrate that any health and safety benefit would result which would justify imposing additional regulatory burden on licensees.

After reviewing the original reasons for the petition and the availability of sufficient supporting data at this time, the petitioner believes that the best approach is to have the requested changes retained by the NRC staff for its considerations when the NRC next considers general revision to this portion of its regulations. Therefore, by letter dated January 15, 1988, the petitioner requested that the petition be withdrawn.

The NRC concurs with the State of Alabama. The NRC staff believes that 10 CFR Part 40, including the exemption questioned by the petition, provides adequate protection of the public health and safety. However, the NRC staff also believes that, in light of the many exemptions which currently exist in Part 40, a general revision of that portion of the regulations would provide consistency and clarity to the regulatory framework.

The NRC accepts the State of Alabama's request that the petition be withdrawn.

Dated: at Bethesda, Maryland, this 17th day of March 1988.

For The Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 88-6921 Filed 3-29-88; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88-NM-07-AD]

Airworthiness Directives; Aerospatiale Model ATR-42 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to Aerospatiale Model ATR-42 series airplanes, which would require repetitive inspection of the trim system, and repair or parts replacement, if necessary; a preflight procedure check of the trim system; a modification of the crew warning system; installation of a spike suppression modification in the air conditioning system; and installation of an elevator monitoring and alarm system. This proposal is prompted by reports of several cases of pitch trim motor failures and a re-evaluation of the flight controls system. This condition, if not corrected, could result in excessive

loads in the fixed vertical stabilizer from dual hidden failures in the elevator trim system, which could jeopardize safe flight and landing of the airplane.

DATES: Comments must be received no later than May 27, 1988.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 88-NM-07-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Armella Donnelly, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 88-NM-07-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The Direction Générale de L'Aviation Civile (DGAC), which is the airworthiness authority of France, has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition in the elevator trim synchronization system on certain Aerospatiale Model ATR-42 series airplanes. A re-evaluation of the flight control system has revealed a potential for desynchronization of the elevator trim tabs following a combination of two hidden failures: (1) Breakage of the actuator synchronization flexible shaft, and (2) non-operation of a trim actuator. This double failure could cause tab desynchronization, resulting in excessive loads in the fixed vertical stabilizer. This condition, if not corrected, could jeopardize safe flight and landing of the airplane.

Aerospatiale issued Service Bulletin ATR42-27-0010, dated March 20, 1987, which describes procedures for repetitive checks of the trim system; Operational Engineering Bulletin Number 17, dated January 26, 1987, which describes preflight procedure checks of the trim system; Service Bulletin ATR42-27-0015, Revision 3, dated February 29, 1988, which describes a modification of the crew warning system; Service Bulletin ATR42-30-0010, Revision 2, dated July 7, 1987, which describes the addition of two diodes in the de-icing system and the installation of a new crew alerting computer to eliminate inadvertent warning when the ice protection controllers are energized; and Service Bulletin ATR42-21-0009, Revision 4, dated February 22, 1988, which describes a modification to suppress interference on the electrical power system caused by spikes on the pneumatic electrical system (this modification must be accomplished prior to installation of the modification described in Service Bulletin ATR42-27-0015, Revision 3).

The procedures described in Service Bulletin ATR42-27-0010 and Operations Engineering Bulletin (OEB) Number 17 are interim measures to detect any hidden failures in the trim system. Service Bulletins ATR42-27-0009, ATR42-27-0015, and ATR42-30-0010 describe modifications which, if installed, will eliminate the need for the interim action of Service Bulletin ATR42-27-0010 and OEB Number 17, and upgrade the crew warning system to detect trim system malfunctions and eliminate sources of electrical transients that could cause the crew warning system to malfunction or provide misinformation concerning the condition of the trim system.

The DGAC has classified all of the service bulletins described above as mandatory.

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

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require repetitive inspection of the trim system, preflight procedure checks of the trim system, modification of the crew warning system, installation of an elevator monitoring and alarm system, and installation of certain spike suppression circuits, in accordance with the service bulletins previously mentioned.

It is estimated that 23 airplanes of U.S. registry would be affected by this AD. It would take approximately 2 manhours per airplane to accomplish the required inspections, 5 manhours per airplane to accomplish the modifications, 25 manhours to install spike suppression circuits, and 80 manhours per airplane to install the elevator monitoring and alarm system. The average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $103,040.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities because few, if any, Model ATR-42 series airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Aerospatiale: Applies to Model ART-42 series airplanes, as listed in the following Aerospatiale Service Bulletins: ATR42-27-0010, dated March 20, 1987; Operational Engineering Bulletin, dated January 26, 1987, ATR42-27-0015, Revision 3, dated February 29, 1988; ATR42-30-0010, Revision 2, dated July 7, 1987; and ATR42-21-0009, Revision 4, dated February 22, 1988, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent excessive loads on the vertical stabilizer in the event of dual hidden failures in the elevator trim system, accomplish the following:

A. For airplanes listed in Aerospatiale Service Bulletin ATR42-27-0010, dated March 20, 1987, within 100 hours time-in-service after the effective date of this AD, accomplish the following:

1. Inspect the trim system in accordance with Aerospatiale Service Bulletin ATR42-27-0010, dated March 20, 1987. Repeat this inspection thereafter at intervals not to exceed 200 hours time-in-service. If defective parts are identified during this inspection, repair or replace with airworthy parts prior to further flight, in accordance with the service bulletin.

2. Insert the following in the Model ATR-42 Airplane Flight Manual, Limitations Section: "Prior to each taxi, perform the following procedure check: Prior to setting takeoff trim adjustment, run elevator trim to full up stop and full down stop to detect trim malfunction described in Operations Engineering Bulletin Number 17, dated January 26, 1987."

B. Within 1,500 hours time-in-service after the effective date of this AD:

1. For airplanes listed in Service Bulletin ATR42-21-0009, Revision 4, dated February 22, 1988: Install spike supression circuits in the air conditioning system, in accordance with this service bulletin.

2. For airplanes listed in Aerospatiale Service Buletin ATR42-27-0015, Revision 3, dated February 29, 1988: Subsequent to the installation of the spike suppression circuits requried by paragraph B.1., above, install an elevator trim dissymmetry monitoring system and associted alarm, in accordance with this service bulletin.

3. For airplanes listed in Aerospatiale Service Bulletin ATR42-30-0010, Revision 2, dated July 7, 1987: Modify the crew warning system, in accordance with this service bulletin.

C. The accomplishment of the requirements of paragraph B., above, constitutes terminating action for the requirements of paragraph A., above.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountian Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspectors and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Aerospatiale, 316 Route de Bayonne, 31060 Toulouse Cedex 03, France. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on March 23, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88-6977 Filed 3-29-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 88-NM-11-AD]

Airworthiness Directives; British Aerospace Model BAe 146 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to British Aerospace Model BAe 146 series airplanes, that would require inspection of the main landing gear main fitting for defects, and repair, if necessary. This proposal is prompted by results of the manufacturer's fatigue testing and static strength tests. This condition, if not corrected, could lead to collapse of the main landing gear.

DATES: Comments must be received no later than May 27, 1988.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 88-NM-11-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Robert Huhn, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 88-NM-11-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition which may exist on British Aerospace Model BAe 146 series airplanes. Fatigue testing and static strength tests conducted by the manufacturer have revealed that defects may be present on the main fitting and on the barrel section of the main fitting of the main landing gear (MLG). These

defective parts of the MLG main fitting, if not repaired, could lead to collapse of the MLG.

British Aerospace has issued Model BAe 146 Inspection Service Bulletin 32-73, dated March 13, 1987, which describes procedures for inspection of the MLG main fitting to detect defective parts. The service bulletin refers to Dowty Rotol Service Bulletin 146-32-23, Revision 1, dated May 20, 1987, for procedures to identify the MLG assembly and main fitting serial number, and for specific procedures for inspection of affected parts; and to Dowty Rotol Service Bulletin 146-32-56, dated October 29, 1986, for procedures to repair defective parts. The CAA has declared the BAe service bulletin mandatory.

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

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require inspection for defects of the main landing gear main fitting, and repair, if necessary, in accordance with the British Aerospace service bulletin previously mentioned.

It is estimated that 30 airplanes of U.S. registry would be affected by this AD, that it would take approximately 8 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $9,600.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities because of the minimal cost of compliance per airplane ($320). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to all British Aerospace (BAe) Model 146 series airplanes as listed in BAe 146 Service Bulletin 32-73, dated March 13, 1987, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent collapse of the main landing gear (MLG) due to defective main fittings, accomplish the following:

A. Prior to the accumulation of 12,000 landings or within the next 1,000 landings after the effective date of this AD, whichever occurs later,inspect the main fitting and barrel section of the main fitting in accordance with British Aerospace BAe 146 Service Bulletin 32-73, dated March 13, 1987. If defective parts are identified during the inspection, repair prior to further flight, in accordance with the service bulletin.

Note: British Aerospace BAe 146 Service Bulletin 32-73 references Dowty Rotol Service Bulletin 146-32-23, Revision 1, dated May 20, 1987, for specific procedures for identification and inspection of the affected MLG parts; and Dowty Rotol Service Bulletin 146-32-56, dated October 29, 1986, for specific procedures for repair of defective parts.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, D.C. 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on March 23, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88-6978 Filed 3-29-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 88-ANM-1]

Proposed Alteration of Jet Routes; Colorado

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions of J-64 and J-197 located in the vicinity of Pueblo, CO. Air traffic congestion in the Lamar, CO, and Gunnison, CO, terminal areas has caused significant delays due to the location of J-64 and J-197. This action would move J-64 and J-197 to an area that would distribute the workload among other air traffic control (ATC) sectors, thereby reducing controller work and reducing ATC delays.

DATE: Comments must be received on or before May 9, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Northwest Mountain Region, Attention: Manager, Air Traffic Division, Docket No. 88-ANM-1, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, WA 98168.

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views,

or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88-ANM-1." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to alter the descriptions of Jet Routes J-64 and J-197. The FAA has identified the need for reducing air traffic congestion in the vicinity of Lamar, CO, and Gunnison, CO. These terminal areas have critical arrival/departure problems during peak traffic periods. This action would distribute the workload among several ATC sectors thereby reducing delays. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

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

List of Subjects in 14 CFR Part 75

Aviation safety, Jet Routes.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

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

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

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J-64 [Amended]

By removing the words "Farmington, NM; Alamosa, CO; Hill City, KS;" and substituting the words "Farmington, NM; Pueblo, CO; Hill City, KS;"

J-197 [Revised]

From Dove Creek, CO; Hugo, CO; Goodland, KS; Wolbach, NE; to Sioux Falls, SD.

Issued in Washington, DC, on March 16, 1988.

Shelomo Wugalter,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88-6870 Filed 3-29-88; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 4b

[Docket No. 80348-8048]

Privacy Act of 1974

AGENCY: Department of Commerce.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Department of Commerce is proposing to amend 15 CFR Part 4b titled, Privacy Act, which implements the Privacy Act of 1974 (5 U.S.C. 552a) (1982 & Supp. II 1984) within Commerce. The purpose of the amendment is to centralize the appeals process into the Office of the General Counsel in order to provide maximum efficiency, uniformity in decisions, and continuity to Privacy Act appeals.

DATE: Comments must be submitted on or before April 29, 1988.

ADDRESS: Send written comments to: Geraldine LeBoo, Department of Commerce, Room H-6628, Washington, DC 20230; Telephone (202) 377-3271.

FOR FURTHER INFORMATION CONTACT: Geraldine P. LeBoo, (202) 377-3271.

SUPPLEMENTARY INFORMATION: The Commerce Department's policies and procedures for handling requests for information under the Privacy Act appear in 15 CFR Part 4b. The Department proposes to amend the regulation which was promulgated at 40 FR 45619, Oct. 2, 1975; 40 FR 50662, Oct. 30, 1975; 40 FR 51168, Nov. 3, 1975.

Under the original regulation, Appendix A designated the "Privacy Officer" who was authorized to receive and act upon inquiries, requests for access, and requests for correction or amendment. Appendix B designated the "Privacy Appeals Officer" authorized to receive and act upon appeals from an initial denial of a request. The regulation is proposing to end the handling of appeals by the "Privacy Appeals Officer" in the various Departmental units and centralize the appeals process into the Office of the General Counsel.

Other proposed changes throughout the regulations are editorial and/or reflect necessary organizational designations.

This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in:

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

(2) A major increase in costs or prices for consumers, individual industries,

Federal, State, or local government agencies, or geographic regions; or

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

This proposed rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

The General Counsel of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities because only a very small percentage of that group will likely be affected by this regulation. As a result, neither an initial nor final Regulatory Flexibility Analysis has been or will be prepared.

This rule does not contain a collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 15 CFR Part 4b

Administrative practice and procedure, Privacy.

For the reasons set forth in the preamble, it is proposed that 15 CFR Part 4b be amended as follows:

PART 4b—PRIVACY ACT

1. The authority citation for 15 CFR continues to read as follows:

Authority: 5 U.S.C. 552a; 5 U.S.C. 553; 5 U.S.C. 552; 5 U.S.C. 301; 44 U.S.C. 3101; Reorganization Plan No. 5 of 1950.

2. Section 4b.1 is amended by revising paragraphs (d)(1) and (e)(3) as follows:

§ 4b.1 Purpose and scope.

* * * * *

(d) * * *

(1) Requests solely under the Freedom of Information Act (5 U.S.C. 552) and Part 4 of this title;

* * * * *

(e) * * *

(3) Requester is the individual to whom the record pertains and the requester expressly states that the request is under both the Act and the Freedom of Information Act—The request will be processed concurrently under both statutes and the Department's respective implementing regulations. For such dual requests the Department will follow the fee provisions under the Act and this part, and follow the time limits under the Freedom of Information Act and Part 4 of this title.

* * * * *

§ 4b.2 [Amended]

3. Section 4b.2 is amended by removing paragraph (b)(6) which defined the term "Privacy Appeals Officer." Paragraphs (b)(7) through (10) should be renumbered as paragraphs (b)(6) through (9).

§§ 4b.3 and 4b.4 [Amended]

4. In the list below, for each section and paragraph indicated remove the language set forth from wherever it appears, and add in its place the language indicated.

Section/ Paragraph	Remove	Add
§ 4b.3(c)	Appendix D	Appendix C
§ 4b.3(h)	Appendix C	Appendix B
§ 4b.4(b)	Appendix D	Appendix C

§ 4b.3 [Amended]

5. Section 4b.3(f)(2) is amended by removing the words "Privacy Appeals Officers, identified in Appendix B to this part," and adding the words "General Counsel" in their place.

§§ 4b.5 and 4b.8 [Amended]

6. The following sections are amended by removing the words "responsible Privacy Appeals Officer, identified in Appendix B to this part," wherever they appear, and adding the words "General Counsel" in their place: § 4b.5(a)(2), (g)(3)(ii); § 4b.8(a)(1)(ii).

§ 4b.8 [Amended]

7. Section 4b.8(a)(2)(ii)(D) is amended by removing the words "responsible Privacy Appeals Officer, identified in Appendix C to this part" and adding the words "General Counsel" in their place.

§ 4b.9 [Amended]

8. Section 4b.9(b) is amended by removing the words "Privacy Appeals Officer identified in the initial denial (that official is authorized to make final determinations)" and adding the words "General Counsel, Department of Commerce, Room 5882, Washington, DC 20230" in their place. The words "responsible Privacy Appeals Officer" should also be removed, and the words "General Counsel" added in their place. Finally, wherever the words "Privacy Appeals Officer" appear in § 4b.9(b) or the rest of § 4b.9, they should be removed and the words "General Counsel" should be added in their place. The paragraphs of § 4b.9 affected are as follows: (b), (c), (e), (g)(1), (h), (i).

Appendix A [Amended]

9. Appendix A is amended by adding the following to the list of officials authorized to receive inquiries, requests for access and requests for correction or amendment: Bureau of Export Administration, Privacy Act Officer, Office of Security and Management Support, Bureau of Export Administration, Room 3889, Herbert C. Hoover Building, Washington, DC 20230.

Appendix B [Removed] Appendix C and Appendix D [Redesignated as Appendix B and Appendix C]

10. Appendix B is removed. Appendix C and Appendix D are redesignated as Appendix B and Appendix C.

Dated: March 17, 1988.

Alan P. Balutis,

Director for Budget, Planning, and Organization.

[FR Doc. 88-6882 Filed 3-29-88; 8:45 am]

BILLING CODE 3510-CW-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Ch. I

Hazard Communication

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Mine Safety and Health Administration (MSHA) is in the early stages of developing a hazard communication standard to reduce the incidence of chemically-related illnesses and injuries in mining. MSHA will use the Occupational Safety and Health Administration (OSHA) hazard communication standard, 29 CFR 1910.1200, as the basis for a standard for the mining industry. The OSHA standard requires employers to establish hazard communication programs to transmit information on the hazards of chemicals to their employees by means of labels on containers, material safety data sheets and training programs. To avoid duplicate or conflicting requirements, MSHA intends to follow the principles of the OSHA standard. This notice is seeking comment and information on how the hazard communication provisions outlined below could be applied to mining. Also, there may be instances where additional provisions are needed in order to address the unique conditions of the mining environment.

DATE: All comments and information should be submitted by May 31, 1988.

ADDRESS: Comments should be sent to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: Current MSHA standards require all operators to train miners in hazard recognition and avoidance, including the hazards of handling chemical products. Additionally, MSHA requires metal and nonmetal operators to post warning signs at hazardous areas in order to warn miners, and to label toxic substances both in a manner which identifies the hazard involved and the protective action required.

Although OSHA has established a hazard communication standard for the manufacturing and non-manufacturing sectors, no similar comprehensive standard exists for the mining sector. The United Mine Workers of America and the United Steelworkers of America jointly have petitioned MSHA to propose the OSHA hazard communication standard, and adapt the rule to both coal and metal and nonmetal mines during the rulemaking process. MSHA is reviewing available information to develop a standard applicable to mining. Among the information to be considered is OSHA's experience with its hazard communication standard and information collected by the National Institute for Occupational Safety and Health pursuant to their national occupational health survey in mining.

The purpose of the OSHA hazard communication standard is to ensure that the hazards of all chemicals produced or imported are evaluated by the producers of those chemicals, and that information concerning their hazards is transmitted to employers and employees of chemical producers and users. This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, material safety data sheets and employee training. OSHA's standard is intended to address comprehensively the issues of evaluating the potential hazards of chemicals and communicating information concerning hazards and appropriate protective measures to employees. Communicating information concerning chemical hazards and appropriate protective measures to employees may include provisions for developing and maintaining a written hazard communication program for the workplace, including lists of hazardous chemicals present; labeling of containers of chemicals in the workplace, as well as of containers of chemicals being shipped to other workplaces; preparation and distribution of material safety data sheets to employees and downstream employers; and development and implementation of employee training programs regarding hazards of chemicals and protective measures.

Specific Issues Identified for Comment

In this advance notice of proposed rulemaking, MSHA is seeking comments and data on a number of issues raised by provisions of the OSHA standard, including how they could be adapted to mining. Since an MSHA standard would affect all of the mining industry, commenters should provide a rationale, including specifics, to support their respective positions based upon particular mining methods, practices and operational conditions. MSHA requests comment on all relevant aspects of a hazard communication standard and on the following issues in particular:

General Approach and Scope of an MSHA Standard

—For industries which include mines as well as OSHA regulated properties, how should the MSHA standard avoid duplication?

—Should mine operators assess hazards associated with mine products, develop labels, material safety data sheets (MSDS), and forward such information to users of mining property?

—How should independent contractors be regulated under an MSHA standard?

—How should the MSHA standard provide for special needs of small mine operators?

Hazard Determination

The OSHA hazard communication standard defines "hazardous chemical" as "any chemical which is a physical hazard or health hazard." In addition, "health hazard" means "a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees."

—How should MSHA assist mine operators in evaluating materials produced in a mine or imported by the operator to determine if they are hazardous?

—Are there some situations where exposure to a hazardous chemical may be remote, and therefore not trigger the requirements of the complete standard? Would both a hazard evaluation and MSDS be needed in such situations?

Written Hazard Communication Program

The OSHA standard requires employers to develop in writing and implement a hazard communication program for their workplaces which describes how the provisions on labeling, material safety data sheets and employee information and training will be met.

—Should an MSHA standard require any different elements in a written hazard communication program?

—What impact would a written hazard communication program have upon small mining operators?

—Are there ways in which compliance burdens could be reduced for operators, especially small ones?

—What technical assistance, such as step-by-step instructions, model programs or certification of private programs should MSHA provide to operators in developing a hazard communication program to comply with the MSHA standard?

Labeling and Other Forms of Warnings

OSHA requires that every container of a hazardous chemical leaving the workplace be labeled, tagged, or marked with the identity of the material, an appropriate hazard warning and the name and address of the chemical manufacturer, importer or distributor. The rule also requires that every container in the workplace be labeled, tagged, or marked with the identity of the chemical and appropriate hazard warning. MSHA has existing labeling standards for metal and nonmetal mines at 30 CFR 56/57.16004, which require hazardous materials to be stored in appropriately labeled containers approved for such use; and 30 CFR 56/57.20012, which require labeling of toxic materials. There are no comparable labeling standards for coal mines.

—How should the MSHA standard address hazards associated with the raw material being mined?

Material Safety Data Sheet (MSDS)

MSDS's are generally published by manufacturers for users to alert them to hazards associated with their products. The OSHA standard requires that these sheets include the identity of the

material, its hazardous properties, and appropriate protective measures.

OSHA's standard has detailed requirements with respect to the development and distribution of MSDS's for each hazardous chemical. Users of hazardous chemicals receive an MSDS automatically at the time the chemical is purchased. Copies of MSDS's are required to be maintained by employers and accessible to employees during the work shift.

—What, if any, changes from the OSHA standard should apply to mining?

—To what extent are mine operators currently obtaining and keeping copies of MSDS's for hazardous chemicals entering mine property?

—To what extent are mine operators developing MSDS's for hazardous chemicals that are produced or exist on mine property?

Trade Secrets

OSHA currently defines "trade secret" as "any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it." This definition does not protect chemical identity information that is readily discoverable through reverse engineering. Additionally, OSHA permits occupational doctors and health nurses access to trade secret information. The chemical manufacturer, importer or employer may withhold the specific chemical identity, including the chemical name and other specific identification of a hazardous chemical from the material safety data sheet, provided that the trade secret claim can be supported, the information on the MSDS concerning the properties and effects of the hazardous chemical is disclosed, the MSDS indicates that the chemical identity is being withheld as a trade secret, and the specific chemical identity is made available to health professionals, employees and their designated representatives under certain conditions.

—Should MSHA treat trade secrets differently?

Employee Information and Training

OSHA requires employers to train employees on hazards associated with chemicals to which they are exposed. MSHA's training regulations in 30 CFR Part 48 require miners to be trained on health and safety hazards.

—Should hazard communication training requirements be incorporated into 30 CFR Part 48, or treated as a separate standard?

—To what extent do operators currently include chemical hazard communication in Part 48 training?

Economic Impact

—What costs do mine operators currently incur for hazard communication programs or elements of such programs? What are the costs associated with MSHA-required labels and training? What additional costs would be incurred if an OSHA-based hazard communication standard were extended to mining? Where possible, provide such costs on a per firm or per employee basis.

—What benefits are likely to occur (for example, reduction in illnesses, non-lost workday injuries, lost workday injuries, chronic disabilities) from implementation of a hazard communication program?

—What experiences have mine operators had under State right-to-know standards? What have been the costs associated with such standards?

—What costs have been incurred by employers voluntarily implementing hazard communication programs.

Date: March 24, 1988.

David C. O'Neal,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 88-6907 Filed 3-29-88; 8:45 am]

BILLING CODE 4510-43-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-144; FCC 88-87]

Broadcast Services; Review of Technical Parameters for FM Allocation Rules of Part 73, Subpart B, FM Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule: Further Notice of Proposed Rule Making.

SUMMARY The Commission proposes to adjust its domestic intermediate frequency (IF) distance separation requirements to provide a uniform level of protection from IF interference. The proposed distances would preclude channel allocations and assignments likely to cause interference, and would also provide increased flexibility in antenna site selection for most classes of FM stations. The Commission believes that adoption of the proposal would further its objective of promoting efficiency in the allocation, licensing, and use of the electromagnetic spectrum.

DATES: Comments are due by May 9, 1988, and reply comments on or before May 24, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: B.C. "Jay" Jackson, Jr., Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION: This is a summary of Commission's *Further Notice of Proposed Rule Making*, MM Docket 86-144, adopted March 1, 1988 and released March 18, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this notice may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Initial Regulatory Flexibility Analysis

In accordance with section 605(b) of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), an Initial Regulatory Flexibility Analysis is not required because the proposal herein, if ultimately adopted, would not have a significant economic impact on a substantial number of small entities.

Summary of the Notice of Proposed Rule Making

1. The Commission gives further notice of its proposal to amend Part 73 of its Rules governing the FM Broadcast Service. Specifically, the Commission proposed to adjust its domestic intermediate frequency (IF) distance separation requirements to provide a uniform level of protection from IF interference. The current requirements provide different levels of protection depending on the classification of the stations involved. However, there is no technical justification for this disparate treatment. The proposed requirements constitute a reasonable standard that would continue to preclude channel allocations and assignments likely to cause interference. The revised separation distances would also provide for increased flexibility in antenna site selection for most classes of FM stations. Therefore, the Commission believes that the adoption of these requirements would further its objective of promoting efficiency in the allocation, licensing, and use of the electromagnetic spectrum.

2. The Commission issued a *Notice of Proposed Rule Making ("Notice")* in this

docket in April 1986. In this *Notice*, the Commission proposed to reduce IF distance separation requirements for the additional FM station classes created in BC Docket 80–90. Its proposal specified distances for the Docket 80–90 station classes that would provide a level of protection comparable to that provided by the requirements for the existing station classes. As there are not widespread IF interference problems, the Commission reasonsed that the IF distance separation requirements for the existing station classes are at least adequate to avoid IF interference problems. Also, the Commission invited new test measurements and updated information about the extent of IF interference.

3. The record established thus far (in response to the *Notice*) is inconclusive with regard to the IF distance separation issue, neither clearly supporting nor opposing the Commission's proposal. In its *Second Report and Order*, the Commission concluded that its adoption then of the separation distances proposed in the *Notice* for the new classes would have been premature. The Commission stated its intention to issue this *Further Notice of Proposed Rule Making ("Further Notice")* to develop a more complete and comprehensive record, enabling it to set an appropriate uniform standard for all station classes.

4. Recent tests of commercial FM broadcast receivers by the Commission's laboratory indicate that some models are indeed susceptible to IF interference while other models are relatively immune. From the laboratory report, it appears that a minor overall relaxation in the protection level may be feasible, depending on the trade-off between risk of increased interference and the opportunity for additional broadcast service. However, the laboratory report also indicates that IF distance separation requirements continue to be useful in reducing the probability of IF interference and that a major reduction in the required distances would not be advisable at this time.

5. The Commission is proposing to revise minimum IF distance separation requirements in § 73.207 of its rules. The proposed distances were calculated to prevent overlap of the predicted 36 mV/m (91 dBμ) contours of IF-related stations, regardless of the station classes. This level of protection is equivalent to that provided by the least stringent of the current requirements. The proposed distances are either the same as or less than those under the current rule. Because there have been few, if any, problems with this protection level in the past, the Commission anticipates that no appreciable increase in IF interference would result from the proposed adjustments to these distances.

6. Because the measurement data in the record at this time does not conclusively support the choice of one particular protection level over another solely on technical grounds, the Commission is proposing the least restrictive level (*i.e.* 36 mV/m) with which it has long-term experience. The Commission welcomes, however, data or test results, particularly from receiver manufacturers or organizations representing receiver manufacturers, which support or oppose, on technical grounds, the 36 mV/m level upon which this proposal is based, or an alternative level such as 50 mV/m.

7. The Commission is also proposing, an additional distance separation requirement for proposed allotments and assignments on FM Channel 253 (98.5 MHz) in the vicinity of an existing TV Channel 6 allotment or assignment, and vice versa. The audio transmission from a TV station on Channel 6 (at 87.75 MHz) is IF-related to FM Channel 253 (98.5 MHz). A typical Channel 6 TV aural transmitter can operate with as much as 22 kilowatts effective radiated power with an antenna height above average terrain of 300 meters (TV Zone I) or 600 meters (TV Zones II and III). This is roughly equivalent to a Class C1 FM station. The proposed additional requirement is also based on the 36 mV/m protection level. There are nationwide in the range of 65 allotments each of TV Channel 6 and FM Channel 253, but probably only a few instances where the two are geographically close enough to each other to cause IF interference. Although the same justification exsists for this requirement as for the purely FM requirements, the Commission is reluctant to introduce any new regulation in the absence of serious problems. The Commission requests information on cases where this has been a problem and comment as to whether this additional requirement is necessary.

8. The Commission is not proposing changes to the international IF distance separation requirements in Tables B and C of § 73.207(b). These requirements are contained in the Mexican and Canadian agreements affecting FM stations near the borders.

9. Under procedures set out in Section 1.415 of the rules and regulations, 47 CFR 1.415, interested persons may file comments on or before May 9, 1988, and reply comments on or before May 24, 1988. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in Report and Order.

10. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, DC.

Ex Parte Considerations

11. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* presentations are permitted except during the Sunshine Agenda period. *See generally* § 1.1206(a). The Sunshine Agenda period is the period of time which commences with the release of a public notice that a matter has been placed on the Sunshine Agenda, and terminates when the Commission: (1) Releases the text of a decision or order in the matter; (2) issues a public notice stating that the matter has been deleted from the Sunshine Agenda; or (3) issues a public notice stating that the matter has been returned to the staff for further consideration, whichever occurs first. Section 1.1202(f). During the Sunshine Agenda period, no presentations, *ex parte* or otherwise, are permitted unless specifically requested by Commission or staff for the clarification or adduction of evidence or the resolution of issues in the proceeding. Section 1.1203.

12. In general, an *ex parte* presentation is any presentation directed to the merits or outcome of the proceeding made to decision-making personnel which (1) if written, is not served on the parties to the proceeding, or (2), if oral, is made without advance notice to the parties to the proceeding and without opportunity for them to be present. Section 1.1202(b). Any person

who submits a written *ex parte* presentation must provide on the same day it is submitted a copy of same to the Commission's Secretary for inclusion in the public record. Any person who makes an oral *ex parte* presentation that presents data or arguments not already reflected in that person's previously-filed written comments, memoranda, or filings in the proceeding must provide on the day of the oral presentation a memorandum to the Secretary (with a copy to the commissioner or staff member involved) which summarizes the data and arguments. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. Section 1.1206.

13. The Commission has determined that section 605(b) of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) does not apply to this rule making proceeding because if promulgated, it will not have a significant economic impact on a substantial number of small entities. The Secretary shall cause a copy of this Notice to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act (Pub. L. 96-654, 94 Stat. 1164, 50 U.S.C. 602 *et seq.*) (1962).

14. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

15. It is proposed, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 and 303, That Part 73 of the Commission's Rules be *amended* as set forth below.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

It is proposed to amend 47 CFR Part 73 as follows:

PART 73—[AMENDED]

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

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

2. 47 CFR 73.207 would be amended by revising TABLE A in paragraph (b)(1), and by adding a new paragraph (c). In TABLE A, the first three columns, entitled "Co-channel", "200 kHz", and "400/600 kHz" would remain unchanged. The fourth column, entitled "10.6/10.8 MHz", would be revised to read as follows:

§ 73.207 Minimum distance separation between stations.

* * * * *

(b) * * *

(1) * * *

TABLE A.—MINIMUM DISTANCE SEPARATION REQUIREMENTS IN KILOMETERS (MILES)

Relation	Co-channel [1]	200 kHz [1]	400/600 kHz [1]	10.6/10.8 MHz
A to A				8(5)
A to B1				11(6)
A to B				14(9)
A to C2				14(9)
A to C1				21(13)
A to C				28(17)
B1 to B1				14(9)
B1 to B				17(11)
B1 to C2				17(11)
B1 to C1				24(15)
B1 to C				31(19)
B to B				20(12)
B to C2				20(12)
B to C1				27(17)
B to C				35(22)
C2 to C2				20(12)
C2 to C1				27(17)
C2 to C				35(22)
C1 to C1				34(21)
C1 to C				41(25)
C to C				48(30)

[1] No changes to these columns.

* * * * *

(c) The distances listed below apply only to allotments and assignments on Channel 253 (98.5 MHz), after ———, 1988, the Commission will not accept petitions to amend the Table of Allotments, applications for new stations, or applications to change the channel or location of existing assignments where the following minimum distances (between transmitter sites, in kilometers) from any TV Channel 6 allotment or assignment are not met:

MINIMUM DISTANCE SEPARATION FROM TV CHANNEL 6 (82-88 MHz)

FM Class	TV Zone I	TV Zones II & III
A	16	20
B1	19	23
B	22	26
C2	22	26
C1	29	33
C	36	41

3. 47 CFR 73.610 would be amended by adding a new paragraph (f) to read as follows:

§ 73.610 Minimum distance separations between stations.

* * * * *

(f) The distances listed below apply only to allotments and assignments on Channel 6 (82-88 MHz), after ———, 1988. The Commission will not accept petitions to amend the Table of Allotments, applications for new stations, or applications to change the channel or location of existing

assignments where the following minimum distances (between transmitter sites, in kilometers) from any FM Channel 253 allotment or assignment are not met:

MINIMUM DISTANCE SEPARATION FROM FM CHANNEL 253 (98.5 MHz)

FM Class	TV Zone I	TV Zones II & III
A	16	20
B1	19	23
B	22	26
C2	22	26
C1	29	33
C	36	41

[FR Doc. 88-6767 Filed 3-29-88; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 650

Atlantic Sea Scallop Fishery

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

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the New England Fishery Management Council (Council) has resubmitted Amendment 2 to the Fishery Management Plan for Atlantic Sea Scallops (FMP) for review and approval by the Secretary of Commerce (Secretary) and is requesting comments from the public. A resubmitted amendment follows an accelerated review schedule established by the Magnuson Fishery Conservation and Act Management (Magnuson Act), which provides a shortened public comment period. Copies of Amendment 2 may be obtained from the Council.

DATE: Comments on Amendment 2 should be submitted on or before April 22, 1988.

ADDRESS: All comments should be sent to Richard Roe, Regional Director, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Amendment 2 to the Sea Scallop FMP."

Copies of Amendment 2 are available upon request from Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route 1), Saugus, MA 01906.

FOR FURTHER INFORMATION CONTACT: Peter Colosi (Atlantic Sea Scallop FMP Coordinator), 617-281-3600, ext. 232.

Amendment 2 to the FMP was originally submitted to the Secretary for review in September 1987 and a notice of availability was published (52 FR 35464, September 21, 1987). Amendment 2 was returned to the Council because it did not meet all legal requirements of the Magnuson Act. A second notice was published (52 FR 37487, October 7, 1987) announcing withdrawal of Amendment 2 and stating that, if it were resubmitted by the Council, another notice of availability would be published, affording the public a 30-day comment period. The Council has addressed the deficiencies and has resubmitted Amendment 2 under the accelerated review schedule provided by section 304(b)(3)(B)(ii) of the Magnuson Act. The public may submit comments on the resubmitted Amendment 2 and its proposed rule until April 22, 1988, and the Secretary, after considering the public comments must approve or disapprove Amendment 2 by May 20, 1988.

Amendment 2 specifies adjusted values for the 30 meat count management standard during the months of October through January that are more consistent with the actual, average meat weights, which decrease during the spawning season. These adjusted values would serve as better threshold criteria for focusing mortality primarily on the entering and all older year classes. The purpose of Amendment 2 is to restore the benefits to the industry that would otherwise temporarily be withheld under the current management program, and thereby provide regulatory relief. The Council recommended what it considers to be a conservative adjustment of a ten percent increase in the meat count from October through January based upon the best scientific information currently available. Accordingly, the meat count management standard would be redefined as the number of scallops in a one-pint sample (on average) of 30 or less during February through September and 33 or less during October through January. Additionally, the Council intends that the duration and timing of the adjustment be based on the best information available. Accordingly, as new information is developed that might affect either the duration or the magnitude of the adjustment, the Council may recommend an adjustment of the standard to be implemented by the Regional Director.

Regulations proposed by the Council to implement this Amendment are scheduled to be published within 10 days.

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

List of Subjects in 50 CFR Part 650

Fish, Fisheries.

Dated: March 25, 1988.

Richard H. Schaefer,

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

[FR Doc. 88-6957 Filed 3-25-88; 4:12 pm]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 53, No. 61
Wednesday, March 30, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

March 25, 1988.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, DC 20250, (202) 447-2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Animal and Plant Health Inspection Service

9 CFR 77—Tuberculosis
VS Form 6-38
On occasion
State or local governments; Farms; 110 responses; 88 hours; not applicable under 3504(h)
R.L. Hosker (301) 436-8715

- Animal and Plant Health Inspection Service

Application for Veterinary Accreditation and Veterinary Accreditation
Examination
VS Form 1-36A
Each respondent usually takes the test once
Individuals or households; 6,250 responses; 6,941 hours; not applicable under 3504(h)
Richard Hobbs (301) 436-5861

- Agricultural Stabilization and Conservation Service

Application for Disaster Credit
ASCS-574
On occasion
Farms; 90,000 responses; 15,000 hours; not applicable under 3504(h)
Raymond K. Aldrich (202) 447-6688

- National Agricultural Statistics Service
- Aquaculture Surveys

Monthly; Quarterly; Semi-annually; Annually

- Farms; 4,230 responses; 1,440 hours; not applicable under 3504(h)

Larry Gambrell (202) 447-7737

Larry K. Roberson,
Acting Departmental Clearance Officer.

[FR Doc. 88-6961 Filed 3-29-88; 8:45 am]
BILLING CODE 3410-01-M

Rural Electrification Administration, Alabama Electric Cooperative, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Finding of No Significant Impact relating to the construction of a 115 kV transmission facility in Chambers, Lee, Macon, Bullock, and Montgomery Counties, Alabama.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and REA Environmental Policies and Procedures (7 CFR Part 1794), has made a Finding of No Significant Impact (FONSI) with respect to construction of a 97-mile, 115 kV transmission line on wood H-frame support structures, a 115 kV switching station, four 115/12.5 kV distribution substations, and six microwave additions. Alabama Electric Cooperative, Inc. (AEC), of Andalusia, Alabama, has requested approval of financing assistance from REA.

FOR FURTHER INFORMATION CONTACT: Alex M. Cockey, Director, Southeast Area Electric, Room 0270, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382-8436.

SUPPLEMENTARY INFORMATION: REA, in conjunction with a request from AEC for approval of financing assistance to enable AEC to construct the project, required that AEC develop a Borrower's Environmental Report (BER) reflecting the potential impacts of the project. The BER, which includes input from certain state and Federal agencies, has been adopted by REA as its Environmental Assessment (EA). REA has concluded that the BER represents an accurate assessment of the environmental impacts of the proposed project and that the impact are acceptable.

AEC has requested REA loan guarantee financing assistance to enable AEC to construct a 97-mile, 115 kV transmission line, a 115 kV switching station, four distribution substations, and six microwave additions. The transmission line will originate at the existing SEPA's West Point hydroelectric facility in Chambers County, cross Lee, Macon and Bullock Counties and terminate at the proposed 115 vK Dublin Switching Station in Montgomery County. The termination facilities at West Point will be provided by the U.S. Corps of Engineers.

The West Point—Dublin project will strengthen AEC's transmission system, improve service at five distribution substation, enhance AEC's ability to receive Southeastern Power Administration (SEPA) power and provide AEC with wheeling income from transmitting SEPA power to South Mississippi Electric Power Association.

The transmission line will require a 100-foot wide right-of-way for the length

of the line. The proposed 115 kV Dublin Switching Station will require less than two acres of ground clearing, the 115/12.5 kV Union Springs and Opelika substations will require approximately five acres of clearing. The 46/12.5 kV Providence Substation will be upgraded to accommodate 115 kV operation without additional ground clearing. New microwave facilities, including either a microwave tower or satellite dish, will be included within the boundaries or adjacent to the Opelika, Y, Union Springs, and Kyzac substations. Associated with these new microwave facilities will be an upgrade of microwave equipment at the existing Brundidge Substation, which is not part of the West Point project.

REA has concluded that the proposed project will have no significant impact on wetlands, prime farmland, floodplains, threatened or endangered species or critical habitat, property listed or eligible for listing in the National Register of Historic Places, air quality, water quality and the health of humans or animals. Floodplains of numerous streams, wetlands, and prime farmlands are located in the preferred right-of-way. Some transmission line support structures may be located within these areas; however, neither the substation expansion or new substation construction will be located in the 100-year floodplain, wetlands or prime farmland. There is no practicable alternative action that would avoid or reduce the amount of impact to 100-year floodplain or wetlands. The prime farmland crossed by the transmission line can be used for agricultural purposes. Certain other impacts resulting from the proposed project are unavoidable such as the cutting of trees and vegetation for the right-of-way clearing and the aesthetic impact on the visual quality of the area.

Alternatives examined for the proposed project included no action, alternative line routes and alternative structure types. REA determined that constructing the project within the preferred right-of-way is an environmentally acceptable project to meet the needs of AEC. AEC has demonstrated to REA that there are economic benefits to AEC and its members resulting from construction of the project.

REA has reviewed the BER and believes it represents a fair and accurate evaluation of the proposed project and its potential impacts. As a result of its independent evaluation, REA has adopted AEC's BER as its Environmental Assessment (EA) and has concluded that REA approval of financing assistance to AEC to enable it to construct the proposed project would not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, REA has reached a FONSI with respect to the proposed project.

Copies of REA's EA and FONSI can be obtained from the offices of REA in the South Agiculture Building, Room 0256, 14th Street and Independence Avenue SW., Washington, DC 20250, or at the office of AEC, P.O. Box 550, Andalusia, Alabama 36420.

In accordance with REA Environmental Policies and Procedures, 7 CFR Part 1794, AEC published notices in newspapers with a general circulation in the counties where the project will be located. The notices advised the public of potential impacts to wetlands and floodplains and announced the availability of the BER. The public was given at least 30 days to respond to the notice. One telephone response to the notices was received by AEC from a property owner asking if the proposed transmission line will cross his land; no environmental issues were raised. AEC has responded to the landowner.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.8509—Rural Electrification Loans and Loan Guarantees. For the reasons set forth in the final rule related Notice to 7 CFR Part 3015, Subpart V, this program is excluded from the scope of Executive Order 312372 which requires intergovernmental consultation with state and local officials.

Date: March 24, 1988.

Frank W. Bennett,

Acting Assistant Administrator—Electric Rural Electrification Administration.

[FR Doc. 88-6960 Filed 3-29-88; 8:45 am]

BILLING CODE 3410-15-M

AVIATION SAFETY COMMISSION

Meeting

AGENCY: Aviation Safety Commission.

ACTION: Notice of Meeting.

Time and dates: 9:30 a.m. to 12:00 p.m., March 31, 1988.

Place: 1310 Longworth House Office Building, Washington, DC 20515.

Status: Meeting is completely open to the public as required under Section 10(a)(2) of the Federal Advisory Committee Act of 1972.

Matters to be considered: Selected witnesses are invited to provide statements to the Aviation Safety Commission.

FOR FURTHER INFORMATION CONTACT: Richard K. Pemberton, Administrative Officer, Aviation Safety Commission, Premier Building, Room 1008, 1725 I Street NW., Washington, DC 20006, (202) 634-4677 or (202) 634-4860.

John M. Albertine,

Chairman.

[FR Doc 88-7118 Filed 3-29-88; 10:28 am]

BILLING CODE 6820-AG-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-029]

Fishnetting of Man-Made Fibers 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 May 11, 1987, the Department of Commerce published the preliminary results of its administrative review, a tentative determination to revoke in part, and intent to revoke in part the antidumping finding on fishnetting of man-made fibers from Japan. The review covers nineteen manufacturers and/or exporters and one third-country reseller of this merchandise to the U.S. and generally the period June 1, 1980 through May 31, 1986.

We gave interested parties an opportunity to comment on the preliminary results, tentative determination to revoke in part, and intent to revoke in part. We received comments from the petitioner, several importers, and two respondents. Based on our analysis of the comments received and the correction of certain mathematical and clerical errors, we have changed the margins for five firms. For all other firms the margins remain the same as those presented in the preliminary results of review.

EFFECTIVE DATE: March 30, 1988.

FOR FURTHER INFORMATION CONTACT: Sheila Forbes or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On May 11, 1987, the Department of Commerce ("the Department")

published in the Federal Register (52 FR 17619) the preliminary results of its administrative review, a tentative determination to revoke in part, and intent to revoke in part the antidumping finding on fishnetting of man-made fibers from Japan. The Department has now completed the 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 fishnetting of man-made fibers, currently classifiable under item numbers 355.4520 and 355.4530 of the Tariff Schedules of the United States Annotated and Harmonized System numbers 5608.11.00 and 5608.90.10.

The review covers nineteen manufacturers and/or exporters and one third-country reseller of Japanese fishnetting of man-made fibers to the U.S. and generally the period June 1, 1980 through May 31, 1986.

We are deferring final revocation of Amikan Fishing Net and Hakodate pending verification of their questionnaire responses in our review of a subsequent period.

On December 29, 1986, the International Trade Commission ("ITC") published its determination that an industry in the United States would not be materially injured or threatened with material injury nor would the establishment of an industry in the United States be materially retarded by reason of imports of salmon gill fishnetting of man-made fibers from Japan covered by the antidumping finding if that portion of the finding concerning salmon gill fishnetting were to be revoked (51 FR 46947). The ITC found that the U.S. industry consisted of two companies, one of which ceased production of salmon gill fishnetting in November 1984.

For purposes of this final determination we have determined that the effective date of the revocation of the portion of the finding applicable to salmon gill fishnetting is December 29, 1986. For a discussion of this issue see *Comment 14.*

Analysis of Comments Received

We invited interested parties to comment on the preliminary results, the tentative determination to revoke in part, and intent to revoke in part. We received comments from the petitioner, American Cordage & Netting Manufacturers, two respondents, Mitsui & Co., Ltd. and Toyama Fishing Net Manufacturing Co., Ltd., and several importers.

Comment 1: The petitioner contends that the questionnaire responses submitted by several respondents provided an insufficient basis for making cost comparisons and for calculating margins. The petitioner suggests that the Department use the best information available based upon the cost adjustments of domestic manufacturers of fishnetting.

The petitioner also argues that the Department should not revoke the finding for certain companies with tentative revocations because their responses show that margins exist and because the Department did not verify their responses as required prior to revocation.

Department's Position: Respondents provided adequate responses to the questionnaires we sent. Where information was insufficient, we relied on the best information available. In noting certain deficiencies in respondents' submissions, the petitioner relied upon a more recent questionnaire dated 12/85 (requesting more detailed cost information), which we provided to the petitioner as a sample of the questions we asked, but which was not, in fact, the actual questionnaire sent to the respondents.

As noted above, we are deferring final revocation of Amikan Fishing Net and Hakodate until we verify their responses.

Finally, we agree that margins exist for one year (6/1/82–5/31/83) for one firm, Nippon Kenmo, which has a tentative revocation. However, we note that, since there were no margins for Nippon Kenmo for the next three years (6/1/83–5/31/86), its tentative revocation is still valid.

Comment 2: The petitioner argues that, based on the sample calculation it received from the Department, in calculating Mitsui's margin the Department should have made adjustments for credit, warehousing, differences in packing between markets, and differences in manufacturing processes or conditions of sale, that Mistsui had claimed in its response. The petitioner also claims that the Department should have used Mitsui's home market sales for comparison purposes.

Department's Position: We disagree. We disallowed Mitsui's claimed adjustments because Mitsui's response to our request for supporting information was inadequate. The home market sales submitted in Mitsui's questionnaire response were those of its supplier, and, for the reasons discussed in our position on *Comment 3*, we did not use these sales for comparison purposes.

Comment 3: Mitsui argues that the Department erred in using Mitsui Canada's price to Trans Pacific Trading Company ("TP") to establish U.S. price, and its Canadian sales to establish foreign market value. Further, Mitsui argues that the Department should use Hakodate's sales price to Mitsui to establish U.S. price and Hakodate's sales in the home market to establish foreign market value. Mitsui claims that, despite a small degree of common stock relationship between Hakodate and Mitsui, Mitsui's price is at arms length. Since Mitsui Canada acts as an agent and has no authority to set prices, its prices cannot be used to establish U.S. price and foreign market value.

Mitsui further contends that the Department's change in methodology without notice was unfair. The Department used the price from Hakodate to Mitsui to establish U.S. price during its review of the 1980–82 period, and Mitsui assumed the Department would continue to use that price in future reviews.

Department's Position: The Department used Mitsui's price in Canada for foreign market value because Mitsui had no sales of such or similar merchandise in the home market. We used Mitsui Canada's price to TP for U.S. price because TP was the first unrelated U.S. purchaser. We decided to change our previous method of determining Mitsui's foreign market value because we discovered that the common stock ownership shared by Hakodate and Mitsui was, in fact, significant, and this fact did not surface until this review. In calculating U.S. price and foreign market value both the law and our regulations express a preference for arms-length transaction prices. Because Mitsui failed to demonstrate that the prices between Mitsui and Hakodate were arms-length transactions, we used Mitsui's third-country price to the first unrelated purchaser.

Comment 4: The petitioner notes that although Momoi's worksheets show margins on a number of sales, the Department indicated no margins for Momoi in its preliminary results of review.

Department's Position: We have included any margins for Momoi in these final results of review.

Comment 5: Momoi contends that the Department erred in using the domestic sale of a "complete hung net," since the complete hung net is not identical or even similar to the U.S. product.

Department's Position: We agree and for comparison purposes we have used a domestic sale of merchandise similar to the U.S. product.

Comment 6: The petitioner argues that a margin on the Department's worksheet

for Maruhei during the 6/1/82 to 5/31/83 period was overlooked when determining the weighted-average margin for Maruhei.

Department's Position: We agree and have corrected this mathematical error in the final results of review.

Comment 7: The petitioner argues that although the calculation worksheet for Yamaji showed a margin of 0.54 percent, this margin was not included in the preliminary results of review.

Department's Position: We agree and have corrected this typographical error in the final results of review.

Comment 8: Toyama argues that the Department erred in using the Japanese prime lending rate to calculate credit expenses on its sales to Iceland, which were used as the basis of foreign market value. The Department should use either the lending rate listed on the letters of credit on its third-country sales or, alternatively, the U.S. prime rate, since the sales were invoiced in U.S. dollars and the interest cost Toyama incurred was in U.S. dollars.

Department's Position: We rejected Toyama's claims for calculating credit expenses based on interest rates in letters of credit for the following reasons: (1) Claimed credit expenses were significantly overstated because the firm applied the interest rate charged by its bank to the total number of days between the contract and the eventual date of payment; and (2) Toyama did not indicate whether, when, or to what extent the bank may have discounted these letters of credit. Therefore, as best information available we calculated Toyama's credit expenses using the Japanese prime rate.

Comment 9: The petitioner argues that a margin on the Department's worksheet for Osada/Nichimen was overlooked when determining the weighted-average margin for Osada/Nichimen. It also contends that unrepresentative third-country sales with high freight charges were used in some instances, despite the fact that there were other third-country sales with lower freight charges which could have been used for comparison purposes.

Department's Position: We agree in part. In its preliminary results the Department in fact did omit a margin for Osada/Nichimen, and we have included it in our revised calculations. In certain instances we used home market sales with higher freight rates because they were more contemporaneous with U.S. sales for comparison purposes than other sales with lower freight rates.

Comment 10: The petitioner alleges that it did not receive or review data submitted by Hirata Spinning, Inagaki/Nichimen, Moririn, Morishita, Morishita/Mitsui, Taito Seiko, and Taito Seiko/Nakamura Suisan.

Department's Position: The Department permits access to proprietary information only under the strick limitations of an administrative protective order (APO).

Under its APO the petitioner did not request any information for the 7 firms mentioned above. Information for these 7 firms was not proprietary and is avilable in our public files for review.

Comment 11: The petitioner contends that the Department's worksheet shows a number of U.S. sales that have no comparable FMV data. Also, although the calculations for Nippon Kenmo indicate the existence of margins, the preliminary results notice did not reflect this.

Department's Position: We agree in part and have incorporated the margins in the final results of review. The sales referenced by the petitioner as having no comparable FMV data were Canadian sales which we did not use in our calculations.

Comment 12: The petitioner contends that the preliminary results showed no sales for Inagaki/Moribun Shoten, although company files released to the petitioner showed sales during the review.

Department's Position: There were no sales for Inagaki/Moribun Shoten during the 1982–1983 review period. The one sale we thought had occurred during this period actually occurred in a prior review period. Since we did not require from Inagaki/Moribun Shoten a response to our questionnaire for the 1983–1984 review period, we are deferring our review of Inagaki/Moribun Shoten for that period until the next review.

Comment 13: The petitioner maintains that the Department should have found margins with respect to Hakodate, because the Department overstated Hakodate's U.S. price by not subtracting the appropriate costs (such as credit, warehousing, U.S. duty, etc.) and by incorrectly deducting ocean freight from Hakodate's foreign market sales.

Department's Position: We disagree. Hakodate's U.S. sales were on a c.i.f. basis, from which we deducted all charges including ocean freight, marine insurance, f.o.b. charges, and Japanese inland freight. The Department used third-country sales for foreign market value when there were no home market sales of such or similar merchandise. In making adjustments to these foreign market values the Department deducted ocean freight charges which were included in the sales prices to arrive at appropriate ex-factory, packed prices.

Comment 14: Various importers have requested that the Department make the revocation of salmon gill fishnetting retroactive as of November 1984, since significant domestic production of salmon gill fishnetting had ended by that date.

Department's Position: We believe that December 29, 1986 is the appropriate date for revocation of the finding with respect to salmon gill fishnetting, since that was the date of the ITC's negative injury determination. The ITC's decision was based on current and prospective market conditions for salmon gill fishnetting. Its decision was that an industry in the United States would not be injured, threatened with injury, or its establishment materially retarded were that portion of the order revoked. Given the prospective nature of the ITC's decision, the Department has selected December 29, 1986, the date that the ITC's decision was published in the **Federal Register**, as the appropriate date of revocation.

Final Results of the Review

As a result of our review of the comments received and the correction of mathematical and clerical errors, we determine that the following margins exist:

Manufacturer/ exporter	Time period	Margin (percent)
Amikan	06/01/82-05/31/86	.....
Fukui	06/01/82-05/31/83	.12
	06/01/83-05/31/86	.....
Hakodate	06/01/82-04/30/86	.....
Hakodate/Mitsui	06/01/82-05/31/83	12.41
Hirata Spinning	10/01/83-05/31/85	[1] 9.83
Inagaki/Moribun Shoten	06/01/82-04/30/83	.....
Inagaki/Nichimen	06/01/82-09/30/83	[1]
Maruhei	06/01/82-05/31/83	.83
	06/01/83-05/31/84	.42
	06/01/84-05/31/85	.....
Momoi	10/01/83-05/31/84	.08
	06/01/84-05/31/85	.....
	06/01/85-05/31/86	.40
Moririn	06/01/82-05/31/83	.....
	06/01/83-05/31/85	[1]
Morishita	10/01/83-05/31/85	12.66
	06/01/85-05/31/86	[1] 12.66
Morishita/Mitsui	10/01/83-05/31/86	[1] 18.30
Nippon Kenmo	06/01/82-05/31/83	2.54
	06/01/83-05/31/86	.....
Osada/Moribun Shoten	06/01/82-04/30/84	.....
Osada/Nichimen	06/01/82-05/31/83	.008
	06/01/83-04/30/84	.004
Sanyo Enterprise	04/01/81-06/30/82	18.30
Taito Seiko	05/01/84-05/31/85	[1] 18.30
Taito Seiko/ Nakamura Suisan	06/01/82-05/31/85	[1] 18.30
Toyama	06/01/80-05/31/81	7.17
	06/01/81-05/31/82	4.95
	06/01/82-05/31/83	4.05
Yamaji	06/01/82-05/31/83	.....
	06/01/83-05/31/84	.54

Manufacturer/ exporter	Time period	Margin (percent)
Third-Country Reseller/ (Country): Puretic Fishing Gear/(Canada)	06/01/82–05/31/86	18.30

[1] No shipments during the period.

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 percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the most recent of the above margins shall be required for these firms. Since the most recent margins for Osada/Nichimen and Momoi are less than 0.5 percent and therefore *de minimis* for cash deposit purposes, the Department shall not require a cash deposit of estimated antidumping duties for Osada/Nichimen or Momoi. For any shipments from the remaining known manufacturers and/or exporters not covered in this review, a cash deposit shall be required at the rates published in the final results of the last administrative review for each of those firms (49 FR 18339, April 30, 1984). For any future entries of this merchandise from a new exporter, not covered in this or prior administrative reviews, whose first shipments of Japanese fishnetting of man-made fibers occurred after May 31, 1986 and who is unrelated to any reviewed firm or any previously reviewed firm, no cash deposit shall be required. These deposit requirements and waiver are effective for all shipments of Japanese fishnetting of man-made fibers 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 19 CFR 353.53a.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

Date: March 22, 1988.

[FR Doc. 88–6963 Filed 3–29–88; 8:45 am]

BILLING CODE 3510–DS–M

[Application #87–A0001]

Export Trade Certificate of Review

AGENCY: International Trade Administration, Export Trade Certificate of Review, Department of Commerce.

ACTION: Notice of Issuance of an Amended Export Trade Certificate of Review, Application #87–A0001.

SUMMARY: The Department of Commerce has issued an amendment to the export trade certificate of review of American Film Marketing Association ("AFMA") granted on April 10, 1987 (52 FR 12578, April 17, 1987). This notice summarizes the amendment.

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 ("the Act") (Pub. L. 97–290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III are found at 15 CFR Part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register.** Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Conduct

1. The following companies have been added to AFMA's certificate as a "Member" within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2(1)): A.I.P. Distribution, Inc., CA; Cineplex Odeon Films Int'l., CA; Cinevest Entertainment Group, Inc., NY; Double Helix Films, Inc., NY; Ferde Grofe Films, Inc., CA; Filmtrust Motion Picture Licensing, CA; Image Organization, CA; Imperial Entertainment, CA; J & M Film Sales, CA; The Movie Group, CA; Nova International Films, CA; Paul International, Inc., CA; Virgin Vision Ltd., CA; Vision International, CA; and Weintraub Entertainment Group, CA;

2. The following companies have been deleted as a "Member" of AFMA's certificate: Embassy Films, Inc.; Granat Releasing Corp.; International Video Entertainment; JAD Films Int'l Inc.; RKO Programmes International; and UAA Films, Inc.

3. The company name for each current "Member" cited in this paragraph has been changed as follows: Inter Planetary Pictures to American First Run; F/M Entertainment Int'l./Inc. to F/M Entertainment Int'l./Inc./The Norkat Co. Ltd.; Interaccess Film Dist. to Vestron International Group; International Film Representatives to Marshall Entertainment; Shapiro Entertainment Corp. to Shapiro/Glickenhaus Ent.; Showtime/The Move Channel to Viacom International, Inc; and Manson International to M.C.E.G./Manson Int'l.

A copy of the certificate will be kept in the International Trade Administration's Freedom of Information records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Date: March 25, 1988.

John E. Stiner,

Director, Office of Export Trading Company Affairs.

[FR Doc. 88–6936 Filed 3–29–88; 8:45 am]

BILLING CODE 3510–DR–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Colombia

March 25, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing directives to the Commissioner of Customs establishing new limits.

EFFECTIVE DATE: April 1, 1988.

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of the current limit, refer to the Quota Status Reports, posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION: The Governments of the United States and Colombia established a new Bilateral Textile Agreement, effected by exchange of notes dated January 6, 1988

and March 3, 1988, on cotton sateen fabric in Category 326. The limit agreed upon for the first agreement period, April 1, 1987 through March 31, 1988, has been amended for two separate periods at levels of 3,750,000 square yards for the April 1, 1987 through December 31, 1987 period; and 1,250,000 square yards for the January 1, 1988 through March 31, 1988 period. (Prior to January 1, 1988, Category 326 was Category 317–S.) Carryover and carryforward of 100 percent will be available between the first and second periods. Missing charges for goods imported during the April 1, 1987 through December 31, 1987 period amount to 3,085,787 square yards.

A copy of the Bilateral Textile Agreement between the Governments of the United States and Colombia is available from the Textiles Division, Economic Bureau, U.S. Department of State, (202) 647–1998.

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the CORRELATION: Textile and Apparel Categories with Tariff Schedules of the United States Annotated (see **Federal Register** notice 52 FR 47745, dated December 11, 1987). Also see 51 FR 12232, published in the **Federal Register** on April 15, 1987.

The letters to the Commissioner of Customs and the actions taken pursuant to them are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 25, 1988.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); the Bilateral Textile Agreement, effected by exchange of notes dated January 6 and March 3, 1988, between the Governments of the United States and Colombia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on April 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 326, produced or manufactured in Colombia and exported during the three-month period began on January 1, 1988 and extends through March 31, 1988, in excess of 1,250,000 square yards.[1]

To the extent that trade which now falls in Category 326 is within a category limit for the period April 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balance, shall be charged against the level of restraint established for such goods during that period. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the limit set forth in this directive.

This limit may be adjusted in the future under the provisions of the bilateral agreement.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 25, 1988.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Textile Agreement, effected by exchange of notes dated January 6 and March 3, 1988, between the Governments of the United States and Colombia, I request that, effective on April 1, 1988, you establish a restraint limit of 3,750,000 square yards for cotton textile products in Category 317–S,[1] produced or manufactured in Colombia and exported during the period which began on April 1, 1987 and extended through December 31, 1987.

Also effective on April 1, 1988, you are directed to charge 3,085,787 square yards to the limit established in this directive for Category 317–S. These charges are for goods imported during the period April 1, 1987 through December 31, 1987.

This letter will be published in the **Federal Register.**

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88–6934 Filed 3–29–88; 8:45 am]

BILLING CODE 3510–DR–M

[1] The limit has not been adjusted to account for any imports exported after December 31, 1987.

[1] In Category 317–S, only TSUSA items 320.____ through 331.____, with statistical suffixes 50, 87 and 93.

Establishment of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in Colombia

March 25, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a new limit.

EFFECTIVE DATE: April 1, 1988.

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C 1854).

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, refer to the Quota Status Reports, posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION: The Bilateral Textile Agreement, effected by exchange of notes dated January 6 and March 3, 1988, between the Governments of the United States and Colombia establishes a specific limit for cotton sateen fabrics in Category 326 for the period April 1, 1988 through March 31, 1989.

A copy of the agreement is available from the Textiles Division, Economic Bureau, U.S. Department of State, (202) 647–1998.

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the CORRELATION: Textile and Apparel Categories with Tariff Schedules of the United States Annotated (See **Federal Register** notice 52 FR 47745, dated December 11, 1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implemenation of Textile Agreements

March 25, 1988.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); the Bilateral Textile

Agreement, effected by exchange of notes dated January 6 and March 3, 1988, between the Governments of the United States and Colombia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on April 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 326, produced or manufactured in Colombia and exported during the twelve-month period which begins on April 1, 1988 and extends through March 31, 1989, in excess of 5,300,000 square yards.

To the extent that trade which now falls in Category 326 is within a category limit for the periods April 1, 1987 through December 31, 1987 and January 1, 1988 through March 31, 1988, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during those periods. In the event the limits established for those periods have been exhausted by previous entries, such goods shall be subject to the limit set forth in this directive.

This limit may be adjusted in the future under the provisions of the bilateral agreement.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-6935 Filed 3-29-88; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title Applicable Form and Applicable OMB Control Number: DOD FAR Supplements, Part 22 and Related Clauses in Part 52.222; DD Forms 879, 1565, and 1567; and OMB Control Number 0704-0213.

Type of Request: Extension.

Annual Burden Hours: 10,243.

Annual Responses: 40,300.

Needs and Uses: Information concerns certain data required to ensure compliance with various labor laws. Reporting is necessary for compliance with the requirements of various labor laws.

Affected Public: Businesses or others for profit/small businesses or organizations.

Frequency: Recordkeeping—On Occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Mr. Edward Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Edward Springer at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

A copy of the information collection proposal may be obtained from, Ms. Rascoe-Harrison WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone (202) 746-0933.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 24, 1988.

[FR Doc. 88-6894 Filed 3-29-88; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

Action: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title Applicable Form and Applicable OMB Control Number: Arrears of Pay Designation and/or Annuity Beneficiary Changes; AF Form 114; and OMB Control Number 0701-0082.

Type of Request: Reinstatement.

Annual Burden Hours: 150.

Annual Responses: 3,000.

Needs and Uses: The Air Force uses AF Form 114 to collect information to pay the arrears of retired pay and annuities due to beneficiaries of deceased Air Force retirees. The form also allows retirees to update beneficiary information as changes in family status occur. The Air Force uses the information on the form to process any monies due the beneficiary more quickly and efficiently.

Affected Public: Beneficiaries of Air Force Annuitants.

Frequency: On Occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Edward Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Edward Springer Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

A copy of the information proposal may be obtained from, Ms. Rascoe-Harrison WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone (202) 746-0933.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 24, 1988.

[FR Doc. 88-6895 Filed 3-29-88; 8:45 am]

BILLING CODE 3810-021-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Rights in Data and Copyrights.

ADDRESS: Send comments to Mr. Ed Springer, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jack O'Neill or C.W. Mathews Office of Federal Acquisition and Regulatory Policy (202) 523-3847.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* Rights in Data is a regulation which concerns the rights of the Government and organizations with which the Government contracts, to information developed under such contracts. The delineation of such rights is necessary in order to protect the contractor's rights to not disclose proprietary data, and to ensure that data

developed with public funds is available to the public.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 1,100; responses per respondent, 1; total annual responses, 1,100; preparation hours per response, 2.7; and total response burden hours, 2,970.

c. *Annual recordkeeping burden:* The annual recordkeeping burden is estimated as follows: Recordkeepers, 9,000; hours per recordkeeper, 3; and total recordkeeping burden hours, 27,000.

Obtaining Copies of Proposals

Requester may obtain copies from General Services Administration, FAR Secretariat (VRS), Room 4041, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0900, Rights in Data and Copyrights.

Dated: March 18, 1988.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 88–6879 Filed 3–29–88; 8:45 am]

BILLING CODE 6820–61–M

Meeting of the Advisory Council on Dependents' Education

AGENCY: Department of Defense Dependents Schools (DoDDS), Office of the Secretary of Defense.

ACTION: Notice of Meeting.

SUMMARY: This notice set forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Dependents' Education. It also describes the functions of the Council. Notice of this meeting is required under the National Advisory Committee Act. Although the meeting is open to the public, because of space constraints, anyone wishing to attend the meeting should contact the DoDDS coordinator.

DATE: April 22, 1988, 9 a.m. to 5:30 p.m.; April 23, 1988, 9 a.m. to 12 noon.

ADDRESS: April 22–23, 1988, Seehotel Gelterswoog, 6750 Kaiserslautern-Hohenecken, Am Gelterswoog 20, Federal Republic of Germany.

FOR FURTHER INFORMATION CONTACT: In the United States, Mr. Nicholas Fice, DoDDS, 2461 Eisenhower Avenue, Alexandria, Virginia, 22331–1100, (202/325–0867); in the Federal Republic of Germany, Dr. Frederick Killian, Superintendent of Schools, DoDDS Kaiserslautern District, APO New York 09012–0005, (49–631–55097).

SUPPLEMENTARY INFORMATION: The Advisory Council on Dependents' Education is established under title XIV, section 1411, of Public Law 95–561, Defense Dependents' Education Act of 1978, as amended by title XII, section 1204(b)(3)–(5), of Pub. L. 99–145, Department of Defense Authorization Act of 1986 (20 U.S.C., chapter 25A, section 929, Advisory Council on Dependents' Education). The Council is co-chaired by designees of the Secretary of Defense and the Secretary of Education. In addition to a representative of each of the Secretaries, 12 members are appointed jointly by the Secretaries. Members include representatives of educational institutions and agencies, professional employee organizations, unified military commands, school administrators, parents of DoDDS students, and one DoDDS student. The Director, DoDDS, serves as the Executive Secretary of the Council. The purpose of the Council is to advise the Secretary of Defense and the DoDDS Director about effective educational programs and practices that should be considered by DoDDS and to perform other tasks as may be required by the Secretary of Defense. The agenda includes information on the substance abuse policy, staff development, and responses to the recommendations made by the Council in its Jaunary meeting.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 25, 1988.

[FR Doc. 88–6974 Filed 3–29–88; 8:45 am]

BILLING CODE 3810–01–M

Office of the Secretary

DoD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 0900, Wednesday, 27 April 1988.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, Inc., 2011 Crystal Drive, Suite 307, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: David Slater, AGED Secretariat, 201 Varick Street, New York 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Acquisition, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Publ. L. No. 92–463, as amended (5 U.S.C. App. II 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 25, 1988.

[FR Doc. 88–6972 Filed 3–29–88; 8:45 am]

BILLING CODE 3810–01–M

Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: Working Group C (Mainly Opto Electronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Wednesday and Thursday, 4–5 May 1988.

ADDRESS: The meeting will be held at the Center for Night Vision and Electro Optics, Fort Belvoir, Virginia, in the Conference Room of Bldg. 309, on 4 May and the Main Conference Room, 4th Floor, Bldg 305, on 5 May.

FOR FURTHER INFORMATION CONTACT: Gerald Weiss, AGED Secretariat, 201 Varick Street, New York, 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Acquisition, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging devices, infrared detectors and lasers.

The review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. II 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 25, 1988.

[FR Doc. 88–6973 Filed 3–29–88; 8:45 am]

BILLING CODE 3810-01-M

Availability of News Releases

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Assistant Secretary of Defense for Public Affairs now provides access to DOD news releases through an electronic bulletin board service. The bulletin board includes, News Releases, Memorandums for Correspondents, Press Advisories, News Conference/ Briefing Transcripts, Speech Texts and Contract Awards. The service is available directly through Dialcom, Inc. Please contact Mr. Michael McLaughlin of Dialcom at (202) 488–0550 for further details.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Falatko, Office of the Assistant Secretary of Defense (Public Affairs), The Pentagon, Room 2E773, Washington, DC 20301–1400, (202) 695–3886 or 697–4162.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

March 24, 1988.

[FR Doc. 88–6893 Filed 3–29–88; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Notice of Intent To Prepare a Draft Environmental Impact Statement for Proposed Master Plan for the Presidio, San Francisco

AGENCY: Department of the Army, DOD.

ACTION: Notice of Intent to prepare a Draft Environmental Impact Statement for proposed Master Plan for the Presidio, San Francisco.

SUMMARY: An update of the Presidio of San Francisco Master Plan is proposed to direct future land-use, facility management, development, and resource management policies. The projected long-range missions of PSF will not significantly change. DOD and non-DOD tenants will continue to be accommodated on post. Special conditions include the PSF being a National Historic Landmark, containing a National Historic District, and National Historic Register eligible properties, and portions of the installation being within the boundaries of the Golden Gate National Recreation Area (U.S. Department of the Interior, National Park Service).

Alternatives: Alternatives to be considered include:

A. No Action

B. Conversion of existing facilities and relocation of land use areas (preferred alternative)

C. Redevelopment of existing land use areas (primarily new construction)

D. Retention of primary and secondary cantonment area (with conversion and new construction)

Scoping Process: Comments received as a result of this notice will be used to assist the Army in identifying potential impacts to the quality of the environment. Resources of concern and conditions that may be affected by the implementation of the Master Plan identifies to date include: historic resources; traffic; recreation and open space; and aesthetics. Individuals, organizations, and agencies may participate in the scoping process by written comment, telephone call, or by attending a scoping meeting on April 13, 1988, at 7:30 P.M. at the Golden Gate Community Club, Building 135, on the Presidio, San Francisco. Written comments or questions regarding the NOI should be directed to: Commander, Presidio of San Francisco; Attention: Mr. Alex Macievich, AFZM–DEH–EE, San Francisco, California 94129, phone: (415) 561–5176. Comments and suggestions should be received not later than 15 days following the scoping meeting. For information concerning the public meetings, please contact Mr. James Symmonds, Office of Public Affairs, (415) 561–5187.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA (I&L).

[FR Doc. 88–6884 Filed 3–29–88; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Office of Fossil Energy

Liquids Transportation Task Group; Coordinating Subcommittee on Petroleum Storage & Transportation; National Petroleum Council; Open Meeting

Notice is hereby given of the following meeting:

Name: Liquids Transportation Task Group, Coordinating Subcommittee on Petroleum Storage & Transportation of the Natioinal Petroleum Council.

Date and Time: Wednesday, April 13, 1988, 1:00 pm.

(**Please Note:** This meeting replaces the one scheduled for March 24, 1988, which had to be canceled.)

Place: National Petroleum Council, 1625 K Street, NW., Conference Room, Washington, DC.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE–1), Washington, DC 20585, Telephone: 202/586–4695.

Purpose of The Parent Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Purpose of The Meeting: Discuss pipeline survey and progress on individual assignments.

Tentative Agenda

—Opening remarks by Chairman and Government Cochairman.

—Discuss the pipeline survey.

—Review progress on individual assignments.

—Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

Public Participation: The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms. Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between the hours of 9:00 am and 4:00 pm Monday through Friday, except Federal holidays.

Richard D. Furiga,

Acting Assistant Secretary, Fossil Energy.

[FR Doc. 88–6975 Filed 3–29–88; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA Docket No. 87–72–NG]

Colony Natural Gas Corp.; Input of Natural Gas from Canada

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Colony Natural Gas Corporation (Colony) blanket authorization to import natural gas from Canada. The order issued in ERA Docket No. 87–72–NG authorizes Colony to import up to 73 Bcf over a two-year period for sale in the domestic spot market.

A copy of this order is available for inspection and copying in the Natural Gas Division Room, GA–076, Forrestal Building, (202) 586–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 24, 1988.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 88–6950 Filed 3–29–88; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

American Statistical Association Committee on Energy Statistics; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. Law 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: American Statistical Association's Committee on Energy Statistics, a utilized Federal Advisory Committee.

Date and Time: Thursday, April 28, 1988, 1:30 p.m.–5:00 p.m. Friday, April 29, 1988, 9:00 a.m.–3:00 p.m.

Place: Omni Georgetown Hotel, 2121 P Street, NW., Washington, DC 20037.

Contact: Ms. Renee Miller, EIA Committee Liaison, U.S. Department of Energy, Energy Information Administration, EI–72, Washington, DC 20585, Telephone: (202) 586–2088.

Purpose of Committee: To advise the Department of Energy, Energy Information Administration (EIA), on EIA technical statistical issues and to enable the EIA to benefit from the Committee's expertise concerning other energy statistical matters.

Tentative Agenda

Thursday, Aril 28, 1988

A. Opening Remarks

B. Major Topics:

1. Crude Oil Production Volumes.
2. Methodology to Estimate Weekly Coal Production.
3. Continuation of Analysis of Nuclear Power Plant Operating Costs and Performance.

(Public Comments).

Friday, April 29, 1988

4. Life Extension Prospects for Electric Generating Capacity.
5. EIA Standards of Data Presentation.
6. Analysis of Data on Nonrespondents to Marketing Frame Survey.
7. Application of PC's to Data Collectiion.
8. Electronic Dissemination of Data.

(Public Comments).

C. Topics for Future Meetings.

Public Participation: The meeting is open to the public. The chairperson of the committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Written statements may be filed with the committee either before or after the meeting. If there are any questions, please contact Ms. Renee Miller, EIA Committee Liaison, at the address or telephone number listed above or Ms. Carole Patton at 202–586–2222.

Transcripts: Available for public review and copying at the Public Reading Room, (Room 1E–190), 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6025, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Issued at Washington, DC on March 25, 1988.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 88–6951 Filed 3–29–88; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

New Docket Prefix System, TA, TQ, TF and TM

March 25, 1988.

Notice is hereby given that a new docket prefix system has been established for the various rate adjustments permitted pursuant to the purchased Gas Adjustment Provisions of FERC Gas Pipeline Tariffs.

On November 10, 1987, the Commission issued a final rule (Order No. 483) amending its Regulations governing the procedures by which a natural gas pipeline company may recover the cost of purchased gas from their customers. Under the rule, new filing procedures will commence on May 1, 1988. The rule also provides for the establishment of individualized filing fees for each of the rate adjustments permitted thereunder. Such filings will be made pursuant to the Purchased Gas Adjustment Provisions of the General Terms and Conditions of each pipeline's FERC Gas Tariff.

Interstate gas pipelines currently track changes in purchased gas costs under the TA docketing procedures whereby each pipeline is assigned an identification number and filings are docketed sequentially within each fiscal year. For example, TA88–1–1–000 identifies Alabama-Tennessee Natural Gas Company's (Alabama-Tennessee) first PGA filing of FY 1988.

In order to accurately identify and assess commission resources applicable to each type of adjustment it is necessary to modify and expand our current TA prefix docketing system as follows:

TA Annual PGA filing and any revisions thereto

TQ Quarterly rate filings and out-of-cycle PGA filings tendered in this format

TF Flexible rate adjustments

TM Miscellaneous tracking adjustments (i.e. GRI's, ACA's, transportation and storage trackers, etc.) when not accompanied by the quarterly or annual PGA filings

Since this is an expansion of our current TA system, the Company identifications and numerical

sequencing should remain the same except for the substitution of the appropriate docket prefix. For example, the following filings made by Alabama-Tennessee during FY 88 would be docketed as:

Annual PGA filing: TA88–1–1–000
A revision thereto: TA88–1–1–001
Third quarterly filing: TQ88–3–1–000
Fourth flexible filing: TF88–4–1–000
First miscellaneous filing: TM88–1–1–000

The applicable filing fees for filings designated *TA*, *TQ*, *TF* and *TM* are the fees set forth in Section 381.205 of the Commission's Regulations.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–6943 Filed 3–29–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CS71–625–000 et al.]

General Producing Co. (Entex Petroleum, Inc.), et al.; Applications For Small Producer Certificates [1]

March 25, 1988.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and Section 157.40 of the Commission's Regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more full set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 14, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or to protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Docket No.	Date filed	Applicant
CS71–625–000	[1] 11–16–87	General Producing Company (Entex Petroleum, Inc.), 1201 Louisiana, Suite 900, Houston, TX 77002
CS72–950	[2] 2–4–88	Petroleum Production Management, Inc. (Maurice L. Brown Company), P.O. Box 11320, Kansas City, MO 64112
CS88–38–000	[3] 3–9–88	Horseshoe Operating, Inc., and Cache Creek Corporation (Horseshoe Operating, Inc.), 511 West Texas, Midland, TX 79701
CS88–42–000	2–11–88	MLC Company, 2912 Maple, Suite A, Dallas, TX 75201
CS88–43–000	2–17–88	Riceland Petroleum Company, P.O. Box 792, Eunice, LA 70535
CS88–44–000	2–22–88	Richey Operating, Inc., P.O. Box 2005, Tyler, TX 75710
CS88–45–000	2–24–88	Atlantic Energy (USA) Corporation, P.O. Box 2036, Parkersburg, WV 26102
CS88–46–000	2–29–88	Bois d'Arc Resources, P.O. Box 796713, Dallas, TX 75359
CS88–47–000	2–29–88	Striker Petroleum Corporation, 5690 DTC Boulevard, Suite 410, Englewood, CO 80111
CS88–48–000	3–2–88	Spectrum Gas Systems, Inc., 401 S. Boston Ave., Suite 730, Tulsa, OK 74103
CS88–49–000	3–9–88	MacLane Gas Company Limited Partnership, 6053 S. Quebec Street, Creekside 202, Englewood, CO 80111
CS88–50–000	3–9–88	Doug Grimes, dba DG–21 Production Company, P.O. Box 796, Monahans, TX 79756
CS88–52–000	3–18–88	EnAq, Inc., 8552 Katy Freeway, Suite 300, Houston, TX 77024

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Letter dated November 12, 1987, as supplemented by letters dated January 4, 1988, received January 6, 1988, and dated January 18, 1988, received January 21, 1988, advising that on August 10, 1987, Entex Petroleum, Inc., holder of the small producer certificate in Docket No. CS71–625, changed its name to General Producing Company (GPC). Additionally, GPC advises that Entex Energy Company, Ltd., a Texas limited partnership, changed its name to General Energy Operating, Ltd. (GEO). GPC covers sales of GEO under the small producer certificate in Docket No. CS71–625–000 as the general partner of GEO.

[2] Letter dated January 29, 1988, advising that effective June 1, 1987, Maurice L. Brown Company changed its name to Petroleum Production Management, Inc.

[3] Letter dated March 3, 1988, as supplemented by letter dated March 14, 1988, Applicant requests that its small producer certificate in Docket No. CS88–38–000 also cover sales by its affiliate, Cache Creek Corporation, as a small producer certificate co-holder.

[FR Doc. 88–6944 Filed 3–29–88; 8:45 am]

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[Docket No. GP88–15–000]

ANR Pipeline Co. et al.

In the matter of ANR Pipeline Company, Complainant v. Maguire Oil Company, Maguire Energy Management, Cary M. Maguire, Individually and as Manager of the Oil Fund U/I/D 9/1/76, Stephen B. Kahn, Robert E. Glaze, and Daniel B. Stuart, Respondents; Notice of Complaint.

Issued March 25, 1988.

Take notice that on February 23, 1988, ANR Pipeline Company (ANR) filed a complaint with the Federal Energy Regulatory Commission (Commission) against Maguire Oil Company, Maguire Energy Management, Cary M. Maguire, individually and as manager of the Oil Fund U/I/D 9/1/76, Stephen B. Kahn, Robert E. Glaze, and Daniel B. Stuart (Maguire *et al.*) pursuant to Rule 206 of the Commission's Rules of Practice and Procedure. ANR requests the Commission to (1) find that Maguire *et al.*'s demand for take-or-pay prepayment under certain gas purchase contracts constitutes an unlawful demand for payments in excess of the maximum lawful prices under Title I of the Natural Gas Policy Act of 1978 (NGPA); or (2) determine that to the extent the provisions of Maguire *et al.*'s contracts may require the payment of unrecoupable take-or-pay charges, these provisions are unjust and unreasonable pursuant to sections 4 and 5 of the Natural Gas Act (NGA).

ANR asserts that it purchases gas from Maguire *et al.* under a number of gas purchase contracts, and that gas produced and sold by Maguire *et al.* under the contracts, is or was subject to maximum lawful prices established by sections 102, 103, and 104 of the NGPA. ANR further assets that gas produced and sold by Maguire to ANR under a number of these contracts, and the terms and conditions of those contracts, are also subject to the NGA including sections 4 and 5 thereof.

ANR states that each of these gas purchase contracts has a take-or-pay clause and that Maguire *et al.* claims that ANR owes it take-or-pay payments for the years 1982 through 1987 for volumes of gas not taken by ANR. ANR further states that in mid-1985, ANR

informed Maguire *et al.*, among other producers, that certain events constituted *force majeure* pursuant to the contracts, reducing and/or suspending the parties' obligations thereunder. ANR asserts that it has already paid the appropriate NGPA maximum lawful prices for all the gas actually delivered by Maguire *et al.* under these contracts for the year 1985 and there after.

ANR argues that, in light of its inability to recoup take-or-pay payments, making such take-or-pay payments would result in Maguire *et al.* receiving payments in excess of the lawful price for the volumes of gas actually delivered, as provided in the NGPA. ANR further argues that even if it were able to fully recoup these prepayments, the interest free use of such monies violates the maximum lawful price ceiling of the NGPA.

In addition, ANR argues that if the Commission does not conclude the Title I of the NGPA has been violated, then to the extent the take-or-pay provisions of the contracts require unreasonable under sections 4 and 5 of the NGA and not in the public interest, since ANR will be paying for a service which it will not receive.

Any persons desiring to be heard or to protest this complaint should file a motion to intervene or protest in accordance with Rules 211 and 214 of the Commissions's Rules of Practice and Procedure. All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, not later that 30 days after pubication of this notice in the **Federal Register.** All protests will be considered by the Commission but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of the petition filed in this proceeding are on file with the Commission and available for public inspection. Answers to the Complaint are also due 30 days after **Federal Register** publication.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-6945 Filed 3-29-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI88-150-000 and CI88-151-000]

Conoco Inc.; Applications

March 25, 1988.

Take notice that on November 25, 1987, Conoco Inc. (Conoco), P.O. Box 21297, Houston, Texas 77252, filed applications pursuant to Parts 154 and 157 of the Commission's Regulations requesting in Docket No. CI88-150-000 that the Commission amend its certificate in Docket No. CI86-142-000 to cover all properties previously covered by the twenty nine other certificates listed in Appendix A and the twenty nine certificates be terminated and in Docket No. CI88-151-000 that the Commission amend its certificate in Docket No. CI72-660 to cover all properties previously covered by the four other certificates listed in Appendix B and that the four certificates be terminated, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Conoco states that it has a settlement agreement with Tennessee Gas Pipeline Company (Tennessee) which terminates the Offshore Louisiana contracts listed in Appendix A and the Texas contracts listed in Appendix B. Conoco states that it has entered into two new contracts with Tennessee dated November 1, 1987; one which covers the sale of gas committed under the Offshore Louisiana contracts and another which covers the sale of gas committed under the Texas Contracts. Conoco requests that the new Offshore Louisiana contract be accepted as a supplement to its FERC Gas Rate Schedule No. 503 and supresede the other twenty nine Rate Schedules listed in Appendix A and that the new Texas contract be accepted as a supplement to its FERC Gas Rate Schedule No. 378 and supersede the other four rate schedules listed in Appendix B.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 12, 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 Conoco to appear or to be represented at the hearings.

Lois D. Cashell,

Acting Secretary.

APPENDIX A.—OFFSHORE, LOUISIANA

[New Orleans area]

RS No.	Docket No.	Conoco contract No.	Contract date	Field	NGPA categories
138	G-10122	4246	1-31-56	West Delta (Various Blocks)	104 ('73-'74).
				Grand Isle Blocks 43 & 32 (S/2)	104 (Post '74).
					104 (Rep./Rec.).
183	G-19838	4451	9-25-59	Bay Marchand Block 2	104 (Flowing).
				(Grand Isle & So. Timbalier Areas)	104 (Post '74).
					104 Rep./Rec.).
350	CI69-1099	7528	4-22-69	West Delta Blocks 95 & 96	104 (Flowing).
					104 ('73-'74).
					104 (Post '74).
					104 Rep./Rec.).
356	CI70-719	7559	1-05-70	Grand Isle Block 41 (42)	104 (Flowing).
					104 Rep./Rec.).
355	CI70-605	7574	12-19-69	Bay Marchand Block 2	104 (Flowing).
				(So. Timbalier Block 23 S/2)	104 (Rep./Rec.).
364	CI71-444	7621	10-29-70	Grand Isle Block 72 (63 SW)	104 (Flowing).
					104 Rep./Rec.).
					102.

APPENDIX A.—OFFSHORE, LOUISIANA—Continued

[New Orleans area]

RS No.	Docket No.	Conoco contract No.	Contract date	Field	NGPA categories
399	CI73-467	7797	12-22-72	Grand Isle Block 43 (32 N/2)	104 ('73-'74).
					104 (Post '74).
					104 Rep./Rec.).
425	CI76-194	7917	9-17-75	Grand Isle Block 45	104 (Post '74).
431	CI77-08	8066	9-16-76	Grand Isle Block 47 (48 W/2)	104 (Post '74)
					102.
154	G-11024	4262	8-17-56	East & West Cameron Areas	104 (Flowing).
		8237	[1] 11-01-77	(Various Blocks)	104 (Post '74).
					104 Rep./Rec.)
213	G-03680	4267	1-31-62	East Cameron Block 64	104 (Post '74).
			[2] 9-06-83	Vermillion Block 46 (N/2)	106(a).
165	G-17649	4408	12-31-58	East Cameron Block 62 (66 N/2)	104 (Rep./Rec.)
			[1] 11-01-77		
201	CI62-147	4725	8-01-61	East Cameron Block 64 (47 & 48)	104(Post '74).
			[2] 3-11-83		106(a).
338	CI67-861	7308	6-30-66	Ship Shoal Block 169 (145 & 158)	104 (Flowing).
			[3] 12-15-71		104 (Post '74).
					104 Rep./Rec.).
					102.
341	CI69-062	7484	7-2-68	East Cameron Block 71 (71 & 72)	104 (Flowing).
				West Cameron Block 192 (193)	102.
363	CI70-1002	7534	5-01-70	Ship Shoal Block 176 (198)	104 (Flowing).
				(S/2 NESW, S/2 SW, & SE)	104 (Post '74).
					104 Rep./Rec.).
					102.
401	CI73-744	7792	11-14-72	East Cameron Block 33 (S/2 & NW)	104 ('73-'74).
					104 (Post '74).
					104 Rep./Rec.).
426	CI76-804	7794	9-24-75	West Cameron Block 68 (69 N/2)	104 ('73-'74).
					104 (Post '74).
					104 Rep./Rec.).
421	CI76-041	7921	1-01-75	East Cameron Block 64 (WC 177)	104 ('73-'74).
					104 Rep./Rec.).
418	CI75-479	7987	02-07-75	West Cameron Block 110 (135)	104 (Rep./Rec.).
440	CI77-719	8135	6-24-77	East Cameron Block 33 (42)	104 (Post '74).
					102.
490	CI84-047	8178	9-06-83	West Cameron Block 66	109, 102.
				(34, 35, 66, 67)	
460	CI79-355	8322	3-14-79	East Cameron Block 96 (97)	109.
463	CI79-659	8392	8-28-79	Eugene Island Block 258 (257)	109, 102.
467	CI80-370	8393	6-30-80	Vermillion Block 120 (119)	102.
474	CI81-238	8425	12-17-80	East Cameron Block 64 (47J)	104 (Post '74).
					102.
488	CI83-274	8574	5-25-83	West Cameron Block 66(E)	102.
				(S/2 SW & NW SW)	
503	CI86-142	8648	12-02-85	East Cameron Block 33(D) W/2	102.
499	CI80-361-001	8664	5-07-80	West Cameron Block 66(65)	109, 102.
498	CI78-864-003	8665	5-01-78	East Cameron Block 96	109.

[1] Replacement.
[2] Rollover.
[3] Extension.

APPENDIX B.—TEXAS CONTRACTS

RS No.	Docket No.	Conoco contract No.	Contract date	Field	County	NGPA categories
003	G-6588	4011	2-21-47	Carthage	Panola	104 ('73-'74).
			[1] 12-31-71			104 (Post '74).
			[2] 4-30-82			106(a), 108.
004	G-6591	4110	11-3-53	Rincon	Starr	104 ('73-'74).
			[1] 9-14-71			104 (Post '74).
			[2] 7-10-85			106(a), 108.
133	G-8658	4198	12-1-46	Chesterville	Colorado	104 (Post '74).
			[3] 5-12-75			104 (Replace/Recomp).
						108.
378	CI72-660	7030	3-1-49	Sarco Creek	Goliad	104 ('73-'74).
			[1] 3-15-72			106(a), 108.
			[2] 1-1-81			
258	CI64-1287	7116	4-25-56	San Ramon	Hidalgo	106(a).

APPENDIX B.—TEXAS CONTRACTS—Continued

RS No.	Docket No.	Conoco contract No.	Contract date	Field	County	NGPA categories
			[2] 4-30-82	(McAllen Ranch)		

[1] Term extended.
[2] Rollover.
[3] Replacement.

[FR Doc. 88-6946 Filed 3-29-88; 8:45 am]
BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; Week of December 18 through December 24, 1987

During the Week of December 18 through December 24, 1987, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

March 23, 1988.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Dec. 18 through 24, 1987]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 22, 1987	Glen Milner, Seattle, WA	KFA-0153	Appeal of an Information Request Denial. If granted: The November 24, 1987, Freedom of Information Request Denial issued by the Albuquerque Operations Office would be rescinded and Glen Milner would receive access to records regarding the shipment of nuclear warheads for the Trident system.
Do	New York, Albany, NY	KEG-0026	Petition for Special Redress. If granted: The Office of Hearings and Appeals would review the proposed expenditures for stripper well funds which were disapproved by the Assistant Secretary for Conservation and Renewable Energy.
Dec. 23, 1987	Kenco Refining Co., Washington, DC.	KRD-0541	Motion for Discovery. If granted: Discovery would be granted to Kenco Refining Company in connection with its statement of objections submitted in response to a Proposed Remedial Order issued to Kenco Refining/Tesoro Petroleum Corp. (Case No. KRO-0540).
Do	Tesoro Petroleum Corp., Washington, DC	KRD-0540	Motion for Discovery. If granted: Discovery would be granted to Tesoro Petroleum Corp. in connection with a Proposed Remedial Order issued to Kenco Refining and Tesoro Petroleum Corporation, (Case No. KRD-0540).

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/name of refund applicant	Case No.
12/21/87	Amoco I/Utah	RF21-418
12/21/87	Amoco II/Utah	RF251-419
12/18/87-12/24/87	Crude Oil Refund Applications Received.	RF272-18428-RF272-23340
12/18/87-12/24/87	Gulf Oil Refund Applications Received.	RF300-4425-RF300-4506

[FR Doc. 88-6952 Filed 3-29-88; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of January 25 Through January 29, 1988

During the week of January 25 through January 29, 1988, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Cities Service Oil & Gas Corp., 1/29/88, KFA-1054

Cities Service Oil & Gas Corp. (Cities) appealed from a partial denial by the Economic Regulatory Administration (ERA) of a Request for Information filed under the Freedom of Information Act (FOIA). Cities sought materials pertaining to a Proposed Consent Order between the ERA and Chevron, U.S.A., Inc., successor to Gulf Oil Corp. The DOE found that, with two exceptions, the ERA properly withheld the documents sought on the grounds that they contain deliberative material or attorney work-product which is exempt from mandatory disclosure under Exemption 5 of the FOIA. The remaining two documents, except for one sentence, contained no privileged information and were ordered released. Finally, the DOE remanded the matter of the ERA for

consideration of Cities' challenges to the adequacy of the search for responsive documents.

In considering Cities' Appeal, the DOE clarified the extent to which Exemption 5 incorporates the civil attorney work-product privilege. Cities argued that purely factual material is not shielded by the attorney work-product privilege. Relying on *Martin v. Office of Special Counsel*, 819 F.2d 1181 (D.C.Cir. 1987), the DOE rejected the distinction between deliberative and factual material under the attorney work-product privilege as incorporated in Exemption 5. Accordingly, Cities' request for factual attorney work-product was denied.

William R. Bowling II, 1/27/88, KFA-0156

William R. Bowling, II filed an Appeal from a denial by the Office of the Executive Secretariat of the Department of Energy of a request for information which he submitted under the Freedom of Information Act. In considering the Appeal, the OHA found that an adequate search had been conducted in response to Bowling's request and that the documents Bowling requested were no longer in existence. Accordingly, the Appeal was denied.

Petitions for Special Redess

New York, 1/25/88, KEG-0026

The DOE issued a Decision and Order concerning the Petition for Special Redress filed by the State of New York. The State sought approval to use Stripper Well funds for two projects found by the DOE's Assistant Secretary for Conservation and Renewable Energy to by inconsistent with the terms of the Stripper Well Settlement. After considering New York's Petition, the DOE decided to disapprove both the Radon Diagnosis Financial Assistance Program and the Not-for-Profit Energy Conservation Financing Fund. The DOE found that the radon program, which would use $2,750,000 to provide radon diagnosis and mitigation services, focused on environmental concerns rather than on reducing energy use. The DOE found that the not-for-profit program, which would allocate $5 million as loan guarantees to secure bonds used to provide energy conservation loans for not-for-profit organizations, did not meet the criteria of timely restitution because the Stripper Well funds would not be spent for 15 years or more. Accordingly, New York's Petition was denied.

Washington, 1/28/88, KEG-0027

The DOE issued a Decision and Order concerning the Petition for Special Redress filed by the State of Washington. The State sought approval to use Stripper Well funds for a project component found by the DOE's Assistant Secretary for Conservation and Renewable Energy to be inconsistent with the terms of the Stripper Well Settlement. After considering Washington's Petition, the DOE decided to approve the use of a portion of the $100,000 allocated to the Oil Help program for asbestos removal, when the asbestos removal is required in order to replace an old, energy-inefficient furnace with an energy-efficient one. The DOE found that, in this situation, the asbestos removal was sufficiently related to energy conservation efforts. Accordingly, Washington's Petition was granted.

Implementation of Special Refund Procedures

Atlantic Richfield Company, 1/28/88, HEF-0591

The DOE issued a Decision and Order implementing special refund procedures under 10 CFR Part 205, Subpart V, for $68,035,515.62 obtained through a Consent Order entered with the Atlantic Richfield Company (ARCO). The funds associated with ARCO's alleged crude oil violations, $21,647,540.36, plus accrued interest, will be disbursed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, *see* 51 F.R. 27899 (August 4, 1987), using the procedures described in *A. Tarricone, Inc., et el.*, 15 DOE ¶ 85,495 (1987). The funds associated with ARCO's alleged refined product violations, $46,387,975.26, plus accrued interest, will be available for distribution to individuals and firms that purchased refined covered products sold by ARCO during the period March 6, 1973, through January 27, 1981. The specific information required in an Application for Refund is set forth in the Decision.

Plaquemines Oil Sales Corp., 1/28/88, KEF-0039

The DOE issued a Decision and Order establishing procedures for the distribution of funds obtained as a result of a consent order with Plaquemines Oil Sales Corporation. The decision discusses presumptions that will be applied in evaluating refund claims and sets forth refund application procedures for customers referenced in the Appendix to the Decision who purchased No. 2 diesel fuel from the firm during the consent order period.

Refund Applications

Cecil O. Hensley, et al., 1/29/88, RF72-3079, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to 41 claimants based on their respective purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. Each of the claimants used the products for various agricultural activities, and determined its eligible fuel consumption by consulting actual purchase records. As an end-user, each applicant was entitled to receive a refund of its full volumetric share. The sum of the refunds granted in this Decision is $1,068.

Conoco Inc./Enterprise Products Co., 1/25/88, RF220-6

Enterprise Products Co., a processor and reseller of natural gas liquids, filed an Application for Refund seeking a portion of funds remitted pursuant to a consent order that Conoco, Inc. entered into with the DOE. The DOE determined that the application should be granted in part. The DOE found that Enterprise had banks of unrecovered increased product costs for four of the five products for which it sought a refund, and that, during most months of the audit period, the prices that Conoco charged Enterprise for these products exceeded average market prices. The DOE concluded that Enterprise incurred a competitive injury during these months. Accordingly, the DOE granted Enterprise a refund of $9,245 ($6,604) in principal and $2,641 in interest).

Gulf Oil Corporation/T.F. Burke, Inc., 1/27/88, RF40-3379

The DOE issued a Decision granting a refund from the Gulf Oil Corporation escrow account to T.F. Burke, Inc., a purchaser of Gulf heating oil. The applicant demonstrated its purchase volume and that as a purchaser of Gulf product it had been injured. A refund was granted on the full volumetric amount. The total refund approved was $3,773, representing $2,951 in principal and $822 in interest.

Marathon Petroleum Co./Savings Oil Company, 1/29/88, RF250-2365, RF250-2366

This Decision and Order concerns Applications for Refund filed by Savings Oil Company in the Marathon Petroleum Company refund proceeding. Savings claimed that it purchased 5,399,497 gallons of refined products from Marathon during the consent order

period. Since the applicant did not claim a refund in excess of $5,000, the DOE granted its request without requiring a showing of injury. The refund granted in this Decision was $2,268 in principal plus $324 in accrued interest.

Mobil Oil Corporation/Cornhusker Petroleum Corp., 1/25/88, RF225–10044, RF225–10045

The DOE issued a Decision and Order granting an Application for Refund from the Mobil Oil Corporation escrow account filed by Cornhusker Petroleum Corporation (Cornhusker), a reseller of Mobil refined petroleum products. In its refund application, Cornhusker elected to submit documentation that it was injured by Mobil's pricing practices rather than to rely on the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). Applying a competitive disadvantage analysis to the data submitted by Cornhusker, the DOE determined that the firm purchased 49,952,764 gallons of Mobil motor gasoline at prices higher than the average market prices. The DOE concluded that Cornhusker was therefore eligible to receive the full volumetric refund amount for its purchases of Mobil motor gasoline. The DOE denied Cornhusker's application for refund based on the firm's purchases of 243,634 gallons of middle distillates, citing the small claims presumption which requires a detailed demonstration of injury in cases where a total refund is greater than $5,000. The total refund granted to Cornhusker was $24,876, representing $20,081 in principal plus $4,795 in interest.

Mobil Oil Corporation/Hedrick Bros. Oil Company, 1/26/88, RF225–10046, RF225–10047

The DOE issued a Decision and Order granting an application for Refund from the Mobil Oil Corporation escrow account filed by Hedrick Bros. Oil Company (Hedrick), a reseller of Mobil refined petroleum products. In its refund application, Hedrick elected to submit documentation that it was injured by Mobil's pricing practices rather than to rely on the presumption set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). Applying a competitive disadvantage analysis to the data submitted by Hedrick, the DOE determined that the firm purchased its motor gasoline from Mobil at prices higher than the average market prices. The DOE concluded that Hedrick was therefore eligible to receive the full volumetric refund amount for its purchases of Mobil motor gasoline as well as for its purchases of middle distillates and lubricants. However, the Hedrick's refund was limited to the gallons purchased after March 1, 1975, the date when firm's banks of unrecouped product costs became positive. The total refund granted to Hedrick was $2,285, representing $1,845 in principal plus $440 in interest.

Mobil Oil Corporation/J.S. Eledge Oil Company, 1/25/88, RF225–9230

The DOE issued a Decision and Order granting an Application for Refund from the Mobil Oil Corporation escrow account filed by J.S. Eledge Oil Company (Eledge), a reseller of Mobil refined petroleum products. In its refund application, Eledge elected to submit documentation that it was injured by Mobil's pricing practices rather than to rely on the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). Applying a competitive disadvantage analysis to the motor gasoline data submitted by Eledge, the DOE determined that the 5,300,118 gallons of Mobil motor gasoline purchased by the firm during the consent order were purchased at prices higher than the market average price. The DOE concluded that Eledge was therefore eligible to receive the full volumetric refund amount it purchased from Mobil. The total refund granted to Eledge was $2,640, representing $2,131 in principal plus $509 in interest.

Mobil Oil Corporation/Puritan Oil Company, 1/29/88, RF225–216

The DOE issued a Decision regarding an Application for Refund from the Mobil Oil Corporation escrow account filed by Puritan Oil Company, a retailer of refund petroleum products. After completing a preliminary review of Puritan's application, the DOE tentatively concluded that Puritan's purchases of Mobil products has been made on the spot market. The DOE subsequently provided the firm with several opportunities to rebut the spot purchaser presumption established in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). Because Puritan did not submit information rebutting the DOE's conclusion that Puritan's purchases had been made on the spot market, the DOE denied Puritan's refund claim.

Mobil Oil Corp./The Flying Tiger Line, Inc. et al., 1/28/88, RF225–4291 et al.

The DOE issued a Decision and Order granting Applications for Refund from the Mobil Oil Corporation consent order fund filed by the Flying Tiger Line, Inc., Ozark Air Lines, Inc., Sunkist Growers, Inc., and the Ketchikan Pulp Company, end-users of Mobil refined petroleum products during the consent order period. Each applicant presented evidence that it purchased refined petroleum products directly from Mobil during the consent order period. According to the methodology set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985), each applicant was found to be eligible for a refund from the Mobil consent order fund based on the volume of its purchases times 100 percent of the volumetric refund amount. The refunds granted in this Decision totalled $20,587 ($16,618 principal plus $3,969 interest).

Mobil Oil Corporation/York Street Mobil, Bailey's Mobil Service, Penn Mar Mobil, 1/29/88, RF225–3013, RF225–8163, RF225–8877

The DOE issued a Decision regarding Applications for Refund from the Mobil Oil Corporation escrow account filed by three retailers of Mobil refined petroleum products. In analyzing the applications, the DOE found that none of the applicants had included sufficient information regarding their purchase volumes of Mobil products and had not responded to requests for such information. The DOE therefore concluded that the applicants had failed to meet the requirements for Applications for Refund established in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). Accordingly, the firms' applications were denied.

Model Coverall Service, et al., 1/28/88, RF272–1417, et al.

The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) issued a Decision and Order approving the Applications for Refunds submitted by nine claimants from crude oil overcharge funds collected by the DOE. *Statement of Modified Restitutionary Policy to be Implemented in Crude Oil Cases*, 51 FR 27899 (August 4, 1986). The OHA found that the claimants, all end-users, met the eligibility requirements by supplying actual or estimated purchase volume information for their commercial activities. The OHA granted the claimants a total refund amount of $6,809 based on 34,041,673 gallons of refined petroleum products purchased from August 19, 1973 through January 27, 1981.

Pennzoil Co./West Virginia, 1/29/88, RQ10–392

The DOE issued a Decision and Order approving the second-stage refund application filed by the State of West Virginia in the Pennzoil Co. refund proceeding. West Virginia requested the disbursement of its Pennzoil funds for traffic light synchronization in Clarksburg and its interstate highway logo program. The DOE had previously authorized the use of Pennzoil funds for these programs. Because the litigation

involving the Pennzoil funds has been resolved, the DOE can now disburse the Pennzoil funds for those programs it previously approved. Accordingly, West Virginia will receive a total of $132,943 from Pennzoil escrow fund.

Pyrofax Gas Corporation/Flame-Rite Gas, Inc./Carlos R. Leffler, Inc., Flame-Rite Gas, Inc./Lonnie R. Boyd, 1/26/88, RF277-30, RF277-82

The DOE issued a Decision and Order concerning two Applications for Refund filed on behalf of Flame-Rite, a retailer of propane, claiming a refund of less than $5,000, excluding interest. Both applicants claim refunds based on the procedures outlined in *Pyrofax Gas Corporation* 15 DOE ¶ 85,494 (1987), governing the disbursement of settlement funds received from Pyrofax pursuant to a March 23, 1981 Consent Order. The applications were submitted by the current owner of Flame-Rite, Carlos R. Leffler, Inc., and by the owner during the consent order period, Mr. Lonnie R. Boyd. Because Flame-Rite is a corporation that Leffler acquired through the unqualified purchase from Mr. Boyd of all its common stock, the DOE concluded that Leffler was the proper party to file a claim on behalf of Flame-Rite. In view of the documentation of Flame-Rite's purchases supplied by Leffler, under the small purchaser limitation established in *Pyrofax*, the DOE granted a total refund of $7,202 representing $4,502 in principal and $3,150 in interest.

Pyrofax Gas Corporation/Public Service Gas & Electric, 1/29/88, RF277-82

The DOE issued a Decision and Order to Public Service Gas & Electric (PSG&E) of Newark, NJ, in response to an application for Refund which the firm had filed in the Pyrofax Special Refund proceeding. In its Application, PSG&E documented the volumes of propane that it had purchased from Pyrofax and stated that it will pass any refund through to its customers on a dollar-for-dollar basis. Based upon this material and the presumption adopted in *Pyrofax Gas Corporation* 15 DOE ¶ 85,494 (1987) that public utilities such as PSG&E were injured by the alleged overcharges, the DOE granted a refund of $275,012, representing $150,280 in principal and $124,732 in interest.

Standard Oil Co. (Indiana)/Standing Rock Sioux Tribe, 1/27/88, RQ251-324, RQ21-430

The DOE issued a Decision and Order regarding a second-stage refund plan filed by the Standing Rock Sioux Tribe in the Standard Oil Co. (Indiana) (Amoco) second-stage refund proceeding. In its application, the Standing Rock Sioux Tribe proposed to spend its entire allocable share of Amoco monies to supplement its Low Income Home Energy Assistance Program. The DOE determined that the Tribe's proposed plan would provide restitution to tribal members who were injured in their purchases of refined petroleum products during the period of price controls. Accordingly, the plan was approved.

Tenneco Oil Company/Kelso Oil Company, 1/25/8, RF7-137

The Department of Energy issued a Decision and Order granting an Application for Refund from the Tenneco consent order fund to the Kelso Oil Company. In its application, Kelso submitted a volume schedule for covered products which exceeded the threshold level of 50,000 gallons per month for each month of the consent order period. Therefore, Kelso was required to demonstrate that it was injured by the alleged overcharges. Kelso submitted costs banks for the entire consent order period which substantially exceeded the refund requested. Also, Kelso demonstrated that it was placed at a competitive disadvantage by the prices it paid to Tenneco. However, Kelso did not receive a refund for the gallons of covered product that it purchased from Tenneco at prices equal to or below the average market price. The total refund approved in this Decision and Order was $12,727, representing $10,266 in principal and $2,461 in interest.

Dismissals

The following submissions were dismissed:

Name	Case No.
Champion International Corp.	RF272-12281.
Environmental Policy Inst.	KFA-0159.
W.C. Hardman, Jr.	RF225-8063, RF225-8064.

March 24, 1988.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

[FR Doc. 88-6953 Filed 3-29-88; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Order Filed During the Period of November 9, 1987, Through January 29, 1988

During the period of November 9, 1987, through January 29, 1988, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

March 23, 1988.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

Carbonit Houston, Inc./Richard W. Johnson, Wilmington, Delaware, The Woodlands, Texas, KRO-0620, Crude Oil

On January 28, 1988, Carbonit Houston, Inc. (Carbonit), c/o Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware, and Richard W. Johnson, 14 Wild Ginger, The Woodlands, Texas 77380, filed a Notice of Objection to a Proposed Remedial Order which the Economic Regulatory Administration (ERA) issued to Carbonit and Mr. Johnson on November 13, 1987. In the PRO, the ERA alleges that during the period January 1978 through December 1978, Carbonit committed overcharges in resales of crude oil, in violation of 10 CFR 212.186, 10 CFR 205.202 and 10 CFR 210.62(c). According to the PRO, the violations resulted in $8,344,644.03 in overcharges.

[FR Doc. 88-6954 Filed 3-29-88; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $22,355 obtained as a

result of a Consent Order which the DOE entered into with Harrell A. Musco, the owner of Clean Machine, Inc. (Clean Machine). Clean Machine was a "retailer" of motor gasoline and operated two retail outlets/car washes in Fairfield, and San Jose, California. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Applications for refund from the Clean Machine consent order fund must be filed in duplicate and must be received within 90 days of publication of this notice in the Federal Register. All applications should refer to Case Number KEF–0097 and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Laurie Breslin or Richard Dugan, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–4921.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision relates to a Consent Order entered into by the DOE and Harrell A. Musco and Clean Machine which settled all claims and disputes between Clean Machine and the DOE regarding the manner in which the firm applied the Mandatory Petroleum Price Regulations with respect to its sales or motor gasoline during the period August 8, 1979 through January 31, 1980 (consent order period). A Proposed Decision and Order tentatively establishing refund procedures and soliciting comments from the public concerning the distribution of the Clean Machine consent order fund was issued on February 9, 1988. 53 FR 4453 (February 16, 1988).

The Decision sets forth procedures and standards which the DOE has formulated to distribute the contents of the escrow account funded by Clean Machine pursuant to the Consent Order. The DOE has decided to accept Applications for Refund for firms and individuals that purchased motor gasoline sold by Clean Machine during the consent order period. As previously stated, Clean Machine sold motor gasoline to retail customers. Therefore, only end-users, or ultimate consumers, of Clean Machine motor gasoline who were injured by the alleged overcharges will be eligible for refunds in this proceeding. In order to demonstrate injury, end-user applicants will be required to document the volume of motor gasoline that they purchased from Clean Machine during the consent order period.

As the Decision and Order indicates, Applications for Refund may now be filed by customers that purchased motor gasoline sold by Clean Machine during the consent order period. Applications will be accepted provided they are filed in duplicate and received no later than 90 days after publication of this Decision and Order in the **Federal Register**. The specific information required in an Application for Refund is set forth in the Decision and Order.

Dated: March 24, 1988.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

March 24, 1988.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of Firm: Clean Machine, Inc.
Date of Filing: September 3, 1987
Case Number: KEF–0097

In accordance with the procedural regulations of the Department of Energy (DOE), 10 CFR Part 205, Subpart V, the Economic Regulatory Administration (ERA) of the DOE filed a petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) on September 3, 1987. The petition requests that the OHA formulate and implement procedures for the distribution of funds received pursuant to a Consent Order entered into by the DOE and Harrell A. Musco (Musco), the owner of Clean Machine, Inc. (Clean Machine).

I. Background

Clean Machine was a "retailer" of motor gasoline as that term was defined in 10 CFR 212.31 and operated two retail outlets/car washes in Fairfield, and San Jose, California during the period of price controls. An ERA audit of Clean Machine's records revealed that from August 8, 1979 through January 31, 1980, Clean Machine committed possible price violations with respect to its retail sales of motor gasoline. On April 15, 1982, the ERA issued two Proposed Remedial Orders to Musco d/b/a Clean Machine alleging that the firm had overcharged its customers in violation of 10 CFR 212.93 and that Musco was personally liable for the violations.

In order to settle all claims and disputes between Musco, Clean Machine and the DOE regarding the firm's compliance with the Mandatory Petroleum Price and Allocation Regulations during the period August 8, 1979 through January 31, 1980, Musco and the DOE entered into a Consent Order on July 6, 1987. The Consent Order refers to the ERA's allegations of regulatory violations, but states that Musco denies that any such infractions were committed or that he is individually responsible for the activities of Clean Machine.

Under the terms of the Consent Order, Musco was required to deposit $22,355 into an interest-bearing escrow account maintained by the Department of the Treasury for ultimate distribution by the DOE. The consent order monies were paid in full on July 22, 1987 into an escrow account in the name of Clean Machine. As of February 29, 1988, the Clean Machine escrow account had earned $849.42 in interest. This Decision concerns the distribution of the funds in the Clean Machine escrow account, plus accrued interest.

On February 9, 1988, the OHA issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of the Clean Machine consent order fund. 53 FR 4453 (February 16, 1988). We stated in the PD&O that the basic purpose of a special refund proceeding is to make restitution for injuries that were suffered as a result of alleged or adjudicated violations of the DOE regulations. In order to effect restitution in this proceeding, we proposed to establish a claims procedure whereby applications for refund would be accepted from customers who can demonstrate that they were injured as a result of Clean Machine's pricing practices during the August 8, 1979–January 3, 1980 consent order period. A copy of the PD&O was published in the **Federal Register** on February 16, 1988, and comments were solicited regarding the proposed refund procedures. We have received no comments regarding those procedures.

II. Jurisdiction and Authority

The procedural regulations of the DOE set forth general guidelines by which the OHA may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The DOE policy is to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶82,553 (1982), and *Office of*

Enforcement, 9 DOE ¶ 82,508 (1981); *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

As we stated in the PD&O, we have reviewed the record in the present case and have determined that a Subpart V proceeding is an appropriate mechanism for distributing the Clean Machine consent order fund. We will therefore grant the ERA's petition and assume jurisdiction over this fund.

III. Final Refund Procedures

Since we have not received any adverse comments regarding our proposed refund procedures, we have determined that those procedures should be adopted.

A. *Showing of Injury*. In order to be eligible for a refund, an applicant must establish that it was injured as a result of Clean Machine's alleged overcharges. *See* 10 CFR 205.280. As previously stated, Clean Machine sold motor gasoline on the retail level to consumers. Therefore, only end-users, or ultimate consumers, of Clean Machine motor gasoline who were injured by the alleged overcharges will be eligible for refunds in this proceeding. In order to demonstrate injury, end-user applicants will be required to document the volume of motor gasoline that they purchased from Clean Machine during the consent order period (August 8, 1979 through January 31, 1980). Unlike regulated firms in the petroleum industry, end-users generally were not subject to price controls during the consent order period. They were therefore not required to keep records which would show whether they passed through cost increases in sales of other products. An analysis of the impact of the alleged overcharges on the final prices of goods and services which were not covered by the petroleum price regulations would therefore be beyond the scope of a special refund proceeding. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,209 (1984), and cases cited therein. Consequently, end-users of Clean Machine's motor gasoline will not be required to make a detailed demonstration of injury in order to establish eligibiity for a refund. They will only be required to document their purchase volumes from Clean Machine.

B. *Calculation of Refund Amounts*. In order to determine the potential refund amounts for applicants in this proceeding, we will adopt a volumetric refund presumption. The volumetric refund presumption assumes that Clean Machine's alleged overcharges were spread equally over all gallons of motor gasoline that Clean Machine sold during the consent order period.

Under the volumetric method, a claimant that adequately demonstrates injury will be eligible to receive a refund equal to the number of gallons of motor gasoline that it purchased from Clean Machine during the consent order period times the volumetric factor. The volumetric factor in this case equals $0.01731 per gallon.[1] In addition, successful claimants will receive proportionate shares of the interest that has accrued in the Clean Machine escrow account.

The volumetric refund presumption is rebuttable. Because we realize that the impact on an individual claimant may have been greater than the volumetric amount, a claimant may submit evidence detailing the specific overcharge that it allegedly incurred in order to be eligible for a larger refund. *See, e.g., Standard Oil Co. (Indiana)/ Army and Air Force Exchange Service*, 12 DOE ¶ 85,015 (1984).

As in previous cases, we propose to establish a minimum amount of $15 for refund claims.[2] We have found through our experience in prior refund cases that the cost of processing claims for refunds of less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85, 225 (1982). *See also* 10 CFR ¶ 205.286(b).

IV. Application for Refund Procedures

We have determined that the procedures described in the PD&O are the most equitable and efficacious means of distributing the Clean Machine consent order fund. Accordingly, we shall now accept applications for refund from eligible customers who purchased Clean Machine motor gasoline during the consent order period. There is no official application form. Applications for refund should be written or typed on business letterhead or personal stationery. The following information should be included in all Applications for Refund.

1. The name of the consent order firm: Clean Machine, Inc., the case number: HEF–0097, and the applicant's name should be prominently displayed on the first page.

2. The name, position title, and telephone number of a person who may be contacted by us for additional information concerning the Application.

3. The volume of Clean Machine motor gasoline that the applicant purchased in each month of the period of time for which it is claiming it was injured by the alleged overcharges.

4. A statement of whether the applicant was in any way affiliated with Clean Machine. If so, the applicant should state the nature of the affiliation.

5. A statement of whether the applicant is or has been involved as a party in any DOE or private Section 210 enforcement actions. If these actions have been terminated, the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should describe the action and its current status. The applicant is under a continuing obligation to keep the OHA informed of any change in status during the pendency of its Application for Refund. See 10 CFR 205.9(d).

6. The following signed statement:

> I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief.

All Applications for Refund must be filed in duplicate and must be received within 90 days after publication of this Decision and Order in the **Federal Register**. A copy of each Application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals, Forrestal Building, Room 1E–234, 1000 Independence Avenue SW., Washington, DC. Any applicant that believes that its Application contains confidential information must so indicate on the first page of its Application from which the material alleged to be confidential has been deleted, together with a statement specifying why the information is alleged to be privileged or confidential.

All Applications should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

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[1] We computed this figure by dividing the $22,355 consent order amount by the 1,291,580 gallons of motor gasoline sold by Clean Machine during the consent order period.

[2] Under the volumetric method for making refunds proposed in this proceeding, we calculate that an applicant must have purchased at least 867 gallons of motor gasoline from Clean Machine during the six-month consent order period in order to qualify for the minimum $15 refund. In contrast, according to Energy Information Administration data, the average motorist consumed approximately 301 gallons of motor gasoline per car during the consent order period. *Consumption Patterns of Household Vehicles, June 1979 to December 1980*, DOE/EIA–0319 at 12. Accordingly, we anticipate that although many individual motorists who purchased motor gasoline from Clean Machine may have legitimate claims, most of those claims will fall below the $15 threshold. However, it is possible that there are governmental entities or businesses with multiple vehicles that purchased motor gasoline from Clean Machine on a regular basis and in sufficient quantities to qualify for a refund.

V. Distribution of Funds After First Stage Claims

Any funds that remain after all first stage claims have been decided will be distributed in accordance with the provisions of the Petroleum Overcharge Distribuition and Restitution Act of 1986 (PODRA), Pub. L. 99–509, Title III. *See* Fed. Energy Guidelines ¶ 11,702 et seq. PODRA requires that the Secretary of Energy determines annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings and make those funds available to state governments for use in four energy conservation programs. PODRA section 3003(c) and (d). The Secretary has delegated these responsibilities to the OHA, and any funds in the Clean Machine consent order escrow account that the OHA determines will not be needed to effect direct restitution to injured Clean Machine customers will be distribuited in accordance with the provisions of PODRA.

It Is Therefore Ordered That:

(1) Applications for Refunds from the funds remitted to the Department of Energy by Clean Machine, Inc. pursuant to the Consent Order executed on July 6, 1987 may now be filed.

(2) All Applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register.**

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

Date: March 24, 1988.

[FR Doc. 88–6955 Filed 3–29–88; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[PP 5G3207/T554; FRL–3356–5]

Mycogen Corp.; Renewal of Exemptions From Requirement of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed exemptions from the requirement of tolerances for residues of the fungus *Alternaria cassiae* to evaluate control of sicklepod and coffee senna in or on certain commodities.

DATE: These temporary exemptions from the requirement of tolerances expire January 12, 1989.

FOR FURTHER INFORMATION CONTACT:

By mail: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, 401 M Street SW., Washington, DC 20460

Office location and telephone number: Room 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice which was published in the **Federal Register** of June 11, 1986 (51 FR 21233) that temporary exemptions from the requirement of tolerances were renewed for residues of the fungus *Alternaria cassiae* to evaluate control of sicklepod and coffee senna in or on the raw agricultural commodities soybeans, peanuts, and cotton. These exemptions from the requirement of tolerances were renewed in response to pesticide petition (PP) 5G3207, submitted by Mycogen Corp., P.O. Box 5126, Valdosta, GA 31603–5126.

The company requested a renewal of the temporary exemptions from the requirement of tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 53219–EUP–1, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the exemptions from the requirement of tolerances will protect the public health. Therefore, the temporary exemptions from the requirement of tolerances have been renewed on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Mycogen Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary exemptions from the requirement of tolerances expire January 12, 1989. Residues not in excess of these amounts remaining in or on the above raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary exemptions from the requirement of tolerances. These temporary exemptions from the requirement of tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 CFR 24950).

Authority: 21 U.S.C. 346a(j).

Dated: March 18, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88–6800 Filed 3–29–88; 8:45 am]

BILLING CODE 6560–50–M

[PP 5G3268/T555; FRL–33567]

E.I. du Pont de Nemours and Co., Inc.; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended a temporary tolerance for residues of the herbicide methyl 2[[[[[(4,6-dimethoxy-pyrimidin-2-yl)-amino] carbonyl]amino]sulfonyl] methyl]benzoate in or on the raw agricultural commodity rice.

DATE: This temporary tolerance expires February 1, 1989.

FOR FURTHER INFORMATION CONTACT:

By mail: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Office location and telephone number: Room 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, which was published in the **Federal Register** of December 11, 1985 (50 FR 50681), stating that a temporary tolerance had been established for residues of the herbicide

methyl 2[[[[[(4,6-dimethoxy-pyrimidin-2-yl)-amino] carbonyl]amino]sulfonyl] methyl]benzoate in or on the raw agricultural commodity rice at 0.02 part per million (ppm). This tolerance was issued in response to pesticide petition PP 5G3268, submitted by E.I. du Pont de Nemours and Co., Inc., Agricultural Chemicals Dept., Walkers Mill Building, Barley Mill Plaza, Wilmington, DE 19898. This temporary tolerance has been extended to permit the continued marketing of the raw agricultural commodity named above when treated in accordance with the provisions of experimental use permit 352-EUP-129, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of this temporary tolerance will protect the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. E.I. du Pont de Nemours and Co., Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires February 1, 1989. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

Dated: March 18, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88-6801 Filed 3-29-88; 8:45 am]

BILLING CODE 6560-50-M

[PP 4G3156/T556; FRL-3356-6]

Hoechst Celanese Corp.; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for the combined residues of the herbicide monoammonium and its metabolite in or on certain raw agriculture commodities.

DATE: These temporary tolerances expire January 12, 1989.

FOR FURTHER INFORMATION CONTACT:

By mail: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Office location and telephone number: Room 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, which was published in the **Federal Register** of November 26, 1986 (51 FR 42930), announcing the establishment of temporary tolerances for the combined residues of the herbicide monoammonium 2-amino-4-(hydroxymethylphosphinyl)butanoate and its metabolite of 3-methylphosphinicopropionic acid in or on the raw agricultural commodities soybean seed, citrus, pome fruit, grapes, and stone fruit at 0.05 part per million (ppm). These tolerances were issued in response to pesticide petition (PP) 4G3156, submitted by Hoechst Celanese Corp.; Route 202-206 North, Somerville, NJ 08876.

These temporary tolerances have been extended to permit the continued marketing of the raw agricultural commodities named above when treated in accordance with the provisions of experimental use permit 8340-EUP-10, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of these temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Hoechst Celanese Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire January 12, 1989. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

Dated: March 18, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88-6802 Filed 3-29-88; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30285A; FRL-3356-8]

Ecogen Inc.; Approval of Pesticide Product Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of an application submitted by Ecogen Inc., to conditionally register the pesticide product Dagger™ G Biofungicide, containing an active ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(7) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT:

By mail: Lois Rossi, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 227, TS-767C, Environmental Protection Agency, 1921 Jefferson Davis Hwy, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of February 17, 1988 (53 FR 4713), which announced that Ecogen Inc., 2005 Cabot Blvd., West Longhorne, PA 19047-1810, had submitted an application to conditionally register the pesticide product Dagger™ G Biofungicide, containing the active ingredient *pseudomonas fluorescens* EG1053 at 20 percent; an active ingredient not included in any previously registered product.

The application was approved on March 3, 1988, as Dagger™ G Biofungicide, for general use in-furrowed soil applied at planting time on cotton. The product was assigned EPA Registration No. 55638-5.

The Agency has consolidated the available data on the risks associated with the proposed use of *pseudomonas fluorescens* EG1053 information on social, economic, and environmental benefits to be derived from use. Specifically, the Agency has considered the nature of the chemical and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of *pseudomonas fluorescens* EG1053 during the period of conditional registration will not cause any unreasonable adverse effect on the environment, and that use of the pesticide is, in the public interest.

Consistent with section 3(c)(7)(C), the Agency has determined that this conditional registration is in the public interest. Use of this pesticide is of significance to the user community, and appropriate labeling, use directions, and other measures have been taken to ensure that use of the pesticide will not result in unreasonable adverse effects to man and the environment.

More detailed information on this conditional registration is contained in a Chemical Fact Sheet on *pseudomonas fluorescens* EG1053.

A copy of this fact sheet, which provides a summary description of the chemical, use patterns and formulations, science findings, and the Agency's regulatory position and rationale, may be obtained from Registration Division (TS-767C), Environmental Protection Agency, Registration Support and Emergency Response Branch, 401 M St., SW., Washington, DC 20460.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the Product Manager. The data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 236, CM#2, Arlington, VA 22202 (703-557-3262). Request for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), 401 M St., SW., Washington, DC 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

Authority: 7 U.S.C. 136.

Dated: March 18, 1988.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 88-6798 Filed 3-29-88; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30287; FRL-3356-4]

Certain Companies; Applications To Register Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing active ingredients not included in any previously registered products and products involving a changed use pattern pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comment by April 29, 1988.

ADDRESS: By mail submit comments identified by the document control number [OPP-30287] and the registration/file number, attention Product Manager (PM) named in each application at the following address:

ADDRESSES:

Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

In person, bring comments to: Environmental Protection Agency, Rm. 246, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Registration Division (TS-767C), Attn: (Product Manager (PM) named in each registration), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

In person: Contact the PM named in each registration at the following office location/telephone number:

Product manager	Office location/ telephone number	Address
PM 15, George LaRocca.	Rm. 204, CM#2 (703-557-2400).	EPA, 1921 Jefferson Davis Hwy, Arlington, VA 22202.
PM 21, Lois Rossi.	Rm. 227, CM#2 (703-557-1900).	Do.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products and products involving a changed use pattern pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

I. Products Containing Active Ingredients Not Included in Any Previously Registered Product

1. File Symbol: 2724-URN. Applicant: Zoecon Corp., a Sandoz Co., 12200 Denton Drive, Dallas, TX 75234. Product name: Zoecon RF-339 Fogger. Insecticide. Active ingredient: Ethofenprox [2-(4-ethoxyphenyl)-2-methylpropyl-3-phenoxybenzylether] 1.00%. Proposed classification/Use: General. Controls cockroaches, ants, flies, fleas, and ticks on contact. Type registration: Conditional. (PM 15)

2. File Symbol: 2724-URR. Applicant: Zoecon Corp., a Sandoz Co., 12200 Denton Drive, Dallas, TX 75234. Product name: Zoecon RF-340 Aerosol. Insecticide. Active ingredient: Ethofenprox [2-(4-ethoxyphenyl)-2-methlpropyl-3-phenoxybenzylether] 0.50%. Proposed classification/Use: General. Controls cockroaches, ants, flies, ticks, and fleas on contact. Type registration: Conditional. (PM 15)

3. File Symbol: 2724-UNO. Applicant: Zoecon Corp., a Sandoz Co. Product name: Zoecon RF-338 Aerosol. Insecticide. Active ingredient: Ethofenprox [2-(4-ethoxyphenyl)-2-methylpropyl-3-phenoxybenzylether] 1.00%. Proposed classification/Use: General. Controls cockroaches, ants, flies, ticks, and fleas on contact. Type registration: Conditional. (PM 15)

4. File Symbol: 2724-URE. Applicant: Zoecon Corp., a Sandoz Co. Product name: Zoecon RF-341 Fogger. Insecticide. Active ingredient: Ethofenprox [2-(4-ethoxyphenyl)-2-methylpropyl-3-phenoxybenzylether] 0.50%. Proposed classification/Use: General. Controls cockroaches, ants, flies, ticks, and fleas on contact. Type registration: Conditional. (PM 15)

5. File Symbol: 2724-URO. Applicant: Zoecon Corp., a Sandoz Co. Product name: Zoecon Ethofenprox Technical. Insecticide. Active ingredient: Ethofenprox [2-(4-ethophenyl)-2-methylpropyl-3-phenoxybenzylether] 90.0%. Proposed classification/Use: General. For manufacturing use only. Type registration: Conditional. (PM 15)

6. File Symbol: 612-L. Applicant: Unocal Chemicals Division, Unocal Corp., 1201 W. 5th St., Los Angeles, Ca 90017. Product name: GY-81. Nematicide/Fungicide. Active ingredient: Sodium tetrathiocarbonate 31.8%. Proposed classification/Use: General. For use on terrestrial food crops (grapes, grapefruits, oranges, lemons, potatoes, and tomatoes). (PM 21)

7. File Symbol: 352-LNU. Applicant: E. I. du Pont de Nemours and Co., Wilmington, DE 19898. Produce name: Nustar®. Fungicide. Active ingredient: 1-[[Bis(4-fluorophenyl)methylsilyl]-methyl]-*H*-1,2,4-triazole 20%. Proposed classification/Use: General. For use on terrestrial food crops (apples and grapes). (PM 21)

II. Product Involving a Changed Use Pattern

File Symbol: 000499-EOU. Applicant: Whitmire Research Laboratories, Inc., 3568 Tree Court Blvd., St. Louis, MO 63122. Product name: Whitmire Avert PT 310 Abamectin Dust. Insecticide. Active ingredient: Abamectin B_1 [a mixture of avermectins containing 80% avermectin B_{1a} (5-0-demethyl avermectin A_{1a} and 20% avermectin B_{1b} (5-0-demethyl-25-de(1-methylpropyl-25-(1-methylethyl) avermectin A_{1a})] 0.05%. Proposed classification/Use: General. To include in its presentlyregistered use, a new use indoors to kill insects in garages, homes, hospitals, motels, nursing homes, transportation equipment, utilities, warehouses, and other commercial and industrial buildings. Type registration: Conditional. (PM 15)

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register.** The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Program Management and Support Division (PMSD) office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the PMSD office (703-557-3262), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

Dated: March 17, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88-6799 Filed 3-29-88; 8:45 am]

BILLING CODE 6560-50-M

[PF-493; FRL-3357-3]

Pesticide Tolerance Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing of pesticide petitions proposing the establishment of tolerances and/or regulations for residues of certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS:

By mail, submit written comments to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (TS-767C), Att'n.: Product Manager (PM) named in the petition, Environmental Protection Agency, Office of Pesticide Programs, 401 M Street SW., Washington, DC 20460.

In person, contact the PM named in each petition at the following office location/telephone number:

Product manager	Office location/ telephone number	Address
George LaRocca (PM 15).	Rm. 204, CM #2, 703-557-2400.	EPA, 1921 Jefferson Davis Hwy., Arlington, VA 22202.
Lois Rossi (PM 21).	Rm. 227, CM #2, 703-557-1900.	Do.
Robert Taylor (PM 25).	Rm. 245, CM #2, 703-557-1800.	Do.

SUPPLEMENTARY INFORMATION: EPA has received pesticide (PP) and/or food and feed additive (FAP) petitions as follows, proposing the establishment and or amendment of tolerances or regulations for residues of certain pesticide chemicals in or on certain agricultural commodities.

Initial Filings

1. *PP 8F3606.* BASF Corp., 100 Cherry Hill Road, Parsippany, NJ 07054, proposes amending 40 CFR 180.412 by establishing a regulation to permit the residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one and its metabolites containing 2-cyclohexen-1-one moiety in or on citrus fruits at 0.5 part per million (ppm) and blueberries at 4.0 ppm. The proposed analytical method for determining residues is gas chromatography using sulfur-specific flame photometric detection. (PM 25)

2. *PP 8F3609.* E.I. DuPont DeNemours & Co., Inc., Agricultural Products Department, Walker's Mill Building, Barley Mill Plaza, Wilmington, DE 19898, proposes amending 40 CFR Part 180 by establishing a regulation to permit the residues of the fungicide carbendazim (methyl 2-benzimidazole carbamate) and its metabolites containing the benzimidazole moiety (calculated as carbendazim) in or on wheat grain at 0.2 ppm; wheat straw at 10.0 ppm; meat, meat byproducts, milk, and eggs at 0.1 ppm; and poultry liver at 0.2 ppm. The proposed analytical method for determining residues is high-speed cation exchange liquid chromatography. (PM 21)

3. *FAP 8H5553.* BASF Corp., 100 Cherry Hill Road, Parsippany, NJ 07054, proposes amending 21 CFR Part 561 by establishing a regulation to permit the residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one and its metabolites containing 2-cyclohexen-1-one moiety in or on (citrus) molasses at 1.5 ppm and (citrus) dry pulp at 1.5 ppm. (PM-25)

Amended Petition

1. *PP 6F3318.* EPA issued a notice published in the **Federal Register** of January 15, 1986 (51 FR 1844), that announced that ICI Americas, Inc., Agricultural Chemicals Division, Concord Pike and New Murphy Road., Wilmington, DE 19897, had submitted pesticide petition 6F3318 to the Agency proposing to amend 40 CFR Part 180 by establishing a tolerance for the residues of the insecticide (R+S)-alpha-cyano-3-phenoxyphenyl (1S+R)-cis-3-(1-2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate in or on the raw agricultural commodity cottonseed at 0.01 part per million. ICI Americas, Inc., has amended the petition by increasing the tolerance in or on cottonseed from 0.01 ppm to 0.05 ppm. The proposed analytical method for determining residues is by liquid chromatography. (PM 15)

Authority: 21 U.S.C. 346a.

Dated: March 22, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88-6915 Filed 3-29-88; 8:45 am]

BILLING CODE 6560-50-M

[PF-496; FRL-3358-2]

FMC Corp.; Amended Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing of an amended pesticide petition (pp 0F2389) by FMC Corp. for the insecticide permethrin.

ADDRESS:

By mail, submit written comments to: Information Services Section, Program Management and Support Divison (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part of all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be availabe for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: George LaRocca, Product Manager (PM) 15, Registration Division (TS-767C), Environmntal Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 204, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2386.

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of October 8, 1980 (45 FR 66863), that announced that FMC Corp., 2000 Market St., Philadelphia, PA 10103, had submitted pesticide petition 0F2389 to the Agency proposing to amend 40 CFR 180.378 by establishing tolerances for the combined residues of the insecticide permethrin [3-phenoxyphenyl) methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcylcopropanecarboxylate and its metabolites *cis* and *trans* 3-(2,2-dichloroethenyl)-2,2-dimethylcylcopropanecarboxylate acid, 3-phenoxybenzyl alcohol, and 3-phenoxybenzoic acid in or on the following raw agricultural commodities: alfalfa, fresh at 20.0 parts per million (ppm); alfalfa, hay at 65 ppm; meat and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.2 ppm; milk at 0.5 ppm; poultry at 0.1 ppm; eggs at 1.0 ppm; and potatoes at 0.05 ppm.

FMC Corp. has amended the petition by increasing the tolerances on alfalfa, fresh from 20 ppm to 25 ppm; fat of cattle and horses at 2.5 ppm; fat of goats and sheep at 3.0 ppm; meat of cattle, horses, sheep, and goats at 0.25 ppm; meat byproducts of cattle, goats, horses, and sheep at 2.0 ppm; milk fat at 6.25 ppm, reflecting 0.25 ppm in whole milk. The proposed analytical method for determining residues is by liquid chromatography. The proposed tolerance in or on potatoes at 0.05 ppm was withdrawn in October 1982. The proposed tolerance for residues of permethrin in or on alfalfa, hay has been decreased from 65 ppm to 55 ppm.

Authority: 21 U.S.C. 346a.

Dated: March 23, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88-7069 Filed 3-29-88; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30276A; FRL-3354-3]

Approval of Pesticide Product Registrations; Safer, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of an application submitted by Safer Inc., to conditionally register the pesticide product Safer™ Sharpshooter Weed and Grass Killer Ready to Use, containing an active ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(7) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

FOR FURTHER INFORMATION CONTACT: By mail: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 237, TS-767C, Environmental Protection Agency, 1921 Jefferson Davis Hwy, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of March 11, 1987 (52 FR 7484), which announced that Safer Inc., 60 William St., Wellesley, MA 02181, had submitted an application to conditionally register the pesticide product Safer™ Spot Weed and Grass Killer Ready To Use, containing the active ingredient saturated fatty acids at 3 percent; an active ingredient not included in any previously registered product.

The application was approved on January 29, 1988, as Safer™ Sharpshooter Weed Grass Killer Ready To Use, for general use to control weeds in walks, dirveways, parking areas, and other similar areas. The product was assigned EPA Registration No. 42697-22.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the Product Manager. The data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 236, CM#2, Arlington, VA 22202 (703-557-3262). Request for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

Authority: 7 U.S.C. 136.

Dated: March 17, 1988.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 88-6550 Filed 3-29-88; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180770; FRL-3354-2]

Receipt of Applications for Specific Exemptions to Use Clofentezine and Hexythiazox; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Delaware Department of Agriculture (hereafter referred to as "Applicant") for use of the unregistered active ingredients clofentezine (3,6-bis(2-chlorophenyl)-1,2,4,5-tetrazine) and hexythiazox (*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide) to control European red mites on apples. In accordance with 40 CFR 166.24, EPA is soliciting comment before making the decision whether or not to grant these specific exemption requests.

DATE: Comments must be received on or before April 14, 1988.

ADDRESS: Three copies of written comments, bearing the identifying notation "OPP-180770," should be submitted by mail to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 246, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm. 246 at the address given above from 8 a.m. to 4. p.m., Monday through Friday excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Libby A. Pemberton, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

Office location and telephone number: Rm. 716A, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1806).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue specific exemptions to permit the use of the unregistered active ingredients, clofentezine, available as the pesticide product Apollo, manufactured by Nor-Am Chemical Company, and hexythiazox, manufactured by E.I. du Pont de Nemours Chemical Company, to control European red mites on apples.

Information in accordance with 40 CFR Part 166 was submitted as part of these requests.

The Applicant has requested authorization to make one complete or two "alternate row middle spray" applications with Apollo or Savey. A maximum of four ounces of formulated Apollo (0.125 pound active ingredient) or 5 ounces (0.156 pound active ingredient) of formulated Savey is proposed to be applied per acre by ground equipment as a dilute or concentrate spray. The time of treatment extends from "tight cluster" until 45 days before harvest for Apollo and until 100 days before harvest for Savey.

The Applicant proposes to treat a maximum of 750 acres of apples. A maximum of 23.4 gallons of Apollo and 29.3 gallons of Savey would be needed under the proposed exemptions.

Applications of Savey would be made through May 20, 1988 and through July 15, 1988 for Apollo.

The Applicant claims that European red mites have developed resistance to Plictran (cyhexatin) which historically has been used for control of mites.

Similar resistance also exists to the related organo-tin acaricide, Vendex (fenbutatin-oxide). Dicofol has also been used in the past, however, resistance appears to have developed to this pesticide as well. Other acaricides such as formetanate hydrochloride, oxamyl and propargite are not effective, toxic to beneficials or otherwise not appropriate for mite control at various times.

The Applicant indicates that by having both materials available, growers could alternate miticides and reduce the buildup of resistance in the European red mite population.

The Applicants state that the result of not having an effective control of the European red mite would be decreased fruit size, loss of fruit set and reduced fruit quality. The Applicant estimates that losses of up to $128,398 in gross revenues for Delaware apple growers will result if Apollo or Savey is not available for use in 1988.

This notice does not constitute a decision by EPA on the applications themselves. The regulations governing section 18 require that the Agency publish notice in the **Federal Register** and solicit public comment on applications involving an unregistered active ingredient. Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address above.

The Agency, accordingly, will review and consider all comments received during the comment period.

Dated: March 16, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88-6551 Filed 3-29-88; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180769; FRL-3354-5]

Receipt of Application for Emergency Exemption From North Dakota To Use Unregistered Chemical; 6-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl) Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUBJECT: EPA has received a request for an emergency exemption from the North Dakota Department of Agriculture (hereafter referred to as the "Applicant") to use the active ingredients 6-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl) methyl ester and 2-(4-isopropyl-4-methyl-5-oxo-2-imidazoline-2-yl) methyl ester to control wild mustard on 200,000 acres of sunflowers in North Dakota. Assert contains unregistered active ingredients and, therefore, in accordance with 40 CFR 166.24, EPA is soliciting comment before making the decision whether or not to grant the exemption.

DATE: Comments must be received on or before April 14, 1988.

ADDRESS: Three copies of written comments, bearing the identification notation "OPP-180769," should be submitted by mail to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA withut prior notice to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday excluding legal holidays.

FOR FURTHER INFORMATION: By mail: Jim Tompkins, Registration Division (TS-767C), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 716, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-1806).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any provisions of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of an unregistered herbicide, a mixture of 6-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl) methyl ester (CAS 69969-22-8) and 2-(4-isopropyl4-methyl-5-oxo-2-imidazoline-2-yl) methyl ester (CAS 69969-626), manufactured as Assert, by American Cyanamid Company, on sunflowers in North Dakota. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

The Applicant indicates that 1.4 million acres of sunflowers will be grown throughout North Dakota in 1988. There are 200,000 acres economically infested with wild mustard (*Sinapis arvensis* L.) which the Applicant is proposing to treat. The Applicant states that most herbicides currently registered for use in sunflowers control annual grasses and some broadleaved weeds but provide little or no wild mustard control. According to the Applicant, chloramben is registered for wild mustard control in sunflowers, but gives inconsistent control. The Applicant states that wild mustard, when uncontrolled, competes vigorously with sunflowers.

The Applicant indicates that without adequate control wild mustard will cause a 20% potential yield loss over 200,000 acres in 1988. This would amount to approximately a loss of $4.32 million.

Assert will be applied postemergence by ground or air at a rate of 3 to 4 ounces active ingredient per acre. A single application will be made sometime between May 15 and July 31, 1988 to approximately 200,000 acres of sunflowers.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require publication of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide). Such notice provides for the opportunity for public comment on the application. Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before April 14, 1988, and should bear the identifying notation "OPP-180769." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the North Dakota Department of Agriculture.

Dated: March 14, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88-6552 Filed 3-29-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

Investors Savings and Loan Association, a Federal Savings and Loan Association, El Reno, OK; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Investors Savings and Loan Association, a Federal Savings and Loan Association, El Reno, Oklahoma, on March 24, 1988.

Dated: March 24, 1988.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 88-6937 Filed 3-29-88; 8:45 am]

BILLING CODE 6720-01-M

United Savings, a Federal Savings and Loan Association, Durant, OK; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. § 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for United Savings, a Federal Savings and Loan Association, Durant, Oklahoma, on March 24, 1988.

Dated: March 24, 1988.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 88-6938 Filed 3-29-88; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-704; FHLBB No. 7643]

Community Federal Savings and Loan Association, Ft. Oglethorpe, GA; Final Action; Approval of Conversion Application

Date: March 24, 1988.

Notice is hereby given that on March 21, 1988, the Office of the General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Community Federal Savings and Loan Association, Ft. Oglethorpe, Georgia for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretariat at the Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552, and at the Office of the Supervisory Agent at the Federal Home Loan Bank of Atlanta, 1475 Peachtree Street NE., Atlanta, Georgia 30309.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 88-6939 Filed 3-29-88; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Employee Thrift Advisory Council, Open Meeting

In accordance with 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: Employee Thrift Advisory Council.

Time and date: 10:00 a.m., April 19, 1988.

Place: Fifth Floor Conference Room, Federal Retirement Thrift Investment Board, 805 Fifteenth Street, NW., Washington, DC.

Status: Open.

Matters to be considered: Approval of the minutes of the January 12, 1988 meeting; Thrift Savings Plan participation and investment funds; proposed CSRS to FERS transfer period; 1988 Board legislative agenda; open season nomenclature and timing; COLA increases on the $7,000 limit; new Board publications; and regulations applicable to Federal employees in a non-pay status.

Any interested person may attend, appear before, or file statements with the Council. For further information contact John J. O'Meara on (202) 523-6367.

Francis X. Cavanaugh,

Executive Director.

[FR Doc. 88-6976 Filed 3-29-88; 8:45 am]

BILLING CODE 6710-01-M

FEDERAL RESERVE SYSTEM

Home Bancorp, Inc.; Correction

This notice corrects a previous **Federal Register** notice (FR Doc. 88-6057) published at page 9143 of the issue for Monday, March 21, 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. *Home Bancorp, Inc.*, Brooklyn, New York; to become a bank holding company by acquiring 100 percent of the voting shares of The Home Savings Bank, Brooklyn, New York, which operates a savings bank life insurance department and has a subsidiary engaged in insurance agency activities. Bank will cease the insurance activities in two years.

Comments on this application must be received by April 8, 1988.

Board of Governors of the Federal Reserve System, March 24, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-6881 Filed 3-29-88; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consumation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termintion of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN MAR. 7, 1988 AND MAR. 21, 1988

Name of Acquiring Person, Name of Acquired Person, Name of Acquired Entity	PMN No.	Date Terminated
CHR plc, Milo L. Pike, Pike Industries, Inc	88-0923	03/07/88
The Industrial Bank of Japan, Limited, Morgan Stanley Group Inc., Execution Services Incorporated	88-0963	03/07/88
Nortek, Inc., Mohasco Corporation, Mohasco Corporation	88-0981	03/07/88
Source Perrier, S.A., Herbert Halperin, Herbert Halperin Distributing Corportation and Marel	88-1034	03/07/88
Masco Corporation, Allen S. Wyett, American Textile Company, Inc., Ametex Fabrics, Inc	88-1046	03/07/88
Masco Corporation, Robert J. Weissman, American Textile Company, Inc., Ametex Fabrics, Inc	88-1048	03/07/88
Allen S. Wyett, Masco Corporation, Masco Corporation	88-1050	03/07/88
Robert J. Weissman, Masco Corporation, Masco Corporation	88-1051	03/07/88
Communications Transmission, Inc., Cable & Wireless PLC, Eltra Communications Corporation	88-0997	03/08/88
Communications Transmission, Inc., Katy Industries Inc., Electra Communications Corporation	88-0999	03/08/88
David H. Monnich, The Philp Co. Trust, The Southland Corporation	88-0924	03/09/88
Furukawa Electric Co., Ltd., Bell Industries, Inc., Bell Industries, Inc	88-0960	03/09/88
Leggett & Platt, Incorporated, Richard A. Singer, Berkshire Furniture Co., Inc	88-1013	03/09/88
Foodmaker, Inc., Chi-Chi's, Inc., Chi-Chi's, Inc	88-1049	03/09/88
General Electric Company, HHC Holding Inc., Kip-Lee CATV, Inc., NTT, Inc., and Southwestern	88-1059	03/09/88
Skandia International Holding AB, ITT Corporation, Hartford Variable Annuity Life Insurance Company	88-1061	03/09/88
Talley Industries, Inc., John McMullen, McMullen Holdings, Inc	88-1075	03/09/88
John J. McMullen, Talley Industries, Inc., Talley Industries, Inc	88-1076	03/09/88
H. F. Lenfest, Cable Associates, Inc., Cable Associates, Inc	88-1078	03/09/88
Nu-West Holdings Co./Beker Industries Corp., Mississippi Chemical Corporation, Mississippi Chemical Corporation	88-0898	03/10/88
Narragansett Capital Partners-A.L.P., HHC Holdings Inc., UltraCom of Dade County, Inc	88-0922	03/10/88
Plessey Company plc, GEC Plessey Telecommunications Holdings Limited, GEC Plessey Telecommunications Limited	88-1002	03/10/88
The General Electric Company, p.l.c., GEC Plessey Telecommunications Holdings Limited, GEC Plessey Telecommunications Limited	88-1005	03/10/88
Glenn Golenberg, Foseco Minsep plc, Foseco Mensep plc	88-0132	03/10/88
Gary Golenberg, Foseco Minsep plc, Foseco Minsep plc	88-1033	03/10/88
M.D.C. Asset Investors, Inc., Guild Mortgage Investments, Inc., Guild Mortgage Investments, Inc	88-1040	03/10/88
Columbia International, Inc., William M. Bauce, Tidel Communications, Inc	88-1052	03/10/88
Sanden Corporation, The Vendo Company, The Vendo Company	88-1055	03/10/88
Digital Equipment Corporation, GTE Corporation, GTE Corporation	88-1063	03/10/88
John W. Kluge, PON Holding Corp., PON Holding Corp	88-1064	03/10/88
Lonrho Plc, Fletcher Oil and Refining Company, Fletcher Oil and Refining Company	88-1070	03/10/88
NUI Corporation, City Gas Company of Florida, City Gas Company of Florida	88-1101	03/10/88
M.D.C. Holdings, Inc., Southmark Corporation, J.M. Peters Company, Inc	88-1103	03/10/88
H Group Holding, Inc., Elsinore Corporation, Hyatt Tahoe, Inc	88-1105	03/10/88
John H. Streicker, c/o J.H. Streicker & Co., Inc., Security Capital Corporation, Security Capital Real Estate Corporation	88-0941	03/11/88
Staveley Industries plc, The Penn Central Corporation, Qualcorp, Inc. and PCC Technical Industries, Inc	88-0991	03/11/88
Hasib Sabagh, Joseph A. Morganti, The Morganti Group, Inc. and other assets of UPES	88-1010	03/11/88
Hasib Sabagh, Robert J. Morganti, The Morganti Group, Inc	88-1011	03/11/88
Intercare Health System, Inc., Hahnemann-Holden Health System, Inc., Hahnemann-Holden Health System, Inc	88-1021	03/11/88
Said Khoury, Joseph A. Morganti, The Morganti Group, Inc	88-1022	03/11/88
Said Khoury, Robert J. Morganti, The Morganti Group, Inc	88-1023	03/11/88
Sun Company, Inc., American Gas & Oil Investors, Brock Operating Company	88-1066	03/11/88
Susquehanna Broadcasting Co., Theodore Baum, Rankin County Cablevision and Southwest Cablevision	88-1112	03/11/88
Thomas J. Russell, Jr., The Dun & Bradstreet Corporation, The Dun & Bradstreet Corporation	88-0944	03/14/88
Robert Louis-Dreyfus, The Dun & Bradstreet Corporation, The Dun & Bradstreet Corporation	88-0945	03/14/88
Andrew L. Clark, The Dun & Bradstreet Corporation, The Dun & Bradstreet Corporation	88-0946	03/14/88
Christian Tourrres, The Dun & Bradstreet Corporation, The Dun & Bradstreet Corporation	88-0947	03/14/88
Martin Steinmeyer, The Dun & Bradstreet Corporation, The Dun & Bradstreet Corporation	88-0948	03/14/88
Showa Denko K.K., The BOC Group, P.L.C., BOC Group, Inc	88-1035	03/14/88
American Exploration Company, Transco Energy Company, Transco Exploration Partners, Ltd	88-1041	03/14/88
Home Owners Federal Savings and Loan Association, Meritor Savings Bank, Meritor Mortgage Corporation-Central	88-1082	03/14/88
Marks and Spencer p.l.c., Robert Campeau, Brooks Brothers, Inc. and Garland Real Estate Company	88-1107	03/14/88
Robert Porcher, c/o Porcher Textile S.A., Morgan Stanley Group Inc., Burlington Glass Fabrics, Co	88-0995	03/15/88
Lomas & Nettleton Financial Corporation, Dollar Dry Dock Savings Bank, Dollar Dry Dock Savings Bank	88-1094	03/15/88
J.P. Stevens & Co., Inc., Morgan Stanley Group, Inc., Burlington Industries, Inc	88-0994	03/16/88
Systems Designers PLC, The British Petroleum Company plc, Scicon Corporation	88-1060	03/16/88
Olympia & York Developments Limited, Asamera Inc., Asamera Inc	88-1067	03/16/88
Logica plc, Data Architects, Inc., Data Architects, Inc	88-1090	03/16/88
Wickes Companies, Inc., J.P. Emco, Inc., J.P. Emco, Inc	88-1106	03/16/88
Outboard Marine Corporation, Joseph McHugh, Sea Nymph, Inc	88-1109	03/16/88
Schering-Plough Corporation, The Cooper Companies, INc. The Cooper Companies, Inc	88-1110	03/16/88
The Penn Central Corporation, Republic American Corporation, Republic American Corporation	88-1118	03/16/88
Hikoichi Kikuchi, Ronald L. Fenolio, IDG Realty Ltd	88-1083	03/17/88
Secom Co., Ltd., Hospital Corporation of America, Shepard Ambulance, Inc, Allied Ambulance Services	88-1087	03/17/88
Ruddick Corporation, GU Acquisition Corp., The Grand Union Company	88-1096	03/18/88
Repsol, S.A., Occidental Petroleum Corporation, Repsol Occidental Corporation	88-1114	03/18/88
William Davidson, CUE Industries, Inc., CUE Industries, Inc	88-1117	03/18/88
Jeffery Beresford-Wood, Cargill, Incorporated, First Horizon Insurance Company & Napoleon Services	88-1120	03/18/88
Southmark Corporation, Mark K. Posnick, Criterion Mortgage Holding Corporation	88-1129	03/18/88
NRM Energy Company, L.P., Mr. Gary L. Hall, Hall-Houston Oil Company	88-1130	03/18/88
Jacor Communications, Inc., Tampa Bay Broadcasting, Inc., Tampa Bay Broadcasting, Inc	88-1151	03/18/88
The Equitable Life Insurance Society of the U.S., SSI Associates, L.P., Safeway Little Rock, Inc	88-0916	03/19/88
Stuart's Drug and Surgical Supply, Inc., National Intergroup, Inc., FoxMeyer Corporation, hospital supply division	88-1057	03/21/88
Value Equity Associates I, L.P., Big Bear, Inc., Big Bear, Inc	88-1092	03/21/88

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Contact Representative, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580, (202) 326-3100.

By director of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 88-6890 Filed 3-29-88; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Suspension of Eligibility for Financial Assistance; Dr. Claudio Milanese

AGENCY: Department of Health and Human Services (HHS).

ACTION: Notice of Suspension.

SUMMARY: This notice announces the suspension of Dr. Claudio Milanese from eligibility for direct or indirect financial assistance under any discretionary program awarded or administered by the Department of Health and Human Services.

DATES: The suspension became effective February 19, 1988 and is for a temporary period pending the completion of debarment proceedings.

FOR FURTHER INFORMATION CONTACT: Robert B. Lanman, Esq., Chief, National Institutes of Health Branch, Public Health Division, Office of General Counsel, 9000 Rockville Pike, Building 31, Room 2B-50, Bethesda, Maryland 20892. Telephone: (301) 496-4108.

SUPPLEMENTARY INFORMATION: Pursuant to 45 CFR Part 76, Dr. Claudio Milanese, Corso G. Marconi 24, 10125 Torino, Italy, has been suspended from receiving or applying for, directly or indirectly, any form of financial assistance under any discretionary program awarded or administered by the Department of Health and Human Services. It also suspends Dr. Milanese from service or participation in the conduct or performance of an assisted project. The suspension became effective on February 19, 1988 and is for a temporary period pending the completion of debarment proceedings. This action is being taken pursuant to the HHS Financial Assistance Debarment and Suspension Regulations pertaining to grants and other forms of financial assistance, 45 Code of Federal Regulations, Part 76.

The basis for the suspension action is that there is reasonable evidence Dr. Milanese has committed irregularities of a serious nature which are grounds for debarment under 45 CFR 76.10. The investigative report concluded that Dr. Milanese was responsible for three types of fabrication: (1) Frank invention of data; (2) supplying of fraudulent research materials to collaborators; and (3) tidying of data to improve the published results. The instances of serious deviation from accepted medical research practices set forth in the investigative report reflect his failure to comply with the fundamental duty of research scientists to report accurately the methods and results of their research and otherwise reflect a lack of integrity, care and judment that is so compelling as to seriously and directly affect his participation in HHS financial assistance.

Dated: March 23, 1988.

Henry G. Kirschenmann, Jr.,

Deputy Assistant Secretary for Procurement, Assistance and Logistics.

[FR Doc. 88-6909 Filed 3-29-88; 8:45 am]

BILLING CODE 4150-04-M

Alcohol, Drug Abuse, and Mental Health Administration

Establishment of Extramural Science Advisory Board

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-776) the Secretary, Health and Human Services, announces the establishment of the Extramural Science Advisory Board, NIAAA, on March 8, 1988.

March 25, 1988.

Donald Ian Macdonald,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 88-6931 Filed 3-29-88; 8:45 am]

BILLING CODE 8230-01-M

Food and Drug Administration

[Docket No. 88E-0067]

Determination of Regulatory Review Period for Purposes of Patent Extension; Novantrone™

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Novantrone™ and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESS: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: I. David Wolfson, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) generally provides that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under that act, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Novantrone™ (mitoxantrone hydrochloride), which is an antineoplastic agent used in the initial therapy of acute nonlymphocytic leukemia. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Novantrone™ (U.S. Patent No. 4,278,689) from the American Cyanamid Co. and requested FDA's assistance in determining the patent's eligibility for patent term restoration. FDA, in a letter dated March 7, 1988, advised the Patent and Trademark

Office that the human drug product had undergone a regulatory review period and that the active ingredient, mitoxantrone hydrochloride, represented the first commercial marketing or use of that active ingredient. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Novantrone™ is 3,145 days. Of this time, 1,836 days occurred during the testing phase of the regulatory review period, while 1,309 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* May 16, 1979. The applicant claims April 16, 1979, as the date the investigational new drug application (IND) for the drug became effective. However, FDA records indicate that the IND was received on April 16, 1979 and pursuant to FDA regulations, became effectlve on May 16, 1979.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* May 24, 1984. The applicant claims that a new drug application for Novantrone™ (NDA 19–297) was initially submitted on May 18, 1984. However, FDA did not receive the application until May 24, 1984.

3. *The date the application was approved:* December 23, 1987. FDA has verified the applicant's claim that NDA 19–297 was approved on December 23, 1987.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 730 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before May 31, 1988, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before September 26, 1988, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 23, 1988.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 88–6885 Filed 3–29–88; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 88M–0082]

Wesley-Jessen; Premarket Approval of Durasoft® 4 (Ofilcon A) Hydrophilic Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of a supplemental application by Wesley-Jessen, Chicago, IL, for premarket approval, under the Medical Device Amendments of 1976, of the spherical DURASOFT® 4 (ofilcon A) HYDROPHILIC CONTACT LENS (clear and tinted). After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the supplemental application.

DATE: Petitions for administrative review by April 29, 1988.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA 305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7940.

SUPPLEMENTARY INFORMATION: On November 12, 1987, Wesley-Jessen, Chicago, IL 60610, submitted to CDRH a supplemental application for premarket approval of the DURASOFT® 4 (ofilcon A) HYDROPHILIC CONTACT LENS (clear and tinted) for an aphakic indication. The lens is indicated for daily wear and extended wear from 1 to 30 days between removals for cleaning and disinfection as recommended by the eye care practitioner. The lens is indicated for the correction of visual acuity in aphakic and not-aphakic persons with nondiseased eyes that are myopic or hyperopic. The tinted lens provides for ease of patient handling and does not affect iris color. The lens may be worn by persons who may exhibit astigmatism of 2.00 diopters (D) or less that does not interfere with visual acuity. The lens ranges in powers from −20.00 D to +20.00 D and is to be disinfected using either a chemical or heat lens care system. The tinted lens contains the color additive [phthalocyaninato(2-)] copper in accordance with the color additive listing provisions of 21 CFR 74.3045.

On January 22, 1988, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the supplemental application. On February 24, 1988, CDRH approved the supplemental application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact David M. Whipple (HFZ–460), address above.

The labeling of the approved contact lens states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other than polymethylmethacrylate, to comply with the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq.), and regulations thereunder, and with the Federal Trade Commission Act (15 U.S.C. 41–58), as amended. Accordingly, whenever CDRH publishes a notice in the **Federal Register** of approval of a new solution for use with an approved

lens, each contact lens manufacturer or PMA holder shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may at any time on or before April 29, 1988, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: March 22, 1988

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 88-6886 Filed 3-29-88; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 88E-0078]

Determination of Regulatory Review Period for Purposes of Patent Extension; Terazol™

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Terazol™ and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESS: Written comments and petitions should be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: I. David Wolfson, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) generally provides that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under that act, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Terazol™ (terconazole) which is indicated for the local treatment of vulvovaginal candidiasis (moniliasis). Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Terazol™ (U.S. Patent No. 4,358,449) from Johnson and Johnson and requested FDA's assistance in determining the patent's eligibility for patent term restoration. Johnson and Johnson filed the application on behalf of Janssen Pharmaceutica, N.V., the owner the patent and also a wholly-owned subsidiary of Johnson and Johnson.

Both the investigational new drug application (IND) and the new drug application (NDA) submissions were undertaken by the Ortho Corp., which is also a subsidiary of Johnson and Johnson. FDA, in a letter dated March 8, 1988, advised the Patent and Trademark Office that the human drug product had undergone a regulatory review period and that the active ingredient, terconazole, represented the first permitted commercial marketing or use of that active ingredient. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Terazol™ is 1,890 days. Of this time, 1,301 days occurred during the testing phase of the regulatory review period, while 589 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* October 30, 1982. The applicant claims November 29, 1982, as the date the IND for the drug became effective. However, FDA records indicate that the IND became effective on October 30, 1982.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* May 22, 1986. FDA has verified the applicant's claim that the NDA for Terazol™ (NDA 19–579) was initially submitted on May 22, 1986.

3. *The date the application was approved:* December 31, 1987. FDA has verified the applicant's claim that NDA 19–579 was approved on December 31, 1987.

This determination of the regulatory review period established the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations

of the actual period for patent extension. In its application for patent extension, this applicant seeks 730 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before May 31, 1988, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before September 26, 1988, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 23, 1988.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 88–6888 Filed 3–29–88; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Council on Graduate Medical Education; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory bodies schedules to meet during the month of May 1988:

Name: Council on Graduate Medical Education.

Time: May 2–3, 1988, 8:30 a.m.–4:30 p.m. (Possibly May 4).

Place: Hyatt Regency—Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814.

Open for entire meeting.

Purpose: Provides advice and recommendations to the Secretary and to the Committees on Labor and Human Resources, and Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives, with respect to: (A) The supply and distribution of physicians in the United States; (B) current and future shortages of physicians in medical and surgical specialties and subspecialties; (C) issues relating to foreign medical graduates; (D) appropriate Federal policies regarding (A), (B), and (C) above; (E) appropriate efforts to be carried out by medical and osteopathic schools, public and private hospitals and accrediting bodies regarding matters in (A), (B), and (C) above; (F) deficiencies in the needs for improvements in, existing data bases concerning supply and distribution of, and training programs for physicians in the United States.

Agenda: Agenda items include: (1) A review, discussion and final assessment regarding all of the conclusions and recommendations (for the Council's first report) developed to date by the Physician Manpower, Foreign Medical School Graduates, and the Graduate Medical Education Programs and Financing Subcommittees; (2) discussion of tentative agenda for future COGME meetings.

Anyone requiring information regarding the subject Council should contact Mr. Paul Schwab, Executive Secretary, Council on Graduate Medical Education, Health Resources and Services Administration, Room 8–05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–5796.

Agenda Items are subject to change as priorities dictate.

Dated: March 25, 1988.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 88–6889 Filed 3–29–88; 8:45 am]

BILLING CODE 4160-15-M

Office of Human Development Services

Fiscal Year 1989 Federal Allotment to States for Developmental Disabilities Basic Support and Protection and Advocacy Formula Grant Programs

AGENCY: Administration on Developmental Disabilities, Office of Human Development Services, Department of Health and Human Services.

ACTION: Notification of Fiscal Year 1989 Federal Allotment for States for Developmental Disabilities Basic Support and Protection and Advocacy Formula Grant Programs.

SUMMARY: This notice sets forth the individual allotment for States for Fiscal Year 1989 pursuant to section 125 of the Developmental Disabilities Assistance and Bill of Rights Act (Act). The allotments for the States published herein are based upon the Fiscal Year 1988 funding levels, and are contingent upon Congressional appropriation action for Fiscal Year 1989. If Congress appropriates and the President approves an amount different from the Fiscal Year 1988 funding level, adjustments will be made accordingly. For example, should the funding level change, the statutory minimum funding provision would require changes to the percentages for individual States.

In addition, the amount to which the Trust Territories of the Pacific Islands are entitled under the Act is greater than the levels authorized for expenditures under the Compact of Free Association. The intent to reallot those funds which the Trust Territories will be unable to use is hereby promulgated. The additional amount which would be available to each State and Territory is also included. Any State or Territory which cannot use the additional funds for Fiscal Year 1989 should so notify the: Commissioner, Administration on Development Disabilities Room 351 D, HHH Building 200 Independence Ave. SW. Washington, DC 20201, within thirty days of this promulgation.

EFFECTIVE DATE: October 1, 1988.

FOR FURTHER INFORMATION CONTACT: Bettye Mobley, Chief, Formula Grants Management Branch, Division of Grants and Contracts Management, Office of Human Development Services, Department of Health and Human Services, 200 Independence Avenue SW., Room 341F–4 Washington, DC 20201, telephone (202) 245–7220.

SUPPLEMENTARY INFORMATION: Section 125(a)(2), of the Act requires that adjustments in the amounts of State allotments may be made not more often than annually and that States are to be notified not less than six (6) months before the beginning of any fiscal year of any adjustments to take effect in that fiscal year.

The Administration on Developmental Disabilities has updated the data for issuance of fiscal Year 1989 formula grants. The data elements used in the update are:

A. The Number of Beneficiaries in each State and Territory under the Childhood Disabilities Beneficiary Program, December 1984, are from Table 132 of the "Social Security Bulletin: Annual Statistical Supplement 1986" issued by the Social Security Administration, U.S. Department of Health and Human Services. The numbers for the Northern Mariana Islands and the Trust Territory of the Pacific Islands (the Federated States of Micronesia, the Marshall Islands, and Palau), included under 'Abroad' in the

table, were obtained from the Social Security Administration.

B. State data on Average Per Capita Income, 1983–85, are from Table 1, page 45, of the "Survey of Current Business", August 1987, issued by the Bureau of Economic Analysis, U.S. Department of Commerce comparable data for the Trust Territories also were obtained from that Bureau; and

C. State data on Total Population and Working Population (ages 18–64) as of July 1, 1986, are from table 6 of "Current Population Reports: Population Estimates and Projections," Series P–25, Number 1010, issued September 1987 by the Bureau of the Census, U.S. Department of Commerce. The Territories estimated total populations are from Table 1 of "Current Population Reports: Population Estimates and Projections, "Series P–25, Number 1009, issued July 1987 by the Bureau of the Census, U.S. Department of Commerce New data elements are not available for the Trust Territory of the Pacific Islands since each of the three areas contained therein (The Federated States of Micronesia, The Marshall Islands, and Palau) have either negotiated compacts of free association with the United States or severed their previous relationship with the Trust Territory. Therefore, the FY 1988 data base was used as the basis for the FY 1989 allocation. The above data are the most recent satisfactory data available at this time. The allotments are set forth below.

FISCAL YEAR 1989 FEDERAL ALLOTMENT—ADMINISTRATION ON DEVELOPMENTAL DISABILITIES

	Basic support	Reallotment	Revised allotment
Total	$58,401,000		$58,401,000
Alabama	1,189,911	4,161	1,194,072
Alaska	300,000	1,049	301,049
Arizona	674,847	2,360	677,207
Arkansas	681,340	2,382	683,722
California	4,732,564	16,550	4,749,114
Colorado	566,416	1,981	568,397
Connecticut	594,275	2,078	596,353
Delaware	300,000	1,049	310,049
District of Columbia	300,000	1,049	301,049
Florida	2,339,852	8,181	2,348,033
Georgia	1,455,746	5,090	1,460,835
Hawaii	300,000	1,049	301,049
Idaho	300,000	1,049	301,049
Illinois	2,377,602	8,313	2,385,915
Indiana	1,333,059	4,661	1,337,720
Iowa	721,810	2,524	724,334
Kansas	525,717	1,838	527,555
Kentucky	1,120,998	3,920	1,124,918
Louisiana	1,225,722	4,286	1,230,008
Maine	313,042	1,095	314,137
Maryland	838,540	2,932	841,472
Massachusetts	1,168,696	4,086	1,172,782
Michigan	2,121,598	7,418	2,129,016
Minnestoa	901,214	3,151	904,365
Mississippi	860,813	3,010	863,833
Missouri	1,201,187	4,200	1,205,387
Montana	300,000	1,049	301,049
Nebraska	368,948	1,290	370,238
Nevada	300,000	1,049	301,049
New Hampshire	300,000	1,049	301,049
New Jersey	1,397,951	4,888	1,402,839
New Mexico	369,368	1,292	370,660
New York	3,740,283	13,078	3,753,361
North Carolina	1,655,421	5,788	1,661,209
North Dakota	300,000	1,049	301,049
Ohio	2,573,903	9,000	2,582,903
Oklahoma	782,660	2,737	785,397
Oregon	588,689	2,058	590,747
Pennsylvania	2,866,449	10,028	2,876,472
Rhode Island	300,000	1,049	301,049
South Carolina	941,523	3,292	944,815
South Dakota	300,000	1,049	301,049
Tennessee	1,308,782	4,576	1,313,358
Texas	3,442,524	12,037	3,454,561
Utah	416,435	1,456	417,891
Vermont	300,000	1,049	301,049
Virginia	1,225,515	4,285	1,229,800
Washington	873,633	3,055	876,688
West Virginia	669,412	2,341	671,753
Wisconsin	1,147,336	4,012	1,151,348
Wyoming	300,000	1,049	301,049
Puerto Rico	2,250,287	7,868	2,258,155
American Samoa	160,000	559	160,559
Guam	160,000	559	160,559
No. Mariana Islands	160,000	559	160,559
Trust Territories*	296,923	−203,166	93,757
Virgin Islands	160,000	559	160,559

FISCAL YEAR 1989 FEDERAL ALLOTMENT—ADMINISTRATION ON DEVELOPMENTAL DISABILITIES—Continued

	Basic support	Reallotment	Revised allotment
*Trust Territories consist of:			
Palau	40,038		40,038
Micronesia	163,713	−129,478	34,235
Marshall Islands	93,172	−73,688	19,484

	Protection and Advocacy	Reallotment	Revised allotment
Total	$19,148,000		$19,148,000
Alabama	351,106	1,322	352,428
Alaska	185,250	698	185,948
Arizona	217,160	818	217,978
Arkansas	201,138	757	201,895
California	1,398,326	5,255	1,403,581
Colorado	194,756	733	195,489
Connecticut	194,555	733	195,288
Delaware	185,250	698	185,948
District of Columbia	185,250	698	185,948
Florida	691,456	2,604	694,060
Georgia	429,769	1,618	431,387
Hawaii	185,250	698	185,948
Idaho	185,250	698	185,948
Illinois	701,824	2,643	704,467
Indiana	393,536	1,482	395,018
Iowa	212,956	802	213,758
Kansas	185,250	698	185,948
Kentucky	330,672	1,245	331,917
Louisiana	361,832	1,362	363,194
Maine	185,250	698	185,948
Maryland	247,582	932	248,514
Massachusetts	344,674	1,298	345,972
Michigan	625, 850	2,357	628,207
Minnesota	266,038	1,002	267,040
Mississippi	254,096	957	255,053
Missouri	354,493	1,335	355,828
Montana	185,250	698	185,948
Nebraska	185,250	698	185,948
Nevada	185,250	698	185,948
New Hampshire	185,250	698	185,948
New Jersey	412,427	1,553	413,980
New Mexico	185,250	698	185,948
New York	1,102,855	4,153	1,107,008
North Carolina	488,628	1,840	490,468
North Dakota	185,250	698	185,948
Ohio	759,423	2,860	762,283
Oklahoma	231,206	871	232,077
Oregon	188,735	711	189,446
Pennsylvania	845,499	3,184	848,683
Rhode Island	185,250	698	185,948
South Carolina	277,978	1,047	279,025
South Dakota	185,250	698	185,948
Tennessee	386,281	1,455	387,736
Texas	1,017,515	3,831	1,021,346
Utah	185,250	698	185,948
Vermont	185,250	698	185,948
Virginia	361,730	1,362	363,092
Washington	258,170	972	259,142
West Virginia	207,521	781	208,302
Wisconsin	338,527	1,275	339,802
Wyoming	185,250	698	185,948
Puerto Rico	664,723	2,503	667,226
American Samoa	98,800	372	99,172
Guam	98,800	372	99,172
No. Mariana Islands	98,800	372	99,172
Trust Territories*	105,263	−71,705	33,558
Virgin Islands	98,800	372	99,172
*Trust Territories consist of:			
Palau	16,738		16,738
Micronesia	58,038	−47,011	11,027
Marshall Islands	30,487	−24,694	5,793

Dated: March 18, 1988.

Carolyn Doppelt Gram,

Commissioner, Administration on Developmental Disabilities.

Approved: March 23, 1988.

Sydney Olson,

Assistant Secretary for Human Development Services.

[FR Doc. 88-6908 Filed 3-29-88; 8:45 am]

BILLING CODE 4130-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-940-08-4220-10; C-45714]

Hearing on Withdrawal; Aspen Mountain Ski Area; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public hearing.

SUMMARY: This notice sets forth the schedule and agenda for a forthcoming hearing on a pending Forest Service withdrawal application. This hearing will provide the opportunity for public involvement in the proposed withdrawal of National Forest System land for the protection of recreational values near Aspen, Colorado. All comments will be considered when a final determination is made on whether this land should be withdrawn.

DATES: Hearing will be held on May 12, 1988, at 7:00 p.m. All comments or requests to be heard should be made by close of business on April 27, 1988, to the Colorado State Office, Bureau of Land Management.

HEARING ADDRESS: Given Institute, 100 E. Francis, Aspen, Colorado 81611.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, (303) 236-1768.

SUPPLEMENTARY INFORMATION: The Notice of Proposed Withdrawal for the Aspen Mountain Ski Area which was published June 30, 1987 (52 FR 24348), is hereby modified to allow for public hearing as provided in 43 U.S.C. 1714 and 43 CFR Part 2310.

This hearing will be open to all interested persons; those who desire to be heard in person and those who desire to submit written statements on this subject. All comments and requests to be heard should be submitted to the Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215, by April 27, 1988.

Richard D. Tate,

Acting Chief, Branch of Adjudication.

[FR Doc. 88-6916 Filed 3-29-88; 8:45 am]

BILLING CODE 4310-JB-M

Fish and Wildlife Service

Receipt of Applications for Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-725449

Applicant: Ron Surratt, Granbury, TX

The applicant requests a permit to export one male and one female captive born orangutan *(Pongo pygmaeus)* to the Guadalajara Zoo, Guadalajara, Jalisco, Mexico, for the purpose of conservation education and display.

PRT-725942

Applicant: Dr. John C. Avise, Athens, GA

The applicant requests a permit to take (collect and sacrifice) up to six Cape Sable seaside sparrows *(Ammoldrams (=Ammospiza) maritimus mirabilis)* from the Everglades National Park, Florida for the purpose of scientific research. The applicant will conduct genetic studies at the University of Georgia designed to aide in management decisions for this species.

PRT-725727

Applicant: Assistant Regional Director—Fish & Wildlife Enhancement, U.S. Fish and Wildlife Service, Portland, OR

The applicant requests a permit to experimentally release and recapture up to 24 captive-hatched female Andean condors *(Vultur gryphus)* in Ventura County, California to: (1) Refine release techniques for condors in the California environment and for the future re-introduction of Andean condors to their native habitat in South America; (2) test current condor rearing protocols; (3) train a team and develop protocols for the eventual release of captive-reared California condors; and (4) provide information relevant to the recovery of the California and Andean condors. All condors released will be tagged prior to releasing and will be recaptured periodically for replacement of transmitters, physical examinations, and to obtain blood samples. All Andean condors will be removed from the study area at the end of the experimental release study, approximately four years from the commencement date. As a last resort after all non-lethal capture techniques have failed, leathal means of removal may be considered if the existence of Andean condors in the wild is preventing the release of captive-reared California condors or jeopardizing other native species.

PRT-726028

Applicant: Woodland Park Zoo, Seattle, WA

The applicant requests a permit to import one captive-born female jaguar *(Panthera onca)* from Jardin Zooloqique de Grandy, Grandy, Canada to pair with a male jaguar now at Woodland Park Zoo for the enhancement of propagation.

PRT-726207

Applicant: Carol Philips, Gibsonton, FL

The applicant requests a permit to export, reimport and reexport three female grey wolves *(Canis lupus)* for exhibition in a manner designed to educate the public about the ecological role and conservation needs of the species and thereby enhancing the propagation or survival of the species.

PRT-725918

Applicant: The Peregrine Fund, Inc., Ithaca, NY

The applicant requests a permit to import from Mauritius up to 50 whole blood samples (each sample .5 ml or less) from captive and wild specimens of Mauritius kestrals *(Falco punctatus)* for genetic analysis to determine relationships betwen individual specimens thereby facilitating captive-breeding efforts.

PRT-726034

Applicant: Woodland Park Zoo, Seattle, WA

The applicant requests a permit to reexport one wild born male Brazilian tapir *(Tapirus terrestris)* to Metropolitan Toronto Zoo, Toronto, Canada. This specimen was imported by Woodland Park Zoo in 1978 on a breeding loan and now is being returned.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 303, 1375 K Street NW., Washington, DC 20005, or by writing to the Director, U.S. Office of Management Authority, P.O. Box 27329, Washington, DC 20038-7329.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriae PRT number when submitting comments.

Date: March 24, 1988.

Larry La Rochelle,

Acting Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 88-6911 Filed 3-29-88; 8:45 am]

BILLING CODE 4310-55-M

Receipt of Applications for Permits

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-726229

Applicant: Toledo Zoological Gardens, Toledo, Ohio

The applicant requests a permit to import and then reexport one female and one male giant panda (Ailuropoda melancleuca) that have been held in captivity since 1978, from the Ministry of Forestry, Beijing, China for the purpose of exhibition and conservation education.

Documents and other information submitted with this application are available to the public during normal business hours (7:45 am to 4:15 pm) Room 403, 1375 K Street NW., Washington, DC 20005, or by writing to the Director, U.S. Office of Management Authority, P.O. Box 27329, Central Station, Washington, DC 20038-7329.

Interested persons may comment on any of this application within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Date: March 25, 1988.

R.K. Robinson,

Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 88-6912 Filed 3-29-88; 8:45 am]

BILLING CODE 4310-55-M

Intent to Prepare an Amendment to the Environmental Impact Statement for the Wilderness Review of the Alaska Peninsula National Wildlife Refuge

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of Intent.

SUMMARY: This notice advises the public that the Service intends to gather information necessary for the preparation of an amendment to the Environmental Impact Statement for the Wilderness Review of the Alaska Peninsula National Wildlife Refuge in southwest Alaska. A public hearing regarding preparation of this amendment and the Environmental Impact Statement will be held. This notice is being furnished as required by the National Environmental Policy Act regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the Environmental Impact Statement. Comments and participation in this scoping process are solicited.

DATE: Written comments on issues and concerns should be received by May 16, 1988.

A public hearing regarding the amendment to the Environmental Impact Statement on Wilderness Review will be held in the large conference room, U.S. Fish and Wildlife Service Regional Office, 1011 E. Tudor Road, Anchorage, Alaska, 7:00 p.m., April 29, 1988.

ADDRESS: Comments should be addressed to: Regional Director, Attn: Bill Knauer, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, AK 99503.

FOR FURTHER INFORMATION CONTACT: Bill Knauer, Resource Support, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska, 99503; telephone (907) 786-3399.

SUPPLEMENTARY INFORMATION: This amendment to the Environmental Impact Statement for the Wilderness Review is being prepared to fulfill requirements of the Wilderness Act of 1964 and the Alaska National Interest Lands Conservation Act of 1980. The environmental review of the project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended [42 U.S.C. 4371 et seq.] Council of Environmental Quality Regulations [40 CFR Parts 1500 through 1508], other appropriate Federal regulations, and Fish and Wildlife Service procedures for compliance with those regulations.

We estimate that the draft amendment will be made available to the public by August 1988.

Dated: March 21, 1988.

John P. Rogers,

Acting Regional Director.

[FR Doc. 88-6896 Filed 3-29-88; 8:45 am]

BILLING CODE 4310-55-M

Intent to Prepare an Amendment to the Environmental Impact Statement for the Wilderness Review of the Becharof National Wildlife Refuge

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of Intent.

SUMMARY: This notice advises the public that the Service intends to gather information necessary for the preparation of an amendment to the Environmental Impact Statement for the Wilderness Review of the Becharof National Wildlife Refuge in southwest Alaska. A public hearing regarding preparation of this amendment and the Environmental Impact Statement will be held. This notice is being furnished as required by the National Environmental Policy Act regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public of the scope of issues to be addressed in the Environmental Impact Statement. Comments and participation in this scoping process are solicited.

DATES: Written comments on issues and concerns should be received by May 16, 1988.

A public hearing regarding the amendment to the Environmental Impact Statement on Wilderness Review will be held in the large conference room, U.S. Fish and Wildlife Service Regional Office, 1011 E. Tudor Road, Anchorage, Alaska, 7:00 p.m., April 29, 1988.

ADDRESS: Comments should be addressed to: Regional Director, Attn: Bill Knauer, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, AK 99503.

FOR FURTHER INFORMATION CONTACT: Bill Knauer, Resource Support, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska, 99503; telephone (907) 786-3399.

SUPPLEMENTARY INFORMATION: This amendment to the Environmental Impact Statement for the Wilderness Review is being prepared to fulfill requirements of the Wilderness Act of 1964 and the Alaska National Interest Lands Conservation Act of 1980. The environmental review of the project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended [42 U.S.C. 4371 et seq.]. Council of Environmental Quality Regulations [40 CFR Parts 1500 through 1508], other appropriate Federal regulations, and Fish and Wildlife Service procedures for compliance with those regulations.

We estimate that the draft amendment will be made available to the public by August 1988.

Date: March 21, 1988.

John P. Rogers,

Acting Regional Director.

[FR Doc. 88-6897 Filed 3-29-88; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

[DES 88-16]

Gulf of Mexico Outer Continental Shelf Region; Availability of the Draft Environmental Impact Statement and Locations and Dates of Public Hearings Regarding Proposed Central and Western Gulf of Mexico Oil and Gas Lease Sales 118 and 122

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service (MMS) has prepared a draft Environmental Impact Statement (EIS) relating to proposed 1989 Outer Continental Shelf (OCS) oil and gas lease sales of available unleased blocks in the central and western Gulf of Mexico. The proposed Central Gulf Sale 118 will offer for lease approximately 33.5 million acres, and the Western Gulf Sale 122 will offer approximately 27.9 million acres. Single copies of the draft EIS can be obtained from the Minerals Management Service, Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123.

Copies of the draft EIS will be available for review by the public in the following libraries: Austin Public Library, 402 West Ninth Street, Austin, Texas; Houston Public Library, 500 McKinney Street, Houston, Texas; Dallas Public Library, 1513 Young Street, Dallas, Texas; Brazoria County Library, 410 Brazoport Boulevard, Freeport, Texas; LaRatama Library, 505 Mesquite Street, Corpus Christi, Texas; Texas Southmost College Library, 1825 May Street, Brownsville, Texas; Rosenburg Library, 2310 Sealy Street, Galveston, Texas; Texas State Library, U.S. Documents Section, Austin, Texas; Texas A&M University, Documents Division, Evans Library, College Station, Texas; University of Texas, Lyndon B. Johnson School of Public Affairs Library, Austin, Texas; University of Texas at Dallas, University Library, Richardson, Texas; Lamar University, Gray Library, Beaumont, Texas; Texas Tech University, Law Library, Lubbock, Texas; East Texas State University, University Library, Commerce, Texas; Stephen F. Austin State University, Steen Library, Nacogdoches, Texas; University of Texas, General Libraries/Documents, Austin, Texas; Baylor University Library, Documents Department, Waco, Texas; University of Texas at Arlington, Library Documents, Arlington, Texas; University of Houston-University Park, Library Documents Unit, 4800 Calhoun Boulevard, Houston, Texas; University of Texas at El Paso, Library Documents Division, El Paso, Texas; Abilene Christian University, Margaret and Herman Brown Library, Abilene, Texas; Texas Tech University Library, Lubbock, Texas; University of Texas at San Antonio, University Library, San Antonio, Texas; Tulane University, Howard Tilton Memorial Library, Documents Department, New Orleans, Louisiana; Louisiana Tech University, Prescott Memorial Library, Ruston, Louisiana; New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana; Louisiana State Library, 760 Riverside, Baton Rouge, Louisiana; Lafayette Public Library, 301 W. Congress, Lafayette, Louisiana; Calcasieu Parish Library, Downtown Branch, 411 Pujo Street, Lake Charles, Louisiana; Nicholls State University, Nicholls State Library, Thibodaux, Louisiana; Harrison County Library, 14th and 21st Avenues, Gulfport, Mississippi; Auburn University at Montgomery, University Library, Montgomery, Alabama; University of Alabama Libraries, Government Documents, Tuscaloosa, Alabama; Mobile Public Library, 701 Government Street, Mobile, Alabama; Montgomery Public Library, 445 South Lawrence Street, Montgomery, Alabama; University of Florida Libraries, Documents Department, Gainesville, Florida; Florida A&M University, Coleman Memorial Library, Tallahassee, Florida; Florida Atlantic University, University Library, Division of Public Documents, Boca Raton, Florida; University of Miami Library, Government Publications, Miami, Florida; University of Florida, Holland Law Center Library, Legal Information Center, Gainesville, Florida; Peterson Public Library, 3745 Ninth Avenue, North, St. Petersburg, Florida; West Florida Regional Library, 200 West Gregory Street, Pensacola, Florida; Northwest Regional Library System, 25 West Government Street, Panama City, Florida; Leon County Public Library, 127 North Monroe Street, Tallahassee, Florida; Lee County Library, 3355 Fowler Street, Fort Myers, Florida; Charlotte-Glades Regional Library System, 2280 N.W. Aaron Street, Port Charlotte, Florida; and Tampa-Hillsborough County Public Library System, 800 North Ashley Street, Tampa, Florida.

In accordance with 30 CFR 256.20, two public hearings pertaining to these lease sales will be held at the following locations and times: Minerals Management Service, Gulf of Mexico Region, Conference Room No. 111, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123, on April 26, 1988, at 9 a.m.; and Corpus Christi State University, The Student Center, Conference Room No. 2, 6300 Ocean Drive, Corpus Christi, Texas 78412, on April 28, 1988, at 9 a.m. The purpose of these public hearings is to provide the Department of the Interior and the MMS with information from individuals, public and private groups, and Government Agencies to further evaluate the potential effects of the proposed lease sales. Pertinent testimony and comments will be addressed in the final EIS for Sales 118 and 112.

Persons who wish to testify at these hearings are requested to contact the Regional Supervisor, Leasing and Environment (LE-2), Gulf of Mexico Region, at the above address, or by telephone (504) 736-2865, no later than 3:30 p.m., April 27, 1988. Others may have an opportunity to speak following testimony of those who have made arrangements in advance, if time permits.

Oral testimony should be limited to 10 minutes. Testimony may be supplemented by a written statement which will be considered as part of the hearing record. Those unable to attend the hearing may submit written statements until the close of the comment period, May 16, 1988. Written statements receive the same degree of consideration in the final EIS as oral testimony presented at the hearing.

John B. Rigg,

Associate Director for Offshore Minerals Management.

Dated: March 24, 1988.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 88-6678 Filed 3-29-88; 8:45 am]

BILLING CODE 4320-MR-M

National Park Service

Chattahoochee River National Recreation Area; Advisory Commission Meeting

AGENCY: National Park Service, Interior. Chattahoochee River National Recreation Area.

ACTION: Notice of advisory commission meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Chattahoochee River National Recreation Area Advisory Commission will be held at 4:00 p.m. at the following location and date.

DATE: May 17, 1988.

ADDRESS: The Chattahoochee River National Recreation Area, 1978 Island Ford Parkway, Dunwoody, Georgia 30350.

FOR FURTHER INFORMATION CONTACT: Warren D. Beach, Superintendent, Chattahoochee River National Recreation Area, 1978 Island Ford Parkway, Dunwoody, Georgia 30350. Telephone (404) 394-7912.

SUPPLEMENTARY INFORMATION: The purpose of the Chattahoochee River National Recreation Area Advisory Commission is to consult and advise the Secretary of the Interior regarding the management and operation of the area, protection of resources within the area, and the priority of lands to be acquired within the area. The members of the Advisory Commission are as follows:

Mr. J. Neal Shepard, Jr.
Mr. Robert A. Meadows
Mrs. Delouris J. West
Mr. Benjamin H. West
Mr. Howard D. Zeller
Mr. Larry B. Thompson
Mrs. Lillian Webb
Mr. David O. Eldridge
Ms. Linda Jo D. Mitchell
Mr. H. Edwin Schultz
Ms. Evelyn H. Hopkins

Introductory meeting will include discussion of Commission Charter, sharing information on the Chattahoochee River National Recreation Area and discussion of current issues. Also, discussion of the selection of a chairperson.

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.

Date: March 17, 1988.

Frank Catroppa,

Acting Regional Director, Southeast Region.

[FR Doc. 88-6941 Filed 3-29-88; 8:45 am]

BILLING CODE 4310-70-M

Record of Decision; Grant Grove/Redwood Mountain Development Concept Plan; Sequoia-Kings Canyon National Parks Fresno County, CA

Decision

The selected alternative, Alternative 1, for future development and use at Grant Grove and Redwood Mountain, Sequoia-Kings Canyon National Parks, will expand and upgrade overnight accommodations at Grant Grove and provide additions and improvements to other visitor facilities and to National Park Service and concessioner support facilities in the area. The plan to be implemented provides for rehabilitation of some existing overnight units and construction of additional one and two story structures. These will provide for current and projected accommodation demands in the area plus the needs of winter visitors and tour groups. All accommodations will be more removed from the Grant Grove Meadow. The plan also involves relocating visitor support and other commercial facilities away from Grant Grove Meadow; consolidating and upgrading employee housing; expanding administrative and maintenance space; and improving access; circulation and visitor facilities at several critical sites. Redwood Mountain will remain essentially undeveloped.

Alternatives considered

The following alternatives were considered during the project development and environmental analysis. See pages 12 to 33 in the draft EIS and page 1, under *ERRATA*, in the final EIS for more information.

Alternative 1. The selected alternative as described above except for Redwood Mountain for which improvement proposals were minimized in the final EIS.

Alternative 2. No action except for minimum requirements for health and safety.

Alternative 3. Combine all overnight facilities into a single hotel and other support facilities such as gas station, laundry, market, post office, deli and gift shop into a single facility.

Alternative 4. Provide a significant expansion of overnight facilities in a combination of a hotel and detached lodging units. Support facilities would be as described for Alternative 3.

Two other alternatives were considered but rejected. These included elimination of overnight accommodations from Grant Grove and the replacement of existing accommodations without expansion. These were rejected due to the lack of substitute accommodations within a reasonable distance, the location of Grant Grove in relation to several key park attractions, the historic use of Grant Grove for overnight lodging, and the fact that the existing accommodations are at or near capacity with the area becoming increasingly popular for winter use.

Basis for Decision

The Development Concept Plan for Grant Grove/Redwood Mountain is in accord with the management objectives stated in the 1971 *Master Plan* for Sequoia-Kings Canyon National Parks. Implementation of the selected alternative will allow an increase in the number of overnight accommodations at Grant Grove, now at or near capacity, while preserving the rustic nature of the area. Impact on the Grant Grove Meadow, one of the prime natural resources of the area, will be reduced by removing some of the overnight accommodations and most of the visitor support facilities from the immediate vicinity of the meadow. In response to concerns raised in the public review of the draft EIS, improvements in the Redwood Mountain area will be confined to upgrading the comfort station and wastewater treatment to the degree necessary to eliminate potential public health problems. Otherwise, the area will remain in its existing condition. As compared with the other alternatives evaluated in the draft EIS, the selected alternative provides the best balance of providing the needed visitor services with retention of the overall natural character of the affected area of the park.

Measures to Minimize Harm

The following measures have been incorporated into the plan to reduce the impacts of construction of the new visitor service and support facilities in the Grant Grove/Redwood Mountain area.

1. Extensive criteria have been developed to guide the removal of trees in the path of construction and those trees which will pose a hazard to the new development. The criteria also provide measures for the protection of "leave" trees, and the minimization of size and number of skid trails.

2. To reduce the impact on finite water supplies in the area, water conservation and management measures, including the installation of low flow fixtures and supplementation with outside supplies during critical dry periods, have been adopted.

3. Disturbed areas not otherwise occupied by new construction will be revegetated with native species from park sources. Pathways and areas surrounding use sites will be delineated to minimize new "cross-country" use by vistors and its associated impact.

4. The Grant Grove Meadow and Giant Sequoias will be closely monitored during construction for unanticipated impacts. If these occur,

necessary modifications will be made in the plan to negate such impacts.

Monitoring or Enforcement Program

An impact/mitigation matrix has been prepared to guide the construction specifications for the project and to assist in monitoring the implementation phase to ensure that the prescribed mitigation is carried out. The matrix identifies each expected impact of the project with its prescribed mitigation measure(s) and parties responsible for implementation.

Conclusion

The above factors and considerations justify the selection of Alternative 1, identified as the preferred alternative in the draft EIS, and as modified in the final EIS, for the Grant Grove/Redwood Mountain Development Concept Plan, Sequoia-Kings Canyon National Park, Fresno County, California.

Approved:
Date: March 16, 1988.

Stanley T. Albright,

Regional Director, Western Region, National Park Service.

[FR Doc. 88-6940 Filed 3-29-88; 8:45 am]
BILLING CODE 4310-70-M

[A18 (GUIS-S)]

Gulf Islands National Seashore; Advisory Commission Meeting

March 7, 1988.

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 Gulf Islands National Seashore Advisory Commission will be held at 10:00 a.m., at the following location and date.

DATE: May 14, 1988.

ADDRESS: Visitor Center and Administration Building, 1801 Gulf Breeze Parkway, Gulf Breeze, FL 32561.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Eubanks, Superintendent, Gulf Islands National Seashore, 1801 Gulf Breeze Parkway, Gulf Breeze, Florida 32561, Telephone: (904) 934-2604.

SUPPLEMENTARY INFORMATION: The purpose of the Gulf Islands National Seashore Advisory Commission is to consult and advise with the Secretary of the Interior or his designee on matters of planning and development of Gulf Islands National Seashore. The members of the Advisory Commission are as follows:.

Mrs. Courtney Blossman, Chairman (Mississippi)
Mr. Gorden D. Allen (Mississippi)
Mr. George Byars (Mississippi)
Mr. Lloyd Caillavet (Mississippi)
Dr. Ed Cake (Mississippi)
Mr. William H. Creel, Sr. (Mississippi)
Mr. Bill Davis (Mississippi)
Mr. Paul Delcambre, Sr. (Mississippi)
Ms. Betty S. Goodwin (Mississippi)
Mrs. Leewynn Hodges (Mississippi)
Mrs. Sara McGehee (Mississippi)
Mr. James E. Walker, Sr. (Mississippi)
Mrs. Lois Anderson (Florida)
Mr. Sherman Barnes (Florida)
Mr. J. Earle Bowden (Florida)
Mr. Lamar B. Cobb (Florida)
Mr. Paul A. Daniel (Florida)
Mrs. Betty Gerritz (Florida)
Mr. Michael Mitchell (Florida)
Mrs. Dianne Rittenhouse (Florida)
Mr. Roger Taylor Robinson (Florida)
Mr. Walter Francis Spence (Florida)
Mr. Britton Stamps (Florida)
Mr. Vince Whibbs (Florida)

The matters to be discussed at this meeting will include:

5(1) Status of Park Activities
(2) Review of Naval Live Oaks facilities
(3) Report on Resource Management Activities.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend. 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.

Date: March 17, 1988.

Frank Catroppa,

Acting Regional Director, Southeast Region.

[FR Doc. 88-6942 Filed 3-29-88; 8:45 am]
BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[332-253]

Competitive Conditions in the U.S. Market for Asparagus, Broccoli, and Cauliflower

AGENCY: International Trade Commission .

ACTION: Notice of time and place of public hearing.

EFFECTIVE DATE: March 24, 1988.

FOR FURTHER INFORMATION CONTACT: David L. Ingearsoll (202-252-1309) or Timothy P. McCarty (202-252-1324), Agriculture, Fisheries, and Forest Products Division, U.S. International Trade Commission, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

SUPPLEMENTARY INFORMATION: On February 18, 1988, the Commission instituted the subject investigation and announced that a public hearing would be held at a time and place to be announced (53 FR 5474, Feb. 24, 1988). The public hearing is scheduled to begin at 9:30 a.m., Pacific Daylight Time, Tuesday, May 17, 1988, at the Monterey Sheraton, 350 Calle Principal, Monterey, California 93940. All persons shall have the right to appear in person or by counsel, to present information and to be heard. Persons wishing to appear at the public hearing should file requests to appear and should file prehearing briefs (original and 14 copies) with the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436, not later than noon, May 6, 1988.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: March 25, 1988.

[FR Doc. 88-6967 Filed 3-29-88; 8:45 am]
BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-379 and 380 (Final)]

Certain Brass Sheet and Strip From Japan and The Netherlands

AGENCY: International Trade Commission.

ACTION: Revised schedule for the subject investigations.

EFFECTIVE DATE: March 21, 1988.

FOR FURTHER INFORMATION CONTACT: Tedford Briggs (202-252-1181), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

SUPPLEMENTARY INFORMATION: Effective February 1 (Japan) and February 8 (Netherlands), 1988, the Commission instituted the subject investigations and established a schedule for their conduct (53 FR 5474, February 24, 1988).

Subsequently, the Department of Commerce extended the dates for its final determinations in the investigations from April 11 (Japan) and April 18 (Netherlands), 1988, to June 15 (Japan and the Netherlands), 1988 (53 FR 5207, February 22, 1988; and 53 FR 7771, March 10, 1988). The Commission, therefore, is revising its schedule in the investigations to conform with Commerce's new schedule.

The Commission's new schedule for the investigations is as follows: requests to appear at the hearing must be filed with the Secretary to the Commission not later than June 15, 1988; the public version of the prehearing staff report will be placed on the public record on June 14, 1988; the prehearing conference will be held in room 101 of the U.S. International Trade Commission Building on June 23, 1988, at 9:30 a.m.; the deadline for filing prehearing briefs is June 24, 1988; the hearing will be held in room 101 of the U.S. International Trade Commission Building on June 28, 1988, beginning at 9:30 a.m.; and the deadline for filing all other written submissions, including posthearing briefs, is July 6, 1988.

For further information concerning these investigations see the Commission's notice of investigations cited above and the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: March 22, 1988.

[FR Doc. 88-6965 Filed 3-29-88; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-278]

Certain Programmable Digital Clock Thermostats; Commission Decision Not To Review an Initial Determination Terminating the Investigation as to One Respondent on the Basis of a Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Termination of respondent Jameson Home Products, Inc. on the basis of a settlement agreement.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 6) issued by the presiding administrative law judge (ALJ) terminating respondent Jameson Home Products, Inc. from the above-captioned investigation on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: George W. Thompson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1090.

SUPPLEMENTARY INFORMATION: On March 3, 1988, the presiding ALJ issued an ID terminating the investigation with respect to Jameson Home Products, Inc. The ID granted the joint motion of complainant Emerson Electric Co. and Jameson Home Products, Inc. to terminate the investigation with respect to Jameson on the basis of a settlement agreement. No petitions for review of the ID or government agency or public comments were received.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 CFR 210.53(h).

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1000.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: March 24, 1988.

[FR Doc. 88-6966 Filed 3-29-88; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31242]

CSX Transportation, Inc.—Exemption—Trackage Rights—Consolidated Rail Corp.; Notice of Exemption

Consolidated Rail Corporation has agreed to grant overhead trackage rights to CSX Transportation, Inc., between milepost 46.2 at Crawfordsville, IN and milepost 0.4 at Indianapolis, IN, a distance of approximately 45.8 miles. The trackage rights became effective on March 18, 1988.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

As a condition to use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: March 17, 1988.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88-6547 Filed 3-29-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub.No. 224X)]

CSX Transportation, Inc.—Abandonment—Near Broadway Street, North Baltimore in Wood County, OH

AGENCY: The Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, the abandonment by CSX Transportation, Inc. of approximately 0.53-miles of track in Wood County, OH, subject to standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this

exemption will be effective on April 29, 1988. Petitions to stay must be filed by April 14, 1988, and petitions for reconsideration must be filed by April 25, 1988. Formal expressions of an intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2) [1] must be filed by April 11, 1988.

ADDRESSES: Send pleadings referring to Docket No. AB–55 (Sub-No. 224X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.
(2) Petitioner's representative: Patricia Vail, 500 Water Street, Jacksonville, FL 32202.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7245. [TDD for hearing impaired: (202) 275–1721]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289–4357/4359 (DC Metropolitan area), (assistance for the hearing impaired is available through TDD services (202) 275–1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: March 23, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lamboley. Commissioner Lamboley dissented with a separate expression.

Noreta R. McGee,

Secretary.

[FR Doc. 88–6913 Filed 3–29–88; 8:45 am]

BILLING CODE 7035–01–M

Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Ray Houser (202) 275–6723. Comments regarding this information collection should be addressed to Ray Houser, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Managment and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 395–7340.

Type of Clearance: Revision
Bureau/Office: Office of Proceedings
Title of Form: Small carrier transfer application

OMB Form No.: 3120–0025
Agency Form No.: OP–FC–1
Frequency: Non-recurring
Respondents: Regulated motor carrers of property
No. of Respondents: 700
Total Burden Hrs.: 4200
Brief Description of the need & proposed use: Data is required for Commission approval of mergers or transfers of motor passenger carrier operating authority between carriers with annual interstate transportation revenues not exceeding $2 million, transfers of such motor authority to non-carriers, and transfers of property broker authority.

Noreta R. McGee,

Secretary.

[FR Doc. 88–6736 Filed 3–29–88; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 20, 1988, McNeilab Inc., DBA First State Chemical Company Inc., 803 East Fourth Street, Wilmington, Delaware 19801, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydrocodone (9193)	II
Morphine (9300)	II
Thebaine (9333)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than April 29, 1988.

Dated: March 23, 1988.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 88–6883 Filed 3–29–88; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Arizona State Standards; Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator-OSHA) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(e) of the Act and 29 CFR Part 1902. On October 29, 1974, notice was published in the **Federal Register** (39 FR 39037) of the approval of the Arizona plan and the adoption of Subpart CC to Part 1952 containing the decision.

The Arizona plan provides for the adoption of Federal standards as State standards after public hearing. In response to Federal Standard changes, the State has submitted its changes by letter, with attachments, dated October 8, 1987, from Tim Arbogast, Director, to Frank Strasheim, Regional Administrator, and incorporated as part of the plan. The state standards reflect Federal standard changes to 29 CFR 1910.1001 and 29 CFR 1926.58, Asbestos, Tremolite, Anthophyllite, and Actinolite (June 20, 1986, 51 FR 22612); 29 CFR Part 1926, Subpart K, Electrical Standards for Construction, 51 FR 25294); 29 CFR 1910.145 Accident Prevention Tags (September 19, 1986, 51 FR 33251); 29 CFR Parts 1910 and 1915 Recordkeeping Requirements for Tests, Inspection, and Maintenance Checks (September 29, 1986, 51 FR 34552); and 29 CFR 1910.1200, Hazard Communications—Definition of Trade Secret and Disclosure of Trade Secrets to Employees, Designated Representatives and Nurses (September 30, 1986, 51 FR 34590).

[1] See *Exempt of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2D 164 (198), and final rules published in the **Federal Register** on December 22, 1987 (52 F.R. 48440).

These standards are contained in the Arizona Occupational Safety and Health Standards, and the Construction Industry Standards, which were adopted after public hearings and the resolution adopted by the Industrial Commission of Arizona consistent with their authority under the Arizona Occupational Safety and Health Act of 1972.

2. Decision.

Having reviewed the State submission in comparison with Federal standards, it has been determined that the State standards are identical to the comparable Federal standards and accordingly are approved.

3. Location of Supplement for Inspection and Copying

A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 71 Stevenson Street, Fourth Floor, San Francisco, California 94105; and Director, Division of Occupational Safety and Health, 800 W. Washington, Phoenix, AZ 85007; and Directorate of Federal/State Operations, Room 3700, 200 Constitution Avenue, NW., Washington, DC 20210.

4. Public Participation

Under 29 CFR 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Arizona plan as a proposed change and making the OSHA Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law, which included public comment, and further public participation would be repetitious.

The decision is effective March 30, 1988.

(Sec. 18 Pub. L. 91-596, 84 Stat. 1608 (20 U.S.C. 667))

Signed at San Francisco, California this 4th day of December 1987.

Frank Strasheim,

Regional Administrator.

[FR Doc. 88-6924 Filed 3-29-88; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Establishment of Advisory Committee

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and advises of the establishment of the Qualifications Review Panel for the Position of Director, Gerald R. Ford Library. The Archivist of the United States has determined that establishment of this advisory committee is in the public interest.

The Committee will solicit and review personal resumes of candidates for the position of Director of the Gerald R. Ford Library and recommend to the Archivist of the United States those applicants considered to be best qualified for final consideration in accordance with formal personnel procedures.

Dated: March 25, 1988.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 88-7013 Filed 3-29-88; 8:45 am]

BILLING CODE 7515-01-M

Establishment of Advisory Committee

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and advises of the establishment of the Advisory Committee on Presidential Libraries. The Archivist of the United States has determined that establishment of this advisory committee is in the public interest.

The Committee will provide ongoing advice to the National Archives and Records Administration on its Presidential library programs.

Dated: March 25, 1988.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 88-7014 Filed 3-29-88; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

ACTION: Notice of meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given of a public meeting and a closed executive session (pursuant to 5 U.S.C. App. I, section 10(d)) of the National Commission for Employment Policy at the Radisson Hotel San Jose, 1471 North 4th Street, San Jose, California 95112.

DATE: Thursday, April 28, 1988, 8:00 a.m. to 5:00 p.m.

STATUS: The meeting is open to the public with the exception of the executive session.

MATTERS TO BE DISCUSSED: During the public meeting, the Commission members will discuss progress on the research agenda, budget and administrative matters, and legislative and governmental affairs. During the executive session the Commission members will discuss matters solely related to the internal personnel rules and practices of the Commission. Such issues are considered routine administrative matters, of no significance to the public. In addition, the session is closed in order to protect information of a personal nature, which if disclosed could constitute an unwarranted invasion of personal privacy.

FOR FURTHER INFORMATION CONTACT: Mrs. Barbara McQuown, Director, National Commission for Employment Policy, 1522 K St. N.W., Suite 300, Washington, DC 20005, 202-724-1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy is authorized by the Job Training Partnership Act (Pub. L. 97-300). The Act gives the Commission the broad responsibility of advising the President and the Congress. Handicapped individuals wishing to attend should contact the Commission so that appropriate accomodations can be made. Copies of the minutes and materials prepared for the meeting will be available for public inspection at the Commission's offices, 1522 K St. NW., Suite 300, Washington, DC 20005.

Signed this 24th day of March, 1988.

Barbara McQuown,

Director.

[FR Doc. 88-6925 Filed 3-29-88; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL LABOR RELATIONS BOARD

Revision of Statement of Organization and Functions Boundary Changes of National Labor Relations Board Regional Offices

AGENCY: National Labor Relations Board.

ACTION: Notice of reorganization of regional offices.

SUMMARY: The National Labor Relations Board is reorganizing the territorial areas covered by, and the structure of, some of its Regional Offices. The Board previously published its proposed changes to the structure and boundaries of some of its Regional Offices in the **Federal Register** and received comments. Following consideration of those comments, the Board is now publishing the revised portion of its Statement of Organization and Functions in final form.

EFFECTIVE DATE: May 29, 1988.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue NW., Room 701, Washington, DC 20570, Telephone: (202) 254-9430.

SUPPLEMENTARY INFORMATION: Following an examination of its field organization to determine whether existing Regional Office structure and Regional Office boundaries permit those offices to process cases as efficiently and economically as possible, the Board published in the **Federal Register** proposed changes to the organization and boundaries of some of its Regional Offices, 52 FR 12271-12273 (April 15, 1987).

The Board received 61 comments to its proposed Regional Office changes. Some comments favored specific changes, while other comments objected to specific changes. The comments were fully considered. The Board, for the most part, did not find that the comments which objected to specific changes outweighed the economies and increased efficiencies that would be achieved. The Board found that the adjustments in the boundaries of its Regional Offices are necessary so that geographic areas can be served by the closest Regional or Resident Office, thereby reducing travel, overnight lodging expenses, and staff time spent in transit. In other offices, in addition to conserving resources, an adjustment is warranted to ensure that sufficient work is allocated to each field office. Finally, one Regional Office, Region 23, is being reorganized as a resident office because of insufficient case intake to warrant the office's present structure.

The changes are specifically set forth by each affected Regional Office in the publication of the proposed changes in the **Federal Register** (52 FR 12272-12273). The only revisions that have been made to the proposed changes are as follows.

Region 28, Phoenix—The El Paso Resident Office will not be closed.

Region 21, Los Angeles—The boundary in Los Angeles City and Los Angeles County for Region 21 will be redefined as "that portion of Los Angeles County lying east of Harbor Freeway and Gaffey Street, south and east of Pasadena Freeway and Arroyo Parkway, and south of Foothill Freeway and Baseline Road (State Route 30)."

Region 31, Los Angeles—The boundary in Los Angeles City and Los Angeles County for Region 31 will be redefined as "that portion of Los Angeles County lying west of Harbor Freeway and Gaffey Street, north and west of Pasadena Freeway and Arroyo Parkway, and north of Foothill Freeway and Baseline Road (State Route 30)."

The description of the changes in the boundaries of the Regional Offices in the proposed notice of reorganization are, in other respects, unchanged.

Cases which are pending as of the effective date of this new organization of Regional Offices will remain in the Regional Office in which they were originally filed for further processing unless the parties to a specific case are advised otherwise by an order transfering the case. Cases which are pending in Region 23, Houston, immediately prior to the effective date of this new organization of Regional Offices will automatically come under the authority of Region 16, Fort Worth as of the effective date of this notice.

The organization of Regional and Subregional offices was last published at 44 FR 34215-20 (June 14, 1979). The Board is publishing the areas served by Regional and Subregional Offices in their entirety because of the number of changes made to the boundaries and the age of the last publication.

Accordingly, the boundaries of the Agency's Regional and Subregional Offices are as follows:

Areas Served by Regional and Subregional Offices (Listed in Numerical Order Except That Subregions Appear Directly Under Respective Regions)

Region 1, Boston, Massachusetts—Services Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island.

Subregion 39, Hartford, Connecticut—Services Connecticut.

Region 2, New York, New York—In New York, services the boroughs of Manhattan and the Bronx, in New York City; and Orange, Putnam, Rockland, and Westchester Counties.

Region 3, Buffalo, New York—Services all New York State Counties except the New York City metropolitan area counties serviced by Regions 2 and 29.

Persons may also obtain service at the Resident Office located in Albany, New York.

Region 4, Philadelphia, Pennsylvania—In Pennsylvania, services Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming Counties; in New Jersey, services Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties; and in Delaware, services New Castle County.

Region 5, Baltimore, Maryland—Services Maryland and the District of Columbia; in Delaware, services Kent and Sussex Counties; in Pennsylvania, services Adams, Cumberland, Franklin, and York Counties; in Virginia, services Accomack, Albemarle, Amelia, Arlington, Augusta, Brunswick, Buckingham, Caroline, Charles City, Chesterfield, Clarke, Culpeper, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Frederick, Gloucester, Goochland, Greene, Greensville, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenberg, Madison, Mathews, Middlesex, Nelson, New Kent, Northampton, Northumberland, Nottoway, Orange, Page, Powhatan, Prince Edward, Prince George, Prince William, Rappahannock, Richmond, Rockingham, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Westmoreland, and York Counties, and the independently incorporated Virginia cities, not part of, but located within or adjacent to, the territory defined by these Virginia counties; and in West Virginia, services Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton Counties.

Persons may also obtain service at the Resident Office located in Washington, DC.

Region 6, Pittsburgh, Pennsylvania—In Pennsylvania, services Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Fulton,

Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, and Westmoreland Counties; and in West Virginia, services Barbour, Braxton, Brooke, Calhoun, Doddridge, Gilmer, Hancock, Harrison, Lewis, Marion, Marshall, Monongalia, Ohio, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, Wirt, and Wood Counties.

Region 7, Detroit, Michigan—In Michigan, services Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Chippewa, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Luce, Mackinac, Macomb, Manistee, Mason, Mecoste, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilac, Schoolcraft, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, and Wexford Counties.

Persons may also obtain service at the Resident Office located in Grand Rapids, Michigan.

Region 8, Cleveland, Ohio—In Ohio, services Allen, Ashland, Ashtabula, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Defiance, Delaware, Erie, Fulton, Geauga, Guernsey, Hancock, Hardin, Harrison, Henry, Holmes, Huron, Jefferson, Knox, Lake, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Tuscarawas, Union, Van Wert, Washington, Wayne, Williams, Wood, and Wyandot Counties.

Region 9, Cincinnati, Ohio—In Ohio, services Adams, Athens, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Fairfield, Fayette, Franklin, Gallia, Greene, Hamilton, Highland, Hocking, Jackson, Lawrence, Madison, Meigs, Mercer, Miami, Montgomery, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Vinton, and Warren Counties; in Indiana, services Clark, Dearborn, and Floyd Counties; and in West Virginia, services Boone, Cabell, Clay, Fayette, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mingo, Nicholas, Putnam, Raleigh, Roane, Wayne, and Wyoming Counties; and in Kentucky, services Anderson, Bath, Bell, Boone, Bourbon, Boyd, Boyle, Bracken, Breathitt, Bullitt, Campbell, Carroll, Carter, Casey, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gellatin, Garrard, Grant, Greenup, Hardin, Harlan, Harrison, Henry, Jackson, Jefferson, Jessamine, Johnson, Kenton, Knott, Knox, Larue, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Marion, Martin, Mason, Meade, Menifee, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Shelby, Spencer, Taylor, Trimble, Washington, Whitley, Wolfe, and Woodford Counties.

Region 10, Atlanta, Georgia—In Georgia, services Baker, Baldwin, Banks, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Bryan, Bulloch, Burke, Butts, Calhoun, Candler, Carroll, Catoosa, Chatham, Chattahoochee, Chattooga, Cherokee, Clarke, Clay, Clayton, Cobb, Colquitt, Columbia, Cook, Coweta, Crawford, Crisp, Dade, Dawson, De Kalb, Dodge, Dooly, Dougherty, Douglas, Early, Effingham, Elbert, Emanuel, Evans, Fannin, Fayette, Floyd, Forsyth, Franklin, Fulton, Gilmer, Glascock, Gordon, Greene, Gwinnett, Habersham, Hall, Hancock, Haralson, Harris, Hart, Heard, Henry, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Johnson, Jones, Lamar, Laurens, Lee, Liberty, Lincoln, Long, Lumpkin, McDuffie, McIntosh, Macon, Madison, Marion, Meriwether, Miller, Mitchell, Monroe, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Peach, Pickens, Pike, Polk, Pulaski, Putnam, Quitman, Rabun, Randolph, Richmond, Rockdale, Schley, Screven, Spalding, Stephens, Stewart, Sumter Talbot, Taliaferro, Tattnall, Taylor, Telfair, Terrell, Tift, Toombs, Towns, Treutlen, Troup, Turner, Twiggs, Union, Upson, Walker, Walton, Warren, Washington, Webster, Wheeler, White, Whitfield, Wilcox, Wilkes, Wilkinson, and Worth Counties; in Tennessee, services Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Unicoi, Union, and Washington Counties; and in Alabama, services Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, De Kalb, Elmore, Etowah, Fayette, Franklin, Greene, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Madison, Marion, Marshall, Morgan, Perry, Pickens, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston Counties.

Persons may also obtain service at the Resident Office in Birmingham, Alabama.

Region 11, Winston-Salem, North Carolina—Services North Carolina and South Carolina. In Tennessee, services the city of Bristol in Sullivan County. In Virginia, services Alleghany, Amherst, Appomattox, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Lee, Mecklenburg, Montgomery, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties, and the independently incorporated Virginia cities, not part of, but located within or adjacent to, the territory defined by these Virginia counties; in West Virginia, services Greenbriar, Mercer, Monroe, and Summers Counties.

Region 12, Tampa, Florida—In Florida, services Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Dixie, Duval, Flagler, Gadsden, Gilchrist, Glades, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, and Wakulla Counties; and in Georgia, services Appling, Atkinson, Bacon, Brantley, Brooks, Camden, Charlton, Clinch, Coffee, Davis, Decatur, Echols, Glynn, Grady, Jeff, Lanier, Lowndes, Pierce, Seminole, Thomas, Ware, and Wayne Counties.

Persons may also obtain service at the Resident Offices in Miami and Jacksonville, Florida.

Region 13, Chicago, Illinois—Services Cook, Du Page, Kane, Lake and Will Counties in Illinois, and Lake County in Indiana.

Region 14, St. Louis, Missouri—In Illinois, services Adams, Alexander, Bond, Brown, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties; and in

Missouri, services Audrain, Bollinger, Butler, Callaway, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, St. Genevieve, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne Counties, and the Independent City of St. Louis.

Region 15, New Orleans, Louisiana—Services Louisiana. In Mississippi, services Adams, Amite, Caliborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Issaquena, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lincoln, Madison, Marion, Neshoba, Newton, Pearl River, Perry, Pike, Rankin, Scott, Sharkey, Simpson, Smith, Stone, Walthall, Warren, Wayne, Wilkinson, and Yazoo Counties; in Alabama, services Baldwin, Barbour, Bullock, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Dallas, Escambia, Geneva, Henry, Houston, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Pike, Russell, Washington, and Wilcox Counties; and in Florida, services Bay, Calhoun, Escambia, Franklin, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, and Washington Counties.

Region 16, Forth Worth, Texas—Services the entire State of Texas with the exception of El Paso, Culberson, and Hudspeth Counties. Services Miller County in Arkansas.

Persons may also obtain service at the resident offices located in Houston and San Antonio.

Region 17, Kansas City, Kansas—Services Oklahoma and Kansas. In Missouri, services Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingstone, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Ozark, Pettis, Platte, Polk, Pulaski, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth, and Wright Counties; in Iowa, services Fremont, Mills, and Pottawattamie; and in Nebraska, services Adams, Antelope, Arthur, Blaine, Boone, Boyd, Brown, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Clay, Colfax, Cuming, Custer, Dakota, Dawson, Dixon, Dodge, Douglas, Dundy, Filmore, Franklin, Frontier, Furnas, Gage, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Holt, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Knox, Lancaster, Lincoln, Logan, Loup, McPherson, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platt, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties.

Persons may also obtain service at the Resident Office in Tulsa, Oklahoma.

Region 18, Minneapolis, Minnesota—Services North Dakota, South Dakota, and Minnesota. In Iowa, services Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Crawford, Dallas, Davis, Decatur, Delaware, Dickinson, Emmett, Fayette, Floyd, Franklin, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Linn, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mitchell, Monona, Monroe, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Poweshiek, Ringgold, Sac, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Woodbury, Worth, and Wright Counties; and in Wisconsin, services Ashland, Barron, Bayfield, Buffalo, Burnett, Chippeawa, Clark, Douglas, Dunn, Eau Claire, Iron, Jackson, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, and Washburn Counties.

Persons may also obtain service at the Resident Office located in Des Moines, Iowa.

Region 19, Seattle, Washington—Services Alaska and all counties in Washington except Clark. In Idaho, services Adams, Benewah, Bonner, Boundary, Clark, Clearwater, Custer, Fremont, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Shoshone, and Valley Counties; and in Montana, services Beverhead, Broadwater, Cascade, Deer Lodge, Flathead, Gallatin, Glacier, Granite, Jefferson, Lake, Lewis and Clark, Liberty, Lincoln, Madison, Meagher, Mineral, Missoula, Pondera, Powell, Revalli, Sanders, Silver Bow, Teton, and Toole Counties.

Subregion 36, Portland, Oregon—Services Oregon and Clark County in Washington.

Persons may also obtain service at the Resident Office located in Anchorage, Alaska.

Region 20, San Francisco, California—In California, services Butte, Colusa, Del norte, Glenn, Humboldt, Lake, Lasson, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, San Mateo, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba Counties.

Subregion 37, Honolulu, Hawaii—Services Hawaii.

Region 21, Los Angeles, California—In California, services Imperial, Orange, Riverside, and San Diego, and that portion of Los Angeles County lying east of Harbor Freeway and Gaffey Street, south and east of Pasadena Freeway and Arroyo Parkway, and south of Foothill Freeway and Baseline Road (State Route 30).

Persons may also obtain service at the Resident Office located in San Diego, California.

Region 22, Newark, New Jersey—In New Jersey, services Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties.

Region 24, Hato Rey, Puerto Rico—Services Puerto Rico and the U.S. Virgin Islands.

Region 25, Indianapolis, Indiana—Services Indiana, with the exception of Lake, Clark, Dearborn, and Floyd Counties; and in Kentucky, services Daviess and Henderson Counties.

Region 26, Memphis, Tennessee—Services all of Arkansas except for Miller County. In Tennessee, services Bedford, Benton, Bledsoe, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Cumberland, Davidson, Decatur, DeKalb, Dickson, Dyer, Fayette, Fentress, Franklin, Gibson, Giles, Grundy, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, Marion, McNairy, Macon, Madison, Marshall, Maury, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, and Wilson Counties; in Mississippi, services Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes,

Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, and Yalobusha Counties; and in Kentucky, services Adair, Allen, Ballard, Barren, Breckenridge, Butler, Caldwell, Calloway, Carlisle, Christian, Clinton, Crittenden, Cumberland, Edmondson, Fulton, Graves, Grayson, Green, Hancock, Hart, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Metcalfe, Monroe, Muhlenberg, Ohio, Russell, Simpson, Todd, Trigg, Union, Warren, Wayne, and Webster Counties.

Persons may also obtain service at the Resident Offices in Little Rock, Arkansas, and in Nashville, Tennessee.

Region 27, Denver, Colorado—Services Wyoming, Colorado, and Utah. In Nebraska, services Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, and Sioux Counties; in Idaho, services Ada, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Elmore, Franklin, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, and Washington Counties; and in Montana, services Big Horn, Blaine, Garbon, Carter, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Garfield, Gold Valley, Hill, Judith Basin, McCone, Musselshell, Park, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweetgrass, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties.

Region 28, Phoenix, Arizona—Services Arizona and New Mexico. In Texas, services Culberson, El Paso, and Hudspeth Counties; and in Nevada, services Nye, Lincoln, and Clark Counties.

Persons may also obtain service at the Resident Offices in Albuquerque, New Mexico; El Paso, Texas; and Las Vegas, Nevada.

Region 29, Brooklyn, New York—In New York, services the boroughs of Queens, Brooklyn and Statten Island in New York City; and Kings, Nassau, Queens, Richmond, and Suffolk Counties.

Region 30, Milwaukee, Wisconsin—In Wisconsin, services Adams, Brown, Calumet, Columbia, Crawford, Dane, Dodge, Door, Florence, Fond du Lac, Forest, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Milwaukee, Monroe, Oconto, Oneida, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Vilas, Wallworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood Counties; and in Michigan, services Alger, Baraga, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, and Ontonagon Counties.

Region 31, Los Angeles, California—In California, services Inyo, Kern, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties and that portion of Los Angeles County lying west of Harbor Freeway and Gaffey Street, north and west of Pasadena Freeway and Arroyo Parkway, and north of Foothill Freeway and Baseline Road (State Route 30).

Region 32, Oakland, California—In California, services Alameda, Alpine, Amador, Calaveras, Contra Costa, El Dorado, Fresno, Kings, Madera, Mariposa, Merced, Mono, Monterey, San Benito, San Joaquin, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne Counties; and in Nevada, services Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe, and White Pine Counties.

Region 33, Peoria, Illinois—In Illinois, services Boone, Bureau, Carroll, Cass, Champaign, De Kalb, De Witt, Douglas, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kankaee, Kendall, Knox, La Salle, Lee, Livingston, Logan, Macon, Marshall, Mason, McDonough, McHenry, McLean, Menard, Mercer, Morgan, Moultrie, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Schuyler, Stark, Stephenson, Tazewell, Vermillion, Warren, Whiteside, Winnebago, and Woodford Counties; and in Iowa, services Clinton, Des Moines, Dubuque, Jackson, Lee Muscatine, Scott, and Louisa Counties.

Dated, Washington, DC, 23 March 1988.

By direction of the Board.

National Labor Relations Board.

John C. Truesdale,

Executive Secretary.

[FR Doc. 88-6694 Filed 3-29-88; 8:45 am]

BILLING CODE 7545-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-387 and 50-388]

Pennsylvania Power & Light Co.; Environmental Assessment and Finding of No Significant Impact

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-14 and NPF-22, issued to Pennsylvania Power & Light Company, (the licensee), for operation of the Susquehanna Steam Electric Station, Units 1 and 2, located in Luzerne County, Pennsylvania.

Environmental Assessment

Identification of Proposed Action

The proposed amendments would revise the provisions in the Technical Specifications (TS) relating to the required tolerance for diesel generator loading timers for Residual Heat Removal (RHR) pumps.

The proposed action is in accordance with the licensee's application for amendment dated October 15, 1987, as supplemented by a letter dated October 30, 1987.

The Need for the Proposed Action

The proposed change to the TS is required in order to provide the licensee adequate upper timer setpoint tolerance for the RHR pumps to be loaded to the emergency diesel generators.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to Technical Specifications. The proposed revisions would allow the licensee to adjust upward (from +10% to +20%) the upper margin of the sequencing timer setpoint for the RHR pump loading on the diesel generator. The proposed changes to the timer setpoint will have a 0.5 second margin in the time window available for RHR pump loading. Therefore, the proposed changes do not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no signficant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential non-radiological impacts, the proposed change to the TS involves systems located within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendment.

The Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the

Federal Register on January 28, 1988 (53 FR 2554). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmenal impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements for the Susquehanna Steam Electric Station, Units 1 and 2, dated June, 1981.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and 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 license amendment.

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 futher details with respect to this action, see the application for amendment dated October 15, 1987 and a supplement dated October 30, 1987 which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Rockville, Maryland, this 24th day of March 1988.

For the Nuclear Regulatory Commission.

Walter Butler,

Director, Project Directorate I-2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88-6922 Filed 3-29-88; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Babcock and Wilcox Reactor Plants (Rancho Seco); Cancelled Meeting

The Federal Register published Friday, March 18, 1988 (53 FR 9014) contained notice of a meeting of the ACRS Subcommittee on Babcock and Wilcox Reactor Plants (Rancho Seco) scheduled for April 6, 1988 has been cancelled.

Date: March 25, 1988.

Thomas G. McCreless,

Assistant Executive Director for Technical Activities.

[FR Doc. 88-6968 Filed 3-29-88; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Human Factors; Meeting

The ACRS Subcommittee on Human Factors will hold a meeting on April 27, 1988, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, April 27, 1988—8:30 a.m. until 1:00 p.m.

The Subcommittee will be briefed and discusss SECY-88-57, "Proposed Commission Policy Statement on the Professional Conduct of Nuclear Power Plant Operators."

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed or whether the meeting has been cancelled or rescheduled can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Herman Alderman (telephone 202/634-1414) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: March 24, 1988.

M.W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 88-6969 Filed 3-29-88; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Severe Accidents; Meeting

The ACRS Subcommittee on Severe Accidents will hold a meeting on April 26, 1988, Room 1046, 1717 H Street, NW, Washington, DC. The entire meeting will be open to public attendance. The agenda for the subject meeting shall be as follows:

Tuesday, April 26, 1988—8:30 a.m. until the conclusion of business

The Subcommittee will review the final version of the NRC Staff's proposed generic letter on Individual Plant Examinations (IPEs).

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Dean Houston (telephone 202/634-3267) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the

scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: March 24, 1988.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 88-6970 Filed 3-29-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Rancho Seco Nuclear Generating Station; Issuance of Director's Decision

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision concerning a Petition dated August 26, 1986, filed by the Honorable Tom Bradley, Mayor of Los Angeles, California. The Petitioner asked the NRC to hold public hearings and to shut down Rancho Seco permanently. The basis given by Mayor Bradley for the petition were allegations that: (1) Rancho Seco is a twin of the Three Mile Island Reactor, (2) Rancho Seco has had a troubled operating record, (3) Rancho Seco has suffered nearly 100 unplanned outages including two severe overcooling incidents in 1985, and (4) Rancho Seco is plagued by poor management, inadequate training, and sloppy maintenance.

On September 26, 1986, the Director, Office of Inspection and Enforcement, acknowledged receipt of the Petition. He informed Mayor Bradley that the Petition would be treated under 10 CFR 2.206 of the Commission's regulations and that appropriate action would be taken in a reasonable time. In a letter dated December 15, 1986, Mr. Taylor informed Mayor Bradley that a response to his petition would be make prior to a restart decision but after the Staff evaluated corrective actions undertaken by the licensee.

The Director of the Office of Nuclear Reactor Regulation has now determined that the Petitioner's request should be denied for the reasons set forth in the "Director's Decision Pursuant to 10 CFR 2.206" (DD-88-5), which is available for inspection and copying in the Commission's Public Document Room, 1717 H Street NW., Washington DC 20555 and at the Local Public Document Room for the Rancho Seco Nuclear Generating Station located at the Sacramento City-County Library 828 I Street, Sacramento, California 95814.

A copy of the Decision will be filed with the Secretary of the Commission for its review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), the Decision will become 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.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

Dated at Rockville, Maryland, this 22nd day of March 1988.

[FR Doc. 88-6923 Filed 3-29-88; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Reestablishment of the Services Policy Advisory Committee

The U.S. Trade Representative has taken steps to reestablish the Services Policy Advisory Committee. This Committee will be rechartered pursuant to Section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)), as amended; the Federal Advisory Committee Act (5 USC App. 1); Section 4(d) of Executive Order No. 11846, March 27, 1975; and Executive Order No. 121888.

The Services Committee will advise, consult with, and make recommendations to the U.S. Trade Representative on policy issues related to trade in services.

The Committee will meet at irregular intervals at the call of the U.S. Trade Representative. The frequency of committee meetings will be approximately three or four times per year, depending upon the needs of the U.S. Trade Representative.

Representatives from the private sector wishing further information or to be considered for appointment to serve on the committee should contact: The United States Trade Representative, Office of Private Sector Liaison, 600—17th Street, NW., Room 103, Washington, DC 20506, (202) 395-6120.

Barbara W. North,

Director, Office of Private Sector Liaison.

[FR Doc. 6919 Filed 3-29-88; 8:45 am]

BILLING CODE 3190-01-M

POSTAL SERVICE

Privacy Act of 1974; Matching Program—Postal Service/State of Florida Department of Labor and Employment Security.

AGENCY: United States Postal Service.

ACTION: Notice of Computer Matching Program—U.S. Postal Service/State of Florida Department of Labor and Employment Security

SUMMARY: The Postal Inspection Service intends to conduct a matching program to identify any postal employees who are improperly receiving dual compensation through (1) receipt of unemployment or state workers' compensation benefits to which they are not entitled; (2) misuse of sick leave to work at a second job; or (3) receipt of continuation of pay under the workers' compensation program while employed at a second job. The State of Florida Department of Labor and Employment Security will act as the matching agency and compare its file of wage earners, recipients of unemployment insurance benefits, and recipients of workers' compensation benefits against the Postal Service's file of postal employees within the State of Florida.

DATE: The match is expected to begin in April 1988.

ADDRESS: Send any comments to USPS Records Officer, U.S. Postal Service, 475 L'Enfant Plaza, SW., Room 8121, Washington, DC 20260-5010. Copies of all written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00 p.m. Monday through Friday at this address.

FOR FURTHER INFORMATION CONTACT: Barbara Fuller, Records Office (202) 268-5161.

SUPPLEMENTARY INFORMATION: An individual's entitlement to workers' compensation or unemployment insurance benefits is subject to certain qualification factors and a requirement to report any change in employment status. For example, a requirement of eligibility for unemployment compensation benefits is that the recipient be unemployed or be employed less than full time with earnings less than a certain amount, as defined by each state's employment security law. The goals of the planned match are to detect fraud and abuse in unemployment compensation and state injury compensation programs by: (1) Identifying any employees who are receiving state workers' compensation benefits and have not reported their postal employment; and (2) identifying individuals who are receiving unemployment insurance relating to current or former postal employment and have been reemployed by the Postal Service or another employer. Further, the leave and continuation of pay records of current postal employees identified as simultaneously employed at another job will be examined to determine if there is misuse of sick leave

or abuse of the federal workers' compensation program to attend that job.

The match will be made under written agreement between the Postal Service and State of Florida Department of Labor and Employment Security.

Set forth below is the information required by paragraph 5.f.(1) of the Revised Supplemental Guidance for Conducting Computerized Matching Programs issued by the Office of Management and Budget (47 FR 21656; May 19, 1982). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

Report of a Matching Program: U.S. Postal Service (USPS) and State of Florida Department of Labor and Employment Security (F-DLES)

A. *Authority.* 39 U.S.C. 401, 404.

B. *Program Description.* Under the planned program, a computer tape containing social security account numbers (SSAN) of postal employees within the State of Florida (extracted from USPS Privacy System 050.020, Finance Records—Payroll System) will be hand-carried to the F-DLES by authorized USPS personnel who will remain at the site during the actual computer run. The USPS source tape will be considered to remain in the custody of the USPS while physically at the F-DLES and must be returned to waiting USPS personnel immediately upon completion of the run. The USPS source tape will be matched against F-DLES' file of (1) wage earners as reported by Florida State employers, (2) recipients of unemployment insurance, and (3) recipients of workers' compensation through the State of Florida. For individuals common to matched files (i.e. "hits"), the F-DLES will provide the USPS with name, SSAN, date of birth, employer name and address (for matches conducted to determine unreported source of wages), and wage information related to that employment. Follow-up on hits will be conducted by the Postal Inspection Service and will include a review of USPS payroll records, checks with employers reporting payment of wages to those individuals identified as hits, and review of employees' sick leave and continuation of pay records against their attendance records at the second employment, as warranted. The Postal Inspection Service will conduct an investigation of those hits verified as suspect cases and case files may be established within the parameters of Privacy Act system USPS 080.010, Inspection Requirements Investigative File System (last published in 48 FR 10975 of March 15, 1983). The Postal Inspection Service may conduct joint investigations with the State of Florida or refer to it cases within the area of its jurisdiction. Corrective action may include suspension, reduction, or termination of benefits; collection of monies improperly received; disciplinary action; and prosecution, as appropriate. Any corrective action will be taken only after due process has been afforded to the individual. Disclosure of information from the Postal Service's system of records is authorized by routine use Nos. 26 and 28 in USPS 050.020, Payroll System, most recently published in 52 FR 6251 of March 2, 1987.

c. *Period of the Match.* The matching program will be on a one-time basis and is expected to begin in April 1988 and end no later than October 1989.

d. *Security.* USPS personnel will remain on-site at F-DLES during the computer matching run, retaining custody of the USPS source tape. During that time, F-DLES personnel who perform the match will (1) have the only access to the USPS tape; (2) use it only to accomplish the official stated purpose of the match and for no other purpose; and (3) safeguard it from unauthorized access. Further, information on the source and hit files will have security protection; storage of hard copy records will be in locked desks or file cabinets; and automated records will be in limited access computer facilities.

e. *Disposition of Records.* The source and hit files containing USPS information must be returned immediately upon completion of the match; no copies of these files will be made unless for processing requirements. Any copies made for processing purposes must be destroyed upon completion of the match. All information compiled as a result of this matching effort must be destroyed as soon as the determination is made that no fraud or irregularity has occurred.

f. *Further Comments:* No bestowed rights, privileges, or benefits will be terminated solely on the basis of a "hit" or the records exchanged in connection with this program.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 88-6873 Filed 3-29-88; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, DC 20549.

Extension

File No. 270-105, Form 18
File No. 270-249, Form F-1
File No. 270-250, Form F-2
File No. 272-251, Form F-3
File No. 270-108, Form 18-K
File No. 270-107, Form 6-K

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for an extension of clearance of the following forms: 18, 18-K, 6-K, F-1, F-2, and F-3. The forms provide a basis for the Commission to fulfill its statutory responsibility to ensure that issuers of publicly-traded securities provide investors and the marketplace with adequate information about foreign issuers. Form 18 effects 5 filers at an estimated 8 burden hours per form; Form F-1 effects 20 filers at an estimated 2,385 burden hours per form; Form F-2 effects 8 filers at an estimated 910 burden hours per form; Form F-3 effects 5 filers at an estimated 323 burden hours per form; Form 18-K effects 11 respondents at an estimated 8 burden hours per form; and Form 6-K effects 983 respondents at an estimated 8 burden hours per form.

Submit comments to OMB Desk Officer, Mr. Robert Neal, (202) 395-7340, Office of Information and Regulatory Affairs, Commerce & Lands Branch, Room 3228 NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

March 24, 1988.

[FR Doc. 88-6906 Filed 3-29-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25495; File No. PHLX 88-7]

Self-Regulatory Organizations; Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to CIP Indices and Trading Rules

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given

that on February 29, 1988 the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items, I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange ("PHLX" or "Exchange") hereby proposes to trade Cash Index Participations (CIP) on two stock market indices. The CIPs will be traded pursuant to rules as set forth hereunder.

The proposed CIP trading rules will closely parallel PHLX options, rules, particularly index options rules. The following is the full text of the proposed rule change which establishes new Rule 1000B *et seq.* [Unless designated otherwise, all language is new text.]

Rules Applicable to Trading of Cash Index Participations

Applicability and Definitions

Rule 1000B. (a) Applicability. The Rules in this Section are applicable only to cash index participations. In addition, except to the extent that specific rules in this Section govern, or unless the context otherwise requires, the provisions of the following Options Rules applicable to stock options and options on indices shall be applicable to the trading on the Exchange of cash index participations: PHLX Options Rules 1000(b), 104, 1005, 1006, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1022, 1024, 1025, 1026, 1027, 1028, 1029, 1032, 1037, 1038, 1039, 1040, 1041, 1043, 1045, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1070, 1047A.

Compliance with Rules 1001, 1002 1003 shall be determined as set forth in Rules 1005B, 1006B and 1007B.

(b) *Definitions.* The following terms as used in the Rules shall, unless the context otherwise indicate, have the meanings herein specified.

(1) *Cash Index Participation (CIP)*—The term "Cash Index Participation (CIP)" means a security based on the spot value of an index of stocks, of indeterminate duration, and paying its purchasers a proportionate share of dividends declared on the component stocks of the CIP.

(2) *Cash-Out Time*—The term "cash-out time" means the point in time each quarter of the year when a purchaser of a CIP may obtain the closing index value upon exercise of the cash-out privilege. The cash-out time for each quarter will be determined and made public by the Exchange before the beginning of the quarter.

(3) *Reporting Authority*—The term "reporting authority" in respect of a particular index means the institution or reporting service designated by the Exchange as the official source for calculating and determining the current index value or the closing index value and the proportionate share of dividends payable to CIP holders.

Designation of the Index

Rule 1001B. The stocks that are the basis for the calculation of the index shall be selected by the Exchange and may be revised from time to time in the Exchange's discretion as necessary or appropriate to maintain the quality and character of the index.

CIP Index Calculation

Rule 1002B. (a) The current index value in respect of a particular CIP index shall be derived from the reported prices of the underlying securities that are the basis of the index, as reported by the reporting authority for the index.

(b) The closing index value in respect of a particular CIP index shall be derived from the reported prices of the component stocks of the index at a time or times specified by the Exchange for determining the payment to which a CIP buyer is entitled to upon exercise of the CIP cash-out privilege.

Dissemination of Information

Rule 1003B. (a) The Exchange shall assure that the current index value is disseminated from time-to-time on days on which transactions in CIPs are made on the Exchange and that the closing index value is disseminated as promptly as it is available at the quarterly cash-out time.

(b) The Exchange shall maintain, in files available to the public, information identifying the stocks whose prices are the basis for the calculation of the index and the method used to determine the current index value.

Cash-out Privilege

Rule 1004B. The purchaser of a CIP may obtain on each cash-out time the CIP closing index value. The deadline for exercising the cash-out privilege will be determined and made public by the Exchange before the beginning of the quarter.

Position Limits

Rule 1005B. In determining compliance with Rule 1001, CIPs shall be subject to a position limit of 15 million CIPs with respect to any particular underlying index.

Exercise Limits

Rule 1006B. In determining compliance with Rule 1002, exercise limits per CIPs shall be equivalent to the position limits set forth in Rule 1005B.

Reporting of CIP Positions

Rule 1007B. In determining compliance with Rule 1003, each member and member organization shall file with the Exchange a report with respect to each account in which the member or member organization has an interest, each account of a partner, officer, director or employee of the member organization, and each customer account, which has established an aggregate position of 200,000 CIPs (whether long or short) covering the same underlying index.

Exercise of Cash-Out Privilege

Rule 1008B. (a) Notice of exercise of the CIP cash-out privilege must be provided by a purchaser of a CIP on or before a time specified and made public by the Exchange and which is in accordance with the Rules of The Options Clearing Corporation. Specific exercise cut-off times will also be delineated for Exchange member organizations. An exercise notice may be tendered to The Options Clearing Corporation only by the clearing member in whose account with The Options Clearing Corporation the CIP is carried. Members and member organization, to the extent that they do not conflict with the rules and policies of the Exchange and The Options Clearing Corporation, shall establish fixed procedures as to the latest hour at which they will accept exercise notices from their customers.

(b) The term "exercise instruction," with respect to a customer, means the notice given to a member organization to exercise a CIP. All such exercise instructions must be time stamped at the time they are prepared by the receiving member organization.

Notwithstanding the foregoing, member organizations may receive exercise instructions after the exercise cut–off time but prior to the cash-out time: (i) In order to remedy mistakes made in good faith, (ii) to take appropriate action as the result of a failure to reconcile unmatched Exchange CIP transactions, or (iii) where exceptional circumstances relating to a customer's ability to communicate exercise instructions to the member organization (or the member organization's ability to receive exercise

instructions) prior to such time warrant such action.

Allocation of CIP Exercise Notices

Rule 1009B. (a) Each member organization shall establish fixed procedures for the allocation of exercise notices assigned in respect of a short position in CIPs in such member organization's customers' accounts. Such allocation shall be made on a "first-in, first-out" or automated random selection basis that has been approved by the Exchange or on a manual random selection basis that has been specified by the Exchange. Each member organization shall inform its customers in writing of the method it uses to allocate exercise notices to its customers' accounts, explaining its manner of operation and the consequences of that system. Unless otherwise specified by the member organization, the allocation procedures established by a member organization for stock options will be deemed to apply to the allocation of exercise notices for CIPs.

(b) Each member organization shall report its proposed method of allocation to the Exchange and obtain the Exchange's prior approval thereof, and no member organization shall change its method of allocation unless the change has been reported to and approved by the Exchange.

(c) Each member organization shall preserve for a three-year period sufficient workpapers and other documentary materials relating to the allocation of exercise assignment notices to establish the manner in which allocation of such exercise notices is in fact being accomplished.

Bids and Offers

Rule 1010B. All bids and offers made on the trading floor for CIPs shall be deemed to be for one unit of trading unless a specified greater number of CIPs is expressed in the bid or offer. A bid or offer for more than a unit of trading of CIPs shall be deemed to be for the amount thereof or a smaller number of units of trading of CIPs. The unit of trading in CIPs shall be 100 CIPs unless otherwise designated by the Exchange.

Limitation of Exchange Liability

Rule 1011B. Neither the Exchange, the Reporting Authority nor any Agent of the Exchange shall have any liability for damages, claims, losses or expenses caused by any errors, omissions, or delays in calculating or disseminating the current index value or the closing index value and tracking dividend payout dates or computing proportionate dividend payouts resulting from an act, condition or cause beyond the reasonable control of the Exchange or the Reporting Authority, including, but not limited to, an act of God; fire; flood; extraordinary weather conditions; war; insurrection; riot; strike; accident; action of government; communications or power failure; equipment or software malfunction; any error; omission or delay in the reports of transactions in one or more underlying securities; or any error, omission or delay in the reports of the current index value or the closing index value by the Exchange or the Reporting Authority.

Reserved Authority

Rule 1012B. The Exchange may, in the event of extreme CIP trading inactivity or under exceptional circumstances, require the purchasers and sellers to settle their CIP contracts at the closing index value determined by a designated cash-out time upon notice of at least one year.

[The following is proposed amendments of existing PHLX Rules; brackets indicate deletions; underscoring indicates additions.]

Limitation of Exchange Liability

Rule 1102A. Neither the Exchange, the Reporting Authority nor any Agent of the Exchange shall have any [The Exchange shall have no] liability for damages, claims, losses or expenses caused by any errors, omissions, or delays in calculating or disseminating the current index value or the closing index value resulting from an act, condition or cause beyond the reasonable control of the Exchange, including, but not limited to, an act of God; fire; flood; extraordinary weather conditions; war; insurrection; riot; strike; accident; action of government; communications or power failure; equipment or software malfunction; any error, omission or delay in the reports of transactions in one or more underlying securities, or any error, omission or delay in the reports of the current index value or the closing index value by the Exchange or the reporting authority.

* * * * *

Security

Rule 7. The term "security" or "securities" includes, stocks, bonds, notes, certificates of deposit or participation, trust receipts, rights, options contracts, warrants, *Cash Index Participations* and other similar instruments.

* * * * *

Dealings Upon the Exchange

Hours of Business

Rule 101. Except as otherwise ordered by the Board of Governors, the Exchange shall be open for the entrance of members upon every business day, at 8:00 a.m. The Exchange shall conform with daylight saving time when effective in the City of Philadelphia. The Board of Governors shall determine by resolution the hours during which business may be transacted on the Exchange. The Board of Governors has resolved that no option series shall freely trade after 4:10 p.m. except that Value Line Index Options and National Over-the-Counter Index Options shall freely trade until 4:15 p.m. each business day. *In addition, Cash Index Participations shall freely trade until 4:15 p.m. each business day.* The Board of Governors has resolved that except under unusual conditions as may be determined by the Board (or the Options Committee or the Exchange official or officials designated by the Board) foreign currency option transactions may commence on the Exchange at 8:00 a.m. each business day and may be effected on the Exchange until 2:30 p.m. each business day at which time no further foreign currency option transactions may be made.

* * * * *

Margin Accounts

Rule 722.(a) * * *

(c)9. CIPs. The margin which must be maintained in margin accounts of customers, whether members, partners of members, member firms, member corporations or stockholders therein or non-members, shall be as follows:

1. 25% of the market value of all "long" CIP positions in the account plus;

2. 30% of the market value, in cash, of each "short" CIP position in the account;

3. No margin need be required in respect of a CIP carried "short" in a customer's account when the customer has delivered to the member organization carrying the account a letter of guarantee meeting the requirements of Rule 610 of The Options Clearing Corporation certifying that the guarantor holds for the customer as security for the letter 1) cash, 2) cash equivalents, 3) one or more qualified securities, or 4) a combination thereof, that such deposit has a market value, computed as of the close of each business day in which the "short" position is carried in the customer account, of not less than 130% of the aggregate current market value of the CIPs, and that the guarantor will

promptly pay the member organization the exercise settlement amount in the event the account is assigned an exercise notice. A qualified security has the meaning specified in Rule 722(c)(2)(G).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to establish CIP trading rules and to list for trading CIPs based on two broad-based stock indices developed by the Exchange.

A CIP is based on the current value of an index of stocks, is of indefinite duration, and entitles holders to cash payments equivalent to a proportionate share of any regular cash dividends declared on the component stocks of the underlying index. In the event of extreme trading inactivity or other exceptional circumstances, the Exchange may, upon one year's prior notice to the public, terminate a CIP contract.

Investors buying and selling a CIP may realize profits or limit losses on their investment by entering into an offsetting sale or purchase of a CIP in a closing transaction and receive payment of the difference between the price of purchase or sale and the price at which the closing transaction is effected, taking into account transaction costs. In addition, investors buying a CIP may elect instead to realize profits or limit losses on their investment through exercising a cash-out privilege. The cash-out privilege, which is available at one designated time each quarter, provides for a payment in cash based upon the value of the component stocks of the underlying index at a point in time specified by the Exchange. The Exchange has tentatively determined to establish the cash-out time to coincide with the expiration of the leading stock index futures contracts; that is, on the opening of trading of each quarterly expiration Friday. The Exchange has tentatively determined to establish the cut-off time for the submission of notices of exercise of a CIP cash-out privilege as the close of trading on the day before the cash-out time (that is, 4:15 p.m. on the Thursday before expiration). As a result, it should be cautioned that buyers of CIPs who elect to exercise the cash-out privilege ordinarily will be required to do so at a time when they do not know the closing index value. The reason for this is to permit the sellers of CIPs to receive notice of assignment of a CIP exercise before the cash-out time so that they can effect transactions, in the market for CIPs, component stocks, or other derivative product markets, to hedge themselves.

A CIP is intended to permit an investor to buy or sell the then current or spot value of an underlying index of stocks so as to replicate a purchase or sale of the underlying stocks as closely as possible, without an actual purchase or sale of such stocks. In this regard, the Exchange proposes that CIPs be margined substantially like common stocks. (*See* letter dated February 3, 1988 from Richard Chase, Executive Vice President, PHLX, to Laura Homer, Federal Reserve Board.)

Since an investment in a CIP will not constitute an actual purchase of any of the component stocks of the underlying index, such ownership interest will not confer any voting rights or right to receive actual dividends associated with ownership of those stocks. However, OCC on a quarterly basis will credit and debit the accounts of buyers and sellers of a CIP who are holders of record as of the day prior to the cash-out time a proportionate amount of any regular cash dividends declared on each component stock.

Bridge Data will be the Reporting Authority and will calculate the index and dividend payout dates. Transaction reporting for CIPs will occur through the Consolidated Tape Association's facilities.

Description of Specific CIP Indices

The Exchange has developed the following CIP indices: (1) The Blue Chip CIP and (2) The Stock Market CIP.

Blue Chip CIP

The Blue Chip CIP is a CIP based on a price-weighted index composed of 25 highly capitalized listed common stock issues representing primarily industrial corporations (a list of the specific stocks, together with their price and weight in the index as of February 22, 1988, is attached as *Exhibit A*).

CIP specifications and specific trading characteristics are as follows:

Ticker Symbol: BIG

Underlying Index: See Exhibit A and description above.

To compute the Blue Chip CIP Index the following formula is used:

$$\frac{P(1)+P(2)+P(3)+P(25)}{D} \times M = \text{Index Value}$$

where: P = Price of each share of stock in the index summed for all issues; D = the Divisor and M = the Multiplier.

The Index Divisor will be adjusted accordingly to account for stock splits, stock dividends and extraordinary cash dividends. If cash dividends are paid out to CIP holders, the Divisor will not be adjusted.

The Index value will be updated dynamically at least every minute during the trading day. The PHLX has retained Bridge Data, Inc. to compute and do all necessary maintenance of the Index. Pursuant to PHLX Rule 1003B, updated Index values will be disseminated and displayed by means of primary market prints reported over the Consolidated Last Sale Reporting System and the facilities of the Options Price Reporting Authority. The Index value will also be available on broker-dealer interrogation devices to subscribers of the CIP information.

Unit of Trading: Each Blue Chip CIP will represent $\frac{1}{100}$, the Index multiplier, times the Index value. The standard unit of trading in such CIPS will be 100 CIPs. Bids and offers will be expressed in decimals. The Exchange expects to establish a starting Blue Chip CIP index value of approximately 2000, so that each Blue Chip CIP would be priced at approximately $20.00.

Specific Cash-Out Time: The third Friday of March, June, September and December. The deadline for exercising the cash-out privilege will be 4:15 p.m. on the business day immediately prior to the cash-out time. Upon due exercise of the cash-out privilege, the purchaser of a CIP may obtain on each cash-out time the CIP index value based on the opening index value on the third Friday of March, June, September or December as the case may be.

Replacement of Stocks in Index: If there has been any material and substantial change in the character of any stock in the Index caused by delisting, merger, acquisition or otherwise, the Exchange will take appropriate steps to delete this stock from the Index and substitute another stock which possesses characteristics so

as to retain the integrity and representativeness of the index.

Stock Market CIP

The Stock Market CIP is a CIP based on a capitalization-weighted index composed of 100 of the most highly capitalized listed, non ADR, common stock issues on which the OCC has issued options (a list of the specific stocks, together with their price, market value and weight in the index as of February 18, 1988, is attached as *Exhibit B*).

CIP specifications and specific trading characteristics are as follows:

Ticker Symbol: MKT
Underlying Index: See Exhibit B and description above.

To compute the Stock Market CIP Index the following formula is used:

$$\frac{MV(1)+MV(2)+MV(3)+MV(N)}{BMV} \times \tfrac{1}{10} = \text{Index Value}$$

where:

MV = (Price × Publicly Held Shares Outstanding) for the instant computation summed for all issues.
BMV = Summation (Closing Price × Shares Outstanding) for the day prior to the start of the Index calculation.

The current market value of each component issue is multiplied by the number of outstanding shares. The resulting market values are added to determine the current aggregate market value of the issues in the Index. To compute the current Index value, the aggregate market value is divided by the Base Market Value ("BMV") and multiplied by 1/10. In order to keep the Stock Market CIP Index current and representative of the most highly capitalized listed, non ADR, common stock issues on which the OCC has issued options, semi-annually, the Exchange will identify and rank the 125 most highly capitalized securities that meet the aforementioned criteria. The issues in the 125 ranking will be compared to the issues in the Index. An issue(s) in the Index that is not ranked within the 100 most highly capitalized issues will be deleted from the Index and replaced by the issue(s) that has increased in capitalization since the previous ranking. Additionally, any time an Index component issue is the subject of a merger or acquisition such issue will be deleted from the Index on the date that the issue permanently ceases trading on the primary Exchange and will be replaced by the next highly capitalized issue as identified on the most current semi-annual ranking of the top 125 issues.

The Index (BMV) will be adjusted accordingly to account for stock splits, stock dividends and extraordinary cash dividends. If cash dividends are paid out to CIP holders, the BMV will not be adjusted.

To account for changes in capitalization of any of the component issues resulting from mergers, acquisitions, listings, substitutions, etc., the BMV market value will be adjusted periodically. The following formula is used to make such adjustments:

$$NBMV = \frac{OBMV \times NMV}{OMV}$$

where:

NBMV = new base market value
OBMV = old base market value
NMV = new market value
OMV = old market value

Adjustments in the value of the Index which are necessitated by the addition and/or deletion of an issue from the Index are made by adding and/or subtracting the market value (price x shares outstanding) of the relevant issue(s). The Index value will be updated dynamically at least every minute during the trading day. The PHLX has retained Bridge Data, Inc. to compute and do all necessary maintenance of the Index. Pursuant to PHLX Rule 1003B, updated Index values will be disseminated and displayed by means of primary market prints reported over the Consolidated Last Sale Reporting System and the facilities of the Options Price Reporting Authority. The Index value will also be available on broker-dealer interrogation devices to subscribers of the CIP information.

Unit of Trading: Each Stock Market CIP will represent 1/10, the Index multiplier, times the Index Value. The standard unit of trading in such ICPs will be 100 CIPs. Bids and offers will be expressed in decimals. The Exchange expects to establish a starting Stock Market CIP index value of approximately 300, so that each Stock Market CIP would be priced at approximately $30.00.

Specific Cash-Out Time: The third Friday of March, June, September and December. The deadline for exercising the cash-out privilege will be 4:15 p.m. on the business day immediately prior to the cash-out time. Upon due exercise of the cash-out privilege, the purchaser of a CIP may obtain on each cash-out time the CIP index value based on the opening index value of the third Friday of March, June, September or December as the case may be.

The proposed rule change is consistent with section 6(b)(5) of the Securities Exchange Act of 1934 which provides in part that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to facilitate transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and to protect investors and the public interest. In this regard, the Exchange believes that the proposed CIPs offer substantial benefits to the public not provided by currently traded derivative stock index products. CIPs are not high leverage instruments. Under the proposed margin rules governing CIPs, they afford no greater leverage than is available to an investor holding a portfolio of securities. This treatment is consistent with the conclusion that the markets for stock and derivative index products are indeed "one market," as emphasized in the reports on the October 1987 Market Break by the Brady Commission [1] and the General Accounting Office.[2] Hence the Exchange believes a low leverage index-related instrument like the proposed CIP has the potential not only to be attractive to the investing public, but to ameliorate some of the volatility that has been associated with trading in the more highly leveraged derivative index products.[3] This is because of the possibility that, with adequate liquidity, CIPs may serve as an alternative for arbitrage and other program trading strategies involving orders to buy or sell baskets of stock. In this connection, one of the recommendations of the New York Stock Exchange's Katzenbach report on program trading was to create a cash index product with characteristics much like the proposed CIP [4] to deal with investor interest to invest in the "market" without, presumably, giving rise to the same adverse side effects found to have resulted from existing derivative index products.[5]

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[1] *See* Report of the Presidential Task Force on Market Mechanisms at vi. January 1988 (Brady Report).

[2] *See* U.S. General Accounting Office, Financial Markets, Preliminary Observations on the October 1987 Market Crash at 6. January 1988.

[3] *See* Brady Report at 64–66; the October Market Break, A Report by the Division of Market Regulation of the U.S. Securities & Exchange Commission at xv. February 1988.

[4] While the CIP resembles the product described in the Katzenbach Report, it was developed long before the report was issued.

[5] *See* Katzenbach, Nicholas deB., An Overview of Program Trading and Its Impact on Current Market Practices at 29 (December 21, 1987).

In addition to the CIP rules, the Exchange proposes to amend Rule 1102A. to limit the liability of an index options reporting authority under certain circumstances. The change will make the limitation in liability consistent with the corresponding provision for CIPs.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The PHLX has prepared this rule change in close coordination with the Options Clearing Corporation.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days or such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions 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 20549. 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 20, 1988.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: March 23, 1988.

EXHIBIT A.—THE BLUE CHIP CIP INDEX

[As of 2/22/88]

Symbol	Issue	$	%
ACY	American Cyamid	$47.00	3.71
AMX	AMAX, Inc	17.75	1.40
CAT	Caterpillar Inc	62.88	4.96
CRR	Consolidated Rail	31.88	2.51
DOW	Dow Chemical Co	86.38	6.81
EK	Eastman Kodak Co	40.63	3.20
F	Ford Motor Co	44.13	3.48
FIR	Firestone Tire & Rub	43.75	3.45
GE	General Electric Co	44.25	3.49
IBM	Int'l Business Mach	114.63	9.04
JCP	J.C. Penney Co	47.88	3.78
JNJ	Johnson & Johnson	80.75	6.37
KM	K Mart Corp	33.63	2.65
LIT	Litton Industries Inc	78.75	6.21
MCD	McDonalds Corp	45.75	3.61
MEA	Mead Corp	37.50	2.96
MOB	Mobil Corp	44.63	3.52
PEP	Pepsico Inc	35.00	2.76
PG	Proctor & Gamble	82.50	6.51
RLM	Reynolds Metals Co	41.88	3.30
SKB	Smithkline Beckman	57.63	4.54
STO	Stone Container Corp	39.25	3.10
T	AT&T	29.75	2.35
TRW	TRW Inc	47.63	3.76
X	USX Corp	32.25	2.54
25		50.72	100

EXHIBIT B.—THE STOCK MARKET CIP INDEX

[As of 2/18/88]

Symbol	Issue	Market value	%	$
AAPL	Apple Computer, Inc	5,116,774	0.46	$40.500
ABT	Abbott Laboratories	10,895,232	0.98	48.00
AEP	American Electric Power	5,442,172	0.49	28.250
AET	Aetna Life & Casualty	5,310,937	0.48	47.000
AHP	American Home Products	11,015,325	0.99	74.625
AIG	American International	9,397,168	0.84	57.125
AIT	Ameritch	12,930,698	1.16	92.750
AMB	American Brands Inc	4,979,859	0.45	45.250
AMP	AMP Incorp.	5,015,317	0.45	46.500
AN	Amoco Corp	19,288,126	1.73	75.000
ARC	Atlantic Richfield Corp	13,790,438	1.24	77.000
AXP	American Express Co	10,704,495	0.96	25,125
BA	Boeing Co	7,392,257	0.66	47.750
BAX	Baxter Travenol	5,738,404	0.51	23.625
BEL	Bell Atlantic Corp	14,443,130	1.30	72.125
BLS	Bell South Corp	19,735,350	1.77	40.625
BMY	Bristol-Myers Co	12,780,934	1.15	43.875
BNI	Burlington Northern, Inc	4,778,845	0.43	65.250
BUD	Anheuser-Busch Co	9,409,519	0.84	31.250
C	Chrysler Corp	5,717,698	.051	25.750
CAT	Caterpillar Tractor	6,026,199	0.54	60.375
CCB	Capital Cities Comm	5,601,632	0.50	346.000
CCI	Citicorp	6,256,484	0.56	19.750
CHV	Chevron Corp	15,651,487	1.40	46.000
CP	Canadian Pacific	5,249,545	0.47	17.625
CWE	Commonwealth Edison Co	5,750,835	0.52	27.750
DD	Du Pont (E.I.) De Nemours	19,883,624	1.78	82.500
DEC	Digital Equipment Corp	15,142,440	1.36	119.250
DIS	Disney (Walt) Co	7,701,683	0.69	58.500
DNB	Dun & Bradstreet Corp	7,453,047	0.67	49.000
DOW	Dow Chemical Co	15,887,466	1.42	82.250
ED	Consolidated Edision Co	5,184,675	0.46	44.875

EXHIBIT B.—THE STOCK MARKET CIP INDEX—Continued

[As of 2/16/88]

Symbol	Issue	Market value	%	$
EK	Eastman Kodak Co	14,445,911	1.30	42.500
EMR	Emerson Electric Co	7,494,545	0.67	32.000
F	Ford Motor Co	22,810,050	2.05	43.125
GCI	Gannett Co	5,667,165	0.51	35.000
GE	General Electric Co	39,245,544	3.52	42.625
GM	General Motors	21,162,566	1.90	67.125
GRN	General Re Corp	5,330,070	0.48	53.000
GTE	GTE Corp	12,414,670	1.11	37.500
HNZ	Heinz (H.J.) Co	5,076,200	0.46	39.625
HWP	Hewlett-Packard Co	14,745,539	1.32	57.000
IBM	Int'l Busines Machines	68,454,008	6.14	112.750
ITT	ITT Corp	6,619,800	0.59	46.875
JCP	Penney (J.C.) Co	6,231,658	0.56	44.500
JNJ	Johnson & Johnson	13,836,466	1.24	79.625
JPM	Morgan (J.P.) & Co., Inc	6,387,550	0.57	35.250
K	Kellogg Co	6,465,101	0.58	52.000
KM	K Mart Corp	6,548,620	0.59	32.625
KO	Coca-Cola Co	13,749,355	1.23	36.125
KRA	Kraft, Inc	7,450,927	0.67	54.625
LLY	Lilly (Eli) & Co	10,644,307	0.95	75.500
LTR	Loews Corp	5,356,800	0.48	69.500
MCD	McDonald's Corp	8,675,618	0.78	45.750
MMM	Minnesota Mining & Mfg	13,421,733	1.20	58.500
MO	PHilip Morris Inc	21,653,058	1.94	90.625
MOB	Mobil Corp	18,097,948	1.62	44.000
MOT	Motorola Inc	5,686,918	0.51	43.875
MRK	Merck & Co	21,596,388	1.94	157.250
MTC	Monsanto Co	6,543,634	0.59	85.875
NCR	NCR Corp	5,490,965	0.49	60.125
NSC	Norfolk Southern Corp	5,261,872	0.47	27.250
NYN	Nynex Corp	14,228,635	1.28	69.500
OXY	Occidental Petroleum	5,363,190	0.48	26.500
PAC	Pacific Telesis Group	12,530,900	1.12	28.625
PCG	Pacific Gas & Electric	6,304,175	0.57	17.250
PEG	Public Service Enterprises	5,054,965	0.45	24.250
PFE	Pfizer Inc	8,621,615	0.77	52.000
PG	Procter & Gamble Co	14,170,249	1.27	83.000
RD	Royal Dutch Petroleum Co	29,852,620	2.68	111.500
RJR	Nabisco (RJR)	12,243,385	1.10	48.750
ROK	Rockwell International Corp	5,050,304	0.45	18.375
RTN	Raytheon Co	4,983,150	0.45	68.875
S	Sears & Roebuck & Co	13,467,960	1.21	35.625
SBC	Southwestern Bell	11,448,137	1.03	37.625
SCE	Southern Calif. Edison	7,165,059	0.64	33.125
SFX	Santa Fe Southern Pacific Corp	7,069,770	0.63	45.000
SGP	Schering-Plough	6,471,575	0.58	54.125
SKB	Smithkline Corp	7,288,191	.065	57.000
SLB	Schlumberger Ltd	9,649,018	0.87	34.500
SO	Southern Co	6,837,444	0.61	23.250
SQB	Squibb Corp	6,759,128	0.61	65.000
SUN	Sun Co	6,003,601	0.54	55.500
T	AT&T	31,271,658	2.80	28.875
TGT	Tenneco Corp	5,912,480	0.53	40.000
TL	Time, Inc	5,301,726	0.48	89.750
TX	Texaco Inc	9,471,033	0.85	39.000
UIS	Unisys Corp	5,483,223	0.49	34.125
UNP	Union Pacific Corp	5,946,512	0.53	56.750
UPJ	Upjohn Co	5,784,002	0.52	30.750
USW	US West	10,282,505	0.92	53.750
VO	Seagram Co. Ltd	5,252,225	0.47	55.000
WLA	Warner-Lambert Co	5,567,979	0.50	77.000
WMT	Wal-Mart Stores	15,240,798	1.37	27.125
WMX	Waste Management	7,898,211	0.71	34.750
WX	Westinghouse Electric	7,212,390	0.65	49.750
WY	Weyerhaeuser Co	5,487,272	0.49	39.875
X	USX Corp	8,271,043	0.74	30.500
XON	Exxon Corp	58,480,104	5.24	40.750
XRX	Xerox Corp	5,535,250	0.50	55.500

[FR Doc. 88-6899 Filed 3-29-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24608]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

March 24, 1988.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 18, 1988, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Ohio Power Company (70-7494)

Ohio Power Company ("OPCo"), 301 Cleveland Avenue, SW., Canton, Ohio 44701, a subsidiary of American Electric Power Company, a registered holding company, has filed a declaration pursuant to section 12(d) of the Act and Rule 44 thereunder.

OPCo proposes to sell to Procter & Gamble Manufacturing Co. ("Buyer") a portion of its distribution system, which is located upon real estate owned by the Buyer in Lima, Ohio and which consists of lines and transformation and other related equipment ("Facilities"), for a total price of $141,048. In connection with the sale, the Facilities will be released from the lien of the Indenture of Mortgage and Deed of Trust of OPCo.

National Fuel Gas Company (70-7512)

National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, New York 10112, a registered holding company, has filed an application pursuant to sections 9(a), 10 and 13 of the Act and Rules 90 and 91 thereunder.

National proposes to purchase all of the authorized common stock of Data-Track Account Services, Inc. ("Data-Track"), a corporation formed under the laws of New York State. Data-Track's authorized stock is made up of 1,000 shares of common stock with a par value of $1.00 per share. National will pay $500,000 for the 1,000 shares of stock. It is proposed that Data-Track perform account collection services, at cost, for the National Fuel Gas system, particularly National Fuel Gas Distribution Corporation ("Distribution"). Distribution will provide computer capacity to Data-Track, at cost, for use in its collection activities.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-6900 Filed 3-29-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16335; File No. 812-6965]

Sun Life Assurance Company of Canada (U.S.) et al.

March 23, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Sun Life Assurance Company of Canada (U.S.) (the "Company"); Money Market Variable Account ("MMVA"); High Yield Variable Account ("HYVA"); Capital Appreciation Variable Account ("CAVA"); Government Guaranteed Variable Account ("GGVA"); Government Markets Variable Account ("GMVA"); Total Return Variable Account ("TRVA"); Managed Sectors Variable Account ("MSVA") (collectively, the "Variable Accounts"); and Clarendon Insurance Agency, Inc. ("Clarendon").

Relevant 1940 Act Sections: Exemptions requested under section 6(c) from sections 2(a)(35), 12(b) and 27(c)(2) of the 1940 Act and Rule 12b-1 thereunder.

Summary of Application: Applicants seek an order to permit the Company to deduct from the assets of the Variable Accounts the mortality and expense risk charge and the distribution expense risk charge assessed under certain variable annuity contracts ("Contracts").

Filing Date: The application was filed on January 22, 1988, and amended on March 15, 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 18, 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 lawyers, by certificate. Request notification of the date of a hearing by writing the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. The Company and the Variable Accounts, One Sun Life Executive Park, Wellesley Hills, Massachusetts 02181; and Clarendon, 200 Berkeley Street, Boston, Massachusetts 02116.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Joyce M. Pickholz, (202) 272-3046 or Special Counsel Lewis B. Reich, (202) 272-2061 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from 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. The Company, a stock life insurance corporation incorporated under the laws of Delaware on January 12, 1970, issues life insurance policies and individual and group annuities. The Company is a wholly-owned subsidiary of Sun Life Assurance Company of Canada, a mutual life insurance company incorporated pursuant to Act of Parliament of Canada in 1865.

2. The Company established the Variable Accounts as separate accounts to act as the facility for issuing certain variable annuity contracts, including the Contracts. The Contracts, which will be initially marketed under the product name Compass 3, are individual deferred combination fixed/variable annuities which provide that annuity payments will begin on selected future dates. MMVA, CAVA, GGVA, and TRVA are registered under the 1940 Act as open-end, diversified, management

investment companies. HYVA, GMVA and MSVA are registered as open-end, non-diversified management investment companies. Massachusetts Financial Services Company ("MFS"), a wholly-owned subsidiary of the Company, is the investment adviser of the Variable Accounts.

3. The Contracts will be distributed by Clarendon, a wholly-owned subsidiary of MFS, and sold by licensed insurance agents who will be registered representatives of broker-dealers who are members of the National Association of Securities Dealers, Inc., and registered under the Securities Exchange Act of 1934.

4. The Company will establish an accumulation account for each Contract. Net purchase payments will be credited to a Contract's accumulation account in the form of variable accumulation units of one or more of the Variable Accounts or fixed accumulation units of the Company's general account. The value of the variable portion of a Contract's accumulation account will vary with the investment performance of the respective Variable Accounts.

5. No initial sales charges are deducted from purchase payments. However, a contingent deferred sales charge ("CDSC"), when applicable, will be assessed in the event of a full or partial withdrawal from a Contract. All withdrawals will be processed on a first-in, first-out basis. All purchase payments held by the Company for seven contract years or more and up to 10% of purchase payments held for less than seven contract years may be withdrawn each year without the assessment of a withdrawal charge. Also, no CDSC is assessed upon annuitization or upon withdrawals from the Variable Accounts by the beneficiary after the death of the annuitant. All other full or partial withdrawals are subject to a withdrawal charge which varies according to the number of complete contract years between the contract year in which a purchase payment was credited to a Contract's accumulation account and the contract year in which it is withdrawn in accordance with the following table:

Number of contract years	Withdrawal charge (percent)
Less than 1	6
Less than 2	6
Less than 3	5
Less than 4	5
Less than 5	4
Less than 6	4
Less than 7	3

6. The Company assumes the risk that the CDSCs may be insufficient to compensate it for the costs of distributing the Contracts. For assuming that risk, the Company will make a deduction from the Variable Accounts with respect to the Contracts at the end of each valuation period for the first seven contract years (during both the accumulation period and, if applicable, after annuity payments begin) at an effective annual rate of 0.15% of the assets of the Variable Accounts attributable to the Contracts (the "Distribution Expense Risk Charge"). No deduction is made after the seventh contract anniversary. If the Distribution Expense Risk Charge is insufficient to cover the actual risk assumed, the Company will bear the loss; however, if the charge is more than sufficient, any excess will be a profit to the Company and would be available for any proper corporate purpose. Applicants represent that the amount of any withdrawal charges together with the Distribution Expense Risk Charges assessed under a Contract will not exceed 9% of purchase payments made under the Contract.

7. On each contract anniversary and on surrender of a Contract for full value on other than the contract anniversary, Sun Life (U.S.) deducts from the accumulation account a contract maintenance charge of $30.00 to reimburse it for administrative expenses relating to the issuance and maintenance of the Contract. This charge is designed not to exceed the Company's current estimates of the administrative costs attributable to the Contracts over their expected lifetime, is guaranteed never to be increased, and is not designed or expected to generate a profit.

8. The Company assumes certain mortality and expense risks under the Contracts. For assuming these risks, the Company will make a deduction from the Variable Accounts with respect to the Contracts at the end of each valuation period at an effective annual rate of 1.25% of the Variable Accounts' assets attributable to the Contracts.

9. The mortality risk assumed by the Company arises from the contractual obligation to continue to make annuity payments to each annuitant regardless of how long the annuitant lives and regardless of how long all annuitants as a group live. The expense risk assumed by the Company is the risk that the administrative charges assessed under the Contracts may be insufficient to cover the actual administrative expenses incurred by the Company. The Company does not believe it feasible to identify precisely that portion of the deduction applicable to either the mortality risk or expense risk, but estimates that a reasonable allocation would be 0.80% for the assumption of the mortality risk, and 0.45% for the assumption of the administrative expense risk. If the mortality and expense risk charges are insufficient to cover the actual cost of the mortality and expense risk undertaking, the Company will bear the loss. Conversely, if the deduction proves more than sufficient, any excess will be profit to the Company and would be available for any proper corporate purpose including, among other things, payment of distribution expenses.

10. The mortality and expense risk charge is within the range of industry practice for comparable variable annuity products. This representation is based on the Company's analysis of publicly available information about comparable annuity products, in light of such products' particular annuity features, taking into consideration such factors as annuity rate guarantees, current charge levels, charge guarantees, and sales loads. The Company has incorporated its analysis, including its methodology and results, into a memorandum which it will maintain and make available to the Commission or its staff upon request.

11. The Company has concluded that there is a reasonable likelihood that the Variable Accounts' distribution financing arrangements will benefit the Variable Accounts and Contractowners and that the Company will maintain and make available to the Commission upon request a memorandum setting forth the basis for this conclusion. Each Variable Account will have a Board of Managers, a majority of whom are not interested persons of the Variable Account, formulate and approve any plan adopted under Rule 12b-1 of the Act to finance distribution expenses.

12. Based on the foregoing, Applicants request exemption from section 27(c)(2) and section 12(b) of the 1940 Act and Rule 12b-1 thereunder to the extent deemed necessary or appropriate to permit imposition of the mortality and expense risk charge without compliance with Rule 12b-1, and from section 27(c)(2) and section 2(a)(35) to the extent deemed necessary or appropriate to permit imposition of the distribution expense risk charge.

Applicants' Conditions

1. Applicants agree that the representations set forth in the application and summarized in the last sentence of paragraph 6, paragraph 10 and paragraph 11 above, and paragraph

2 below may be made conditions of the order requested.

2. Applicants represent that, at such time as the Commission adopts Rule 26a-3 under the 1940 Act, they will no longer rely on any order issued in response to the application granting an exemption from section 12(b) of the 1940 Act and Rule 12b-1 thereunder for deduction after the effective date of that rule of the mortality and expense risk charge, unless Applicants are in compliance with the requirements of that rule, as adopted, with respect to the Contracts.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-6901 Filed 3-29-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16337; File No. 812-6974]

Sun Life Assurance Company of Canada (U.S.) et al.

March 23, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Sun Life Assurance Company of Canada (U.S.) (the "Company"); Government Markets Variable Account ("GMVA"), Total Return Variable Account ("TRVA"), Managed Sectors Variable Account ("MSVA") (collectively, the "Variable Accounts"); and Clarendon Insurance Agency, Inc. ("Clarendon").

Relevant 1940 Act Sections: Exemptions requested under section 6(c) from sections 12(b) and 27(c)(2) of the 1940 Act and Rule 12b-1 thereunder.

Summary of Application: Applicants seek an order to permit the Company to deduct the mortality and expense risk charge assessed under certain variable annuity contracts ("Contracts") from the assets of the Variable Accounts.

Filing Date: The application was filed on January 28, 1988 and amended on March 15, 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 18, 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 lawyers, by certificate. Request notification of the date of a hearing by writing the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. The Company and the Variable Accounts, One Sun Life Executive Park, Wellesley Hills, Massachusetts 02181, and Clarendon, 200 Berkeley Street, Boston, Massachusetts 02116.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Joyce M. Pickholz, (202) 272-3046 or Special Counsel Lewis B. Reich, (202) 272-2061 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from 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. The Company is a stock life insurance corporation incorporated under the laws of Delaware on January 12, 1970, which issues life insurance policies and individual and group annuities. The Company is a wholly-owned subsidiary of Sun Life Assurance Company of Canada, a mutual life insurance company incorporated pursuant to Act of Parliament of Canada in 1865.

2. The Company established the Variable Accounts as separate accounts to act as the facility for issuing certain variable annuity contracts, including the Contracts. The Contracts are individual deferred combination fixed/variable annuities which provide that annuity payments will begin on selected future dates. The Contracts, currently marketed under the name "Compass II", have been offered since 1982 and are currently funded by four other separate accounts established by the Company: Money Market Variable Account ("MMVA"), High Yield Variable Account ("HYVA"), Capital Appreciation Variable Account ("CAVA"), and Government Guaranteed Variable Account ("GGVA") (collectively, the "original variable accounts"). The Applicant Variable Accounts have been established to offer Contract owners additional investment alternatives for allocation of account values. It is expected that the original variable accounts and the applicant Variable Accounts will also fund combination fixed/variable annuity contracts marketed under the product name Compass 3. TRVA is registered under the Act as an open-end, diversified, management investment company. GMVA and MSVA are registered as open-end, non-diversified management investment companies. Massachusetts Financial Services Company ("MFS"), a wholly-owned subsidiary of the Company, is the investment adviser of the Variable Accounts and the original variable accounts.

3. The Contracts will be distributed by Clarendon, a wholly-owned subsidiary of MFS, and sold by licensed insurance agents who will be registered representatives of broker-dealers registered under the Securities Exchange Act of 1934 who are members of the National Association of Securities Dealers, Inc.

4. The Company will establish an accumulation account for each Contract. Net purchase payments will be credited to a Contract's accumulation account in the form of variable accumulation units of one or more of the Variable Accounts (or the original variable accounts) or fixed accumulation units of the Company's general account. The value of the variable portion of a Contract's accumulation account will vary with the investment performance of the respective Variable Accounts.

5. No initial sales charges are deducted from purchase payments. However, a contingent deferred sales charge, ("CDSC") when applicable, will be assessed in the event of a full or partial withdrawal from a Contract. All withdrawals will be processed on a first-in, first-out basis. All purchase payments held by the Company for five contract years or more and up to 10% of purchase payments held for less than five contract years may be withdrawn each year without the assessment of a CDSC. Also, no CDSC is assessed upon annuitization or upon withdrawals from the Variable Accounts by the beneficiary after the death of the annuitant. All other full or partial withdrawals are subject to a CDSC equal to 5% of the amount withdrawn which is subject to the charge. In no event will the aggregate CDSC's assessed against a Contract exceed 5% of the aggregate purchase payments made under the Contract.

6. The Company assumes certain mortality and expense risks under the Contracts. For assuming these risks, the Company will make a deduction from the Variable Accounts with respect to the Contracts at the end of each valuation period at an effective annual

rate of 1.25% of the Variable Accounts' assets attributable to the Contracts.[1]

7. On each contract anniversary and on surrender of a Contract for full value on other than the contract anniversary, the Company deducts from the accumulation account a contract maintenance charge of $25.00 to reimburse it for administrative expenses relating to the issuance and maintenance of the Contract. This charge is designed not to exceed the Company's current estimates of the administrative costs attributable to the Contracts over their expected lifetime, is guaranteed never to be increased, and is not designed or expected to generate a profit.

8. The mortality risk assumed by the Company arises from the contractual obligation to continue to make annuity payments to each annuitant regardless of how long the annuitant lives and regardless of how long all annuitants as a group live. The expense risk assumed by the Company is the risk that the administrative charges assessed under the Contracts may be insufficient to cover the actual administrative expenses incurred by the Company. The Company does not believe it feasible to identify precisely that portion of the deduction attributable to either the mortality risk or expense risk, but estimates that a reasonable allocation would be 0.80% for the assumption of the mortality risk, and 0.45% for the assumption of the administrative expense risk. If the mortality and expense risk charges are insufficient to cover the actual cost of the mortality and expense risk undertaking, the Company will bear the loss. Conversely, if the deduction proves more than sufficient, any excess will be profit to the Company and would be available for any proper corporate purpose including, among other things, payment of distribution expenses.

9. The mortality and expense risk charge is within the range of industry practice for comparable variable annuity products. This representation is based on the Company's analysis of publicly available information about comparable annuity products, in light of such products' particular annuity features, taking into consideration such factors as annuity rate guarantees, current charge levels, charge guarantees, and sales loads. The Company has incorporated its analysis, including its methodology and results, into a memorandum which it will maintain and make available to the Commission or its staff upon request.

10. Applicants represent that the Company has concluded that there is a reasonable likelihood that the Variable Accounts' distribution financing arrangements will benefit the Variable Accounts and Contract owners, and that the Company will maintain and make available to the Commission upon request a memorandum setting forth the basis for this conclusion. Each Variable Account undertakes that its Board of Managers, a majority of whom are not interested persons of the Variable Account, will formulate and approve any plan adopted under Rule 12b–1 of the Act to finance distribution expenses.

Applicants' Conditions

1. Applicants agree that certain representations set forth in the Application and summarized in paragraphs 9 and 10 above and paragraph 2 below may be made conditions of the order requested.

2. Applicants represent that, at such time as the Commission adopts Rule 26a–3 under the 1940 Act, they will not rely on the order requested with respect to an exemption from section 12(b) of the 1940 Act and Rule 12b–1 thereunder for deduction after the effective date of such rule of the mortality and expense risk charge, unless Applicants are in compliance with the requirements of such rule, as adopted, with respect to the Contracts.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–6902 Filed 3–29–88; 8:45 am]

BILLING CODE 8010–01–M

[1] Pursuant to orders of the Commission granting exemptive relief under section 6(c) of the 1940 Act, the Company will continue to deduct a mortality and expense risk charge with respect to the Contracts from MMVA, HYVA, CAVA and GGVA at an effective annual rate of 1.30% of such accounts' assets attributable to the Contracts.

[Release No. IC–16336; File No. 812–6978]

Sun Life Insurance and Annuity Company of New York et al.

March 23, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Sun Life Insurance and Annuity Company of New York (the "Company"); Sun Life (N.Y.) Variable Account B (the "Variable Account"); and Clarendon Insurance Agency, Inc. ("Clarendon").

Relevant 1940 Act Sections: Exemptions requested under section 6(c) from sections 2(a)(35), 26(a)(2) and 27(c)(2) of the 1940 Act.

Summary of Application: Applicants seek an order to permit the Company to deduct the mortality and expense risk charge and the distribution expense risk charge assessed under certain variable annuity contracts ("Contracts") from the assets of the Variable Account.

Filing Date: The Application was filed on February 1, 1988 and amended on March 15, 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 request must be received by the SEC by 5:30 p.m. on April 18, 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, of, for lawyers, by certificate. Request notification of the date of a hearing by writing the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. The Company and the Variable Account, 67 Broad Street, New York, New York 10004, and Clarendon, 200 Berkeley Street, Boston, Massachusetts 02116.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Joyce M. Pickholz (202) 272–3046 or Special Counsel Lewis B. Reich (202) 272–2061 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the Application. The complete Application is available for a fee from 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. The Company is a stock life insurance corporation incorporated under the laws of New York on May 25, 1983, which issues individual fixed and variable annuities only in the State of New York. The Company is a wholly-owned subsidiary of Sun Life Assurance Company of Canada (U.S.) ("Sun Life (U.S.)), a stock life insurance company incorporated under the laws of Delaware.

2. The Company established the Variable Account as a separate account to act as the facility for issuing certain variable annuity contracts, including the Contracts. The Variable Account is registered under the 1940 Act as a unit

investment trust. The assets of the Variable Account are divided into Sub-Accounts, each of which invests exclusively in shares of one of several designated series of MFS/Sun Life Series Trust (the "Series Fund"), an open-end management investment company registered under the Act. Massachusetts Financial Services Company ("MFS"), a wholly-owned subsidiary of Sun Life (U.S.), is the investment adviser to the Series Fund.

3. The Contracts will be distributed by Clarendon, a wholly-owned subsidiary of MFS, and sold by insurance agents licensed in the State of New York who will be registered representatives of broker-dealers registered under the Securities Exchange Act of 1934 who are members of the National Association of Securities Dealers, Inc.

4. The assets of the Variable Account will be derived from the Contracts and Other Contracts [1] providing for investment in a Sub-Account of the Variable Account. The Contracts are individual deferred combination fixed/variable annuities which provide that annuity payments will begin on a selected future date. Such Contracts may be deemed "periodic payment plan certificates" as that term is defined in section 2(a)(27) of the 1940 Act. The Contracts are expected to be sold in April, 1988, and will be marketed initially under the name "Compass 3".

5. The Company will establish an accumulation account for each Contract. Net purchase payments will be credited to a Contract's accumulation account in the form of variable accumulation units of one or more of the Sub-Accounts or fixed accumulation units of the Company's general account (the "Fixed Account"). The value of the variable portion of a Contract's accumulation account will vary with the investment performance of the respective Sub-Account(s).

6. No initial sales charges are deducted from purchase payments. However, a contingent deferred sales charge ("CDSC"), when applicable, will be assessed in the event of a full or partial withdrawal from a Contract. All withdrawals will be processed on a first-in, first-out basis. All purchase payments held by the Company for seven contract years or more and up to 10% of purchase payments held for less than seven contract years may be withdrawn each year without the assessment of a CDSC. Also, no CDSC is assessed upon annuitization or upon withdrawals from the Variable Account by a beneficiary after the death of an annuitant. All other full or partial withdrawals are subject to a CDSC which varies according to the number of complete contract years between the contract year in which a purchase payment was credited to a Contract's accumulation account and the contract year in which it is withdrawn, in accordance with the following table:

Number of contract years	Withdrawal charge (percent)
Less than 1	6
Less than 2	6
Less than 3	5
Less than 4	5
Less than 5	4
Less than 6	4
Less that 7	3
7 or more	0

7. The Company assumes the risk that the withdrawal charges may be insufficient to compensate it for the costs of distributing the Contracts. For assuming that risk, the Company will make a deduction from the Variable Account with respect to the Contracts at the end of each valuation period for the first seven contract years (during both the accumulation period and, if applicable, after annuity payments begin) at an effective annual rate of 0.15% of the assets of the Variable Account attributable to the Contracts (the "Distribution Expense Risk Charge"). No deduction is made after the seventh contract anniversary. If the Distribution Expense Risk Charge is insufficient to cover the actual risk assumed, the Company will bear the loss; however, if the charge is more than sufficient, any excess will be a profit to the Company and would be available for any proper corporate purpose. Applicants represent that the amount of any CDSCs together with the Distribution Expense Risk Charges assessed under a Contract will not exceed 9% of purchase payments made under the Contract.

8. The Company assumes certain mortality and expense risks under the Contracts. For assuming these risks, the company will make a deduction from the Variable Account with respect to the Contracts at the end of each valuation period at an effective annual rate of 1.25% of the Variable Account's assets attributable to the Contracts.

9. On each contract anniversary and on surrender of a Contract for full value on other than the contract anniversary, Sun Life (N.Y.) deducts from the accumulation account a contract maintenance charge of $30.00 to reimburse it for administrative expenses relating to the issuance and maintenance of the Contract. This charge is designed not to exceed the Company's current estimates of the administrative costs attributable to the Contracts over their expected lifetime, is guaranteed never to be increased, and is not designed or expected to generate a profit.

10. Applicants state that the mortality risk assumed by the Company arises from the contractual obligation to continue to make annuity payments to each annuitant regardless of how long the annuitant lives and regardless of how long all annuitants as a group live. The expense risk assumed by the Company is the risk that the administrative charges assessed under the Contracts may be insufficient to cover the actual administrative expenses incurred by the Company. The Company does not believe it feasible to identify precisely that portion of the deduction applicable to either the mortality risk or expense risk, but estimates that a reasonable allocation would be 0.80% for the assumption of the mortality risk, and 0.45% for the assumption of the administrative expense risk. If the mortality and expense risk charges are insufficient to cover the actual cost of the mortality and expense risk undertaking, the Company will bear the loss. Conversely, if the deduction proves more than sufficient, any excess will be profit to the Company and would be available for any proper corporate purpose including, among other things, payment of distribution expenses.

11. Applicants represent that the mortality and expense risk charge is within the range of industry practice for comparable variable annuity products. This representation is based on the Company's analysis of publicly available information about comparable annuity products, in light of such products' particular annuity features, taking into consideration such factors as annuity rate guarantees, current charge levels, charge guarantees, and sales loads. The Company undertakes to maintain and make available to the Commission upon request a memorandum setting forth the basis for its representations.

12. Applicants represent that the Company has concluded that there is a reasonable likelihood that the Variable Account's distribution financing arrangement will benefit the Variable Account and Contract owners, and that the Company will maintain and make available to the Commission upon request a memorandum setting forth the

[1] The Variable Account currently is the investment medium for combination fixed/variable annuity contracts marketed under the product name Compass II.

basis for this conclusion. The Variable Account will invest only in open-end management companies which have undertaken to have a Board of Directors, a majority of whom are not interested persons of the open-end management company, formulate and approve any plan adopted under Rule 12b-1 of the 1940 Act to finance distribution expenses.

Applicants' Conditions

1. Applicants agree that the representations set forth in the last sentence of paragraph 12, the first 13 lines of paragraph 17, and paragraph 18 of the Application can be made conditions of the order requested herein. Those representations are summarized in the last three lines of paragraph 7, paragraph 11 and paragraph 12 above.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-6903 Filed 3-29-88; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review by the Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, 450 Fifth Street, NW., Washington, DC 20549

Reinstatement

File No. 270-204, Rule 19d-2

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) as amended in 1986, the Securities and Exchange Commission has submitted for reinstatement of OMB clearance the following rule under the Securities Exchange Act of 1934. Rule 19d-2 prescribes the form and content of applications to the Commission for stays of final disciplinary sanctions and summary actions of self-regulatory organizations. Nine respondents incur an estimated average of three burden hours to comply with the Rule.

Submit comments to OMB Desk Officer: Mr. Robert Neal (202) 395-7340, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503.

March 3, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-6956 Filed 3-29-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25501; File No. SR-CBOE-88-01]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc., Order Approving Proposed Rule Change.

Pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act") [1] and rule 19b-4 thereunder,[2] the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange"), on January 25, 1988, submitted to the Securities and Exchange Commission ("Commission") a proposed rule change to require an affirmative vote for the issuance of permits or other trading rights. This release grants approval to the CBOE's proposal.

The proposed rule change was published for comment in Securities Exchange Act Release No. 25344 (February 11, 1988), 53 FR 5064. No comments were received on the proposed rule change.

The proposed rule change would amend section 2.1(a) of the Exchange's constitution to require an affirmative membership vote for the issuance of permits or any other rights granting holders access to the CBOE trading floor for the purpose of effecting securities transactions. In the past, the Exchange practice has been to issue trading rights when the membership approved them in an affirmative vote or when a quorum was not obtained at a membership meeting at which the issuance of trading rights was to be considered. The proposed rule change was submitted to the Commission after the CBOE membership voted for the revised procedures at a special membership meeting called for the purpose of pursuing such a constitutional amendment.

The Commission believes that the proposed constitutional amendment is reasonable. All rights or permits granting physical access to the Exchange floor, however limited in scope as to product access, duration, voting rights, interest in Exchange assets, and other features, grant holders the essential right associated with full Exchange membership—the right to transact business on the Exchange floor. The question of membership approval of such rights or permits arose last year in connection with a CBOE proposal to issue government security options permits ("GSOPs"). [3] The CBOE issued the permits based on a membership meeting at which a quorum was not obtained. In granting approval to the rule change, the Commission noted that it was a "close question" whether the CBOE was required to obtain membership approval prior to issuing special, limited trading permits.[4] The CBOE's proposed constitutional amendment should clarify and simplify the process of issuing trading permits while ensuring that the Exchange membership will have a voice in any such issuances.

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 [5] and the rules and regulations thereunder.

It therefore is 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.

Jonathan G. Katz,

Secretary.

Dated: March 23, 1988.

[FR Doc. 88-6904 Filed 3-29-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25503; File No. SR-Phlx-87-33]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

On November 9, 1987, the Philadelphia Stock Exchange, Inc. ("Phlx" 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

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1988).

[3] Securities Exchange Act Release No. 24894 (September 9, 1987), 52 FR 35013.

[4] 52 FR at 35015. Indeed, the Commission's approval of the issuance of GSOPs without an affirmative membership vote was limited explicity to GSOPs. *Id.*

[5] 15 US.C. 78f (1982).

[6] 15 U.S.C. 78s(b)(2) (1982).

[1] 15 U.S.C. 78s(b)(1) (1982).

thereunder,[2] a proposed rule change that would allow the execution of spread, straddle and combination ratio orders involving American Style and European Style foreign currency options.

The proposed rule change was noticed in Securities Exchange Act Release No. 25218, 52 FR 49559 (December 31, 1987). No comments were received on the proposed rule change.

The proposed rule change would extend priority treatment under Phlx Rule 1033 to spread, straddle, and combination Foreign Currency Options ("FCC") ratio orders.

Currently, Phlx Rule 1033 provides that one leg of a spread, straddle or combination order involving stock or foreign currency options may be executed at the established bid or offer, thus taking priority over a booked customer or other crowd order, provided that the other leg of the order is simultaneously executed at a price which is better than the established bid or offer. The Exchange's proposal extends this treatment to ratio orders, but provides for a cap of three-to-one on permissible ratio FCO orders. The Exchange contends that the cap would prevent a trader seeking priority over an order on the book or in the crowd from restating an order as a ratio order. For example, such a cap would prevent a trader from recasting an order to buy 100 calls and sell one out-of-the money put. In addition, the Phlx's proposal authorizes the Exchange's Foreign Currency Options Committee to specify the ratios that would be permitted under the rule. Preliminarily, the Committee's Rules Subcommittee has determined that it would be appropriate to start by allowing only two-to-one and three-to-two ratio orders.

The Phlx states that the purpose of the proposed rule change is to allow Phlx market participants to utilize foreign currency options ("FCO") contracts more effectively as risk hedging instruments. The Exchange notes that the foreign currency options markets tend to attract and be utilized by sophisticated institutional and corporate investors. This is in part due to the nature of the instruments and the tremendous size of the underlying currency markets. Sophisticated institutional and corporate investors frequently effect ratio orders, in which different numbers of contracts may be purchased or sold on each leg of a multi-part order, rather than rely solely on one-to-one spreads and other multi-part orders. In this regard, the Phlx Market Surveillance Department surveyed several floor brokers during ten trading sessions in February 1987 to determine the extent to which ratio orders were received by them. The Market Surveillance Department found that, in 29.5% of the instances surveyed, spread, straddle or combination ratio orders were received.

The Phlx contends that the statutory basis for the proposed rule change is section 6(b)(5) of the Act in that it will facilitate transactions in securities and protect investors and the public interest while being designed to promote just and equitable principles of trade. The Phlx believes that the ability to utilize ratio orders will increase liquidity and facilitate opportunities for risk hedging and arbitrage activities leading to a more efficiently priced foreign currency options market.

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,[3] and the rules and regulations thereunder. The Commission recognizes the predominance of sophisticated institutional and corporate investors in the foreign currency options markets and the prevalence of combination ratio orders used by these investors. These ratio positions are usually established because an institutional or corporate investor intends to hold a hedged position. The Commission agrees that the ability to utilize FCO ratio orders will facilitate opportunities for risk hedging.

Although historically the Commission has been concerned about granting priority to ratio orders due to the fear that institutional orders would preempt public customer orders,[4] the Commission believes that approval of the exchange's proposal on an 18 month pilot basis is appropriate for several reasons. First, the Commission notes that the FCO market is dominated by institutions and sophisticated corporate investors who use ratio combinations, spreads and straddles. Retail investor interest in the FCO market is minimal. Second, the number of public orders placed on the books of foreign currency specialists is not significant,[5] so that preemption of customer orders is unlikely. To evaluate the pilot, the Exchange will submit a report to the Commission after the pilot has been in effect for a year. Among the information contained in such a report should be data regarding the number of customer orders by-passed as a result of granting trading priority to FCO spread, straddle and combination ratio orders, whether the number of booked orders on the specialist books are still relatively few and what action, if any, the Foreign Currency Options Committee has taken regarding the specification of ratios that would be permitted under the rule.

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 23, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-6905 Filed 3-29-88; 8:45 am]

BILLING CODE 8010-01-M

[2] 17 CFR 240.19b-4 (1986).

[3] 15 U.S.C. 78f (1982).

[4] *See e.g.*, Amex-85-09; Release No. 34-22, 50 FR 19504 (May 8, 1985).

[5] In it's filing, Phlx indicated that a recent census of the specialist books indicated that on average there are 20 booked orders per American style currency options class and virtually none in the European Style options.

[6] 15 U.S.C. 78s(b)(2) (1982).

[7] 17 CFR 200.30-3(a), (12) (1986).

DEPARTMENT OF STATE

[CM-8/1179]

U.S. Organization For The International Telegraph and Telephone Consultative Committee (CCITT); Study Group B; Postponement and Rescheduling of Meeting

The Department of State announces that the previously announced meeting of Study Group B scheduled for April 6, 1988 is postponed and is rescheduled for April 20, 1988—9:30 a.m., Room 1408, U.S. Department of State. All other particulars of the meeting as previously announced remain the same.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl Barbely, State Department, Washington, DC; telephone (202)653-6102. All attendees must use the C Street entrance to the building.

Date: March 11, 1988.

Earl S. Barbely,

Director, Office of Technical Standards and Development; Chairman, U.S. CCITT National Committee.

[FR Doc. 88-6917 Filed 3-29-88; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/1178]

U.S. State Department Overseas Security Advisory Council; Closed Meeting

The Department of State announces a meeting of the U.S. State Department—Overseas Security Advisory Council on Wednesday, April 6, 1988, at 8:30 a.m. in the Mobil Oil Corporation, 3225 Gallows Road, Fairfax, Virginia. Pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(4), it has been determined the meeting will be closed to the public. Matters relative to privileged commercial information will be discussed. The agenda calls for the discussion of private sector physical security policies, bomb threat statistics, and security programs at sensitive U.S. Government and private sector locations overseas.

For more information contact Ms. Marsha J. Atwater, Overseas Security Advisory Council, Department of State, Washington, DC 20520, phone: 202/663-1654.

Date: March 17, 1988.

Clark Dittmer,

Acting Director of the Diplomatic Security Service.

[FR Doc. 88-6918 Filed 3-29-88; 8:45 am]

BILLING CODE 4710-24-M

[Public Notice: CM-8/1177]

Advisory Committee on Oceans and International Environmental and Scientific Affairs; Partially Closed Meeting

Department of State officials responsible for international environmental policy regarding global warning and climate change will be present at 2:00 p.m. Tuesday, April 19, 1988 in Room 1105 of the Department of State at 2201 C Street NW., Washington, DC, to discuss key issues and problems in those fields and seek comments and advice. This session, which is being convened by the Department's Advisory Committee on Oceans and International Environmental and Scientific Affairs, will be open to the public and will last until 4:00 p.m. Members of the general public will be admitted to the session to the limits of seating capacity and will be given the opportunity to participate in discussions according to the instructions of the Chairperson. In that regard, entrance to the Department of State building is controlled, and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the Office of Science and Technology Support by contacting William Moody or Douglas Dearborn, telephone (202) 647-2764. All attendees must use the C Street entrance to the building.

Officers of the Bureau of Oceans and International Environmental and Scientific Affairs, along with the Department of State's Advisory Committee on Oceans and International Environmental and Scientific Affairs, will meet at 9:00 a.m. on Wednesday, April 20, in a session which will not be open to the public. This session will include discussion of material classified under 5 U.S.C. 552b(c)(1) and U.S.C. 552b(c)(9)(B). The disclosure of classified material and revelation of consideration which go into policy development could adversely affect the ability of the United States to achieve its foreign policy objectives. The purposes of these discussions will be to elicit views and discuss issues relating to the foreign policy implications of global warning and climate change. This portion of the meeting will include classified briefings and discussion of classified documents pursuant to Executive Order 12356.

Requests for further information on this meeting should be directed to Thomas Wajda or William Moody of the Office of Science and Technology Support of the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs. They may be reached by telephone on (202) 647-2764.

Richard J. Smith,

Chairman, Advisory Committee on Oceans and International Environmental and Scientific Affairs.

March 4, 1988.

[FR Doc. 88-6877 Filed 3-29-88; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-88-11]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: April 13, 1988.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. 7XXXX, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on March 24, 1988.

Denise D. Hall,

Acting Manager, Program Management Staff.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
20049	T.B.M., Inc	14 CFR 91.211(a)(1)	To extend Exemption No. 2956, as amended, that allows petitioner to operate its Douglas DC-6 and DC-7 aircraft without a flight engineer during flightcrew training, ferry, and test flights conducted in preparation for firefighting operations under Part 137.
24041	Butler Aircraft Co	14 CFR 91.211(a)(1)	To extend exemption No. 2989, as amended, that allows petitioner to operate its Douglas DC-6 and DC-7 aircraft without a flight engineer during flightcrew training, ferry, and test flights conducted in preparation for firefighting operations under Part 137.
25522	Resort Air, Inc., dba Trans World Express	14 CFR 121.411 and 121.413	To allow petitioner to utilize qualified Aerospatiale pilots for the training of a selected number of petitioner's crewmembers in the ATR 42-type aircraft in Toulouse, France, and St. Louis, Missouri.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description relief sought; disposition
2547	Hawaiian Airlines, Inc	14 CFR 121.371(a) and 121.378	To allow petitioner to contract with Hong Kong Aircraft Engineering Company, Ltd. (HAECO), Singapore Aero Components Overhaul Ltd., and Air Asia, which are all U.S. FAA-certificated foreign repair stations, for the inspection, repair, and overall of petitioner's DC8-62/63 airplanes, U.S. Registration Numbers N931 and N934. Grant, March 14, 1988.
25559	Aerospace Industries Association of America, Inc.	14 CFR 45.11(a)	To permit manufacturers of aircraft intended for operation under Part 121 or 126, or in commuter air carrier operations (as defined in Part 135 and SFAR 38-4), and which are maintained under an FAA-approved continuous airworthiness maintenance program, to not install identification plates during the production phase on the exterior of the aircraft as specified rule. The exemption would include aircraft manufactured for export and would include all activities until title is transferred. Grant, March 11, 1988.

[FR Doc. 88-6871 Filed 3-29-88; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954). The list is the same as the prior quarterly list published in the **Federal Register.**

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954].

Bahrain
Iraq
Jordan
Kuwait
Lebanon
Libya
Oman
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen, Arab Republic
Yemen, Peoples Democratic Republic of

Date: March 24, 1988.

O. Donaldson Chapoton,

Assistant Secretary for Tax Policy.

[FR Doc. 88-6962 Filed 3-29-88; 8:45 am]
BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

Grants Program for Private Not-For-Profit Organizations: Support of International Educational and Cultural Activities

The United States Information Agency (USIA) announces a program of selective assistance and limited grant support to non-profit activities of United States institutions and organizations in the Private Sector. The program is designed to increase mutual understanding between the people of the U.S. and other countries and to strengthen the ties which unite our societies. The information collection involved in this solicitation is covered by OMB Clearance Number 3116-0175, entitled "A Grants Program for Private, Non-Profit Organization in Support of International Educational and Cultural Activities," announced in the Federal Register June 3, 1987.

Private Sector Organizations interested in working cooperatively with USIA on the following concept are encouraged to so indicate:

Constitutional Origins of the American Legal System: A Study Tour for Indonesian Legal Experts

The Office of Private Sector Programs, Initiative Grants Division, will assist in supporting a two-week study tour (early fall 1988) for six to eight Indonesian legal experts to examine the Constitutional origins of the American legal system. Some of these experts will also hold official positions. Examining the role of law in a changing society, this program will focus on human rights, criminal procedure law, and constitutional protections for the individual. It will also evaluate the United States Constitution's impact on corporate and environmental issues. Indonesian participants should have the opportunity to meet with American colleagues to discuss these and other legal issues, visit American legal and advocacy institutions, and participate in at least one seminar during which they can compare their own findings with those of their American colleagues. A one-week follow-on program in Indonesia on comparative constitutional issues is envisioned for three American legal scholars.

The Indonesian participants will be selected by USIA representatives abroad. Americans travelling to Indonesia will be among those experts participating in the initial program. The American-Indonesian Exchange Foundation (AMINEF) and USIA representatives in Jakarata will assist in scheduling the American scholars' visit to Indonesia. A U.S. not-for-profit institution with expertise in comparative constitutional issues will design and execute this two-part project.

USIA is most interested in working with organizations that show promise for innovate and cost-effective programming; and with organizations that have potenital for obtaining private-sector funding in addition to USIA support. Organizations must have the substantive expertise and logistical capability needed to successfully develop and conduct the above project and should also demonstrate a potential for designing programs which will have lasting impact on their participants.

Interested organizations should submit a request for complete application material—postmarked no later than fifteen days from the date of this notice—to the address listed below. The Office of Private Sector Programs will then forward a set of materials, including proposal guidelines. Please refer to this specific program by name in your letter of interest.

Office of Private Sector Programs, Bureau of Educational and Cultural Affairs, (ATTN: Initiative Programs—Indonesia Project), United States Information Agency, 301 4th Street SW., Washington, DC 20547.

Robert F. Smith,

Director, Office of Private Sector Programs.

[FR Doc. 88-6930 Filed 3-29-88; 8:45 am]

BILLING CODE 8230-01-M

Voice of America Broadcast Advisory Committee; Meeting

The Voice of America Broadcast Advisory Committee has scheduled a meeting for Tuesday, April 5, 1988. The meeting will take place at 330 Independence Avenue, SW., Washington DC 20547, in Room 3300.

This meeting will be closed to the public as a classified briefing will be conducted, and committee members will be provided a technical tour of the Voice of America through areas not open to the public.

Please contact Louise Wheeler on (202) 485-8889 for further information.

Dated: March 24, 1988.

Charles Z. Wick,

Director.

[FR Doc. 88-6929 Filed 3-29-88; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 61
Wednesday, March 30, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 9:30 a.m., Monday, April 4, 1988.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed amendment to the Board's Rules Regarding Delegation of Authority, that implement the Government Securities Act of 1986.
2. Consideration of renewal of temporary seasonal discount credit program.

Discussion Agenda

3. Proposals to implement the Expedited Funds Availability Act regarding indorsement standards. (Proposed earlier for public comment; Docket No. R-0620)
4. Proposals regarding returned check fees.
5. Publication for comment of the concept of universal payment terms for checks presented to paying banks by private sector banks.
6. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Date: March 28, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-7010 Filed 3-28-88; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: Approximately 11:30 a.m., Monday, April 4, 1988, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSONS FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: March 28, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-7011 Filed 3-28-88; 11:07 am]

BILLING CODE 6210-01-M

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Tuesday, April 5, 1988 at 10:00 a.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints
5. Inv. 731-TA-389 (P) (3.5 inch Microdisks and Media Therefor from Japan)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252-1000.

Kenneth R. Mason,

Secretary.

March 25, 1988.

[FR Doc. 88-6964 Filed 3-28-88; 8:49 am]

BILLING CODE 7020-02-M

NATIONAL TRANSPORTATION SAFETY BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 53, No. 55/Tuesday, March 22, 1988/9404.

PREVIOUSLY ANNOUNCED TIME AND DATE: 9:30 a.m., Tuesday, March 29, 1988.

CHANGE IN MEETING: A majority of the Board Members determined by recorded vote that the business of the Board required revising the agenda of this meeting and that no earlier announcement was possible. Item three and four has been added making the previous number three and four now five and six.

3. Public Hearing: Recommendation to Conduct a Hearing re the Hazardous Materials Incident Aboard American Airlines MD-80, Nashville, Tennessee, February 3, 1988.
4. FAA Notice of Proposed Rulemaking "Standards for Approval of a Reduced V_1 Methodology for Takeoff on Wet and Contaminated Runways."

FOR MORE INFORMATION, CONTACT: Bea Hardesty, (202) 382-6525.

Bea Hardesty,

Federal Register Liaison Officer.

March 28, 1988.

[FR Doc. 88-7045 Filed 3-28-88; 2:14 pm]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of March 28, April 4, 11, and 18, 1988.

PLACE: Commissioner's Conference Room, 1717 H Street, NW., Washington, DC

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of March 28

Thursday, March 31

10:00 a.m.
Briefing on Proposed Final Rule on Station Blackout (Public Meeting)

2:00 p.m.
Briefing on High Priority AEOD Issues (Public Meeting)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Petition for Hearing from Commonwealth of Pennsylvania on Peach Bottom Nuclear Power Station

Week of April 4—Tentative

Thursday, April 7

2:00 p.m.
Briefing on Proposed Basic QA Rule with Representatives of NRC Advisory Committee on the Medical Uses of Isotopes and Industry Scientific Committees (Public Meeting)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of April 11—Tentative

Thursday, April 14

11:00 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of April 18—Tentative

Thursday, April 21

10:00 a.m.
Briefing on Status of Program for Performance Indicators (Public Meeting)
2:00 p.m.
Discussion of Management-Orgnization and Internal Personnel Matters (Closed—Ex. 2 & 6)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Affirmation of "Proposed Final Rule Revising Agency Procedures Governing Ex Parte Communications and Separation of Functions" (Public Meeting) was held on March 23.

Note.—Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: William Hill (202) 634–1410.

William M. Hill, Jr.,
Office of the Secretary.
March 24, 1988.

[FR Doc. 88–6971 Filed 3–28–88; 8:49 am]
BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (53 FR 9450 March 22, 1988).

STATUS: Closed meeting.

PLACE: 450 5th Street NW., Washington, DC

DATE PREVIOUSLY ANNOUNCED: Wednesday, March 16, 1988.

CHANGES IN THE MEETING: Additional items.

The following additional items were considered at a closed meeting scheduled on Tuesday, March 22, 1988, at 2:30 p.m.

Dismiss institution of injunctive action
Regulatory matter regarding financial instititions.
Litigation matter.
Commissioner Grundfest, as duty officer, determined that Commission business required the above changes.

At time changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Amy Kroll at (202) 272–2092.

Jonathan G. Katz,
Secretary.
March 23, 1988.

[FR Doc. 88–7059 Filed 3–28–88; 2:15 pm]
BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of March 28, 1988:

A closed meeting will be held on Monday, March 28, 1988, at 9:00 a.m. and on Tuesday, March 29, 1988, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at closed meetings.

Commissioner Grundfest, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Monday, March 28, 1988, at 9:00 a.m., will be:

Consideration of *amicus* participation.
Institution of administrative proceeding of an enforcement nature.
Settlement of adinistrative proceeding of an enforcement nature.

The subject matter of the closed meeting scheduled for Tuesday, March 29, 1988, at 2:30 p.m., will be:

Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceeding of an enforcement nature.
Formal orders of investigation.
Consideratioin of *amicus* participation.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Andrew Feldman at (202) 272–2091.

Jonathan G. Katz,
Secretary.
March 25, 1988.

[FR Doc. 88–7060 Filed 3–28–88; 2:15 pm]
BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 53, No. 61
Wednesday, March 30, 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.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Mexico

Correction

In notice document 88-5366 beginning on page 7961 in the issue of Friday, March 11, 1988, make the following correction:

On page 7962, in the first column, in the table, in the right-hand column, the 11th line should read "2,500,000 pounds.".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6659

[ES-960-07-4220-10; ES-11592]

Withdrawal of Public Land for Buffalo National River; Arkansas

Correction

In rule document 87-22451 appearing on page 36577 in the issue of Wednesday, September 30, 1987, make the following correction:

In the third column, under "T. 16 N., R. 22 W.", in Sec. 7, "SW ½NE¼" should read "SW¼NE¼".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-940-08-4220-10; Sacramento 054898]

California; Notice of Partial Termination and Reservation of Land

Correction

Notice document 88-5328 appearing on page 9152 in the issue of Monday, March 21, 1988, was published in error and should be disregarded. March 28, 1988 is the correct date for the relief of segregative effect in notice document 88-4056 on page 5654 in the issue of February 25, 1988.

BILLING CODE 1505-01-D

federal register

Wednesday
March 30, 1988

Part II

Department of Labor

Mine Safety and Health Administration

30 CFR Parts 48 and 75

Self-Contained Self-Rescue Devices; Final Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 48 and 75

Self-Contained Self-Rescue Devices

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: The Mine Safety and Health Administration (MSHA) is revising its existing training standards to require that persons be trained in complete donning procedures for the use of self-contained self-rescue (SCSR) units. The required training includes each person assuming a donning position, opening and activating the device, inserting the mouthpiece or simulating this task while explaining proper insertion of the mouthpiece and putting on the nose clip. This training in the proper use of SCSR units, commonly referred to as "hands-on" training, is necessary to prepare underground miners to protect themselves from suffocation or poisoning from toxic products of combustion in the event of a mine fire or explosion.

On June 30, 1987, MSHA published an emergency temporary standard (ETS) (52 FR 24374) which required "hands-on" training in the use of SCSR units for all persons entering an underground coal mine after September 28, 1987. In accordance with the Federal Mine Safety and Health Act of 1977 (Mine Act), the ETS must be replaced by final standards within 9 months after the ETS has been issued. This final rule replaces the ETS.

EFFECTIVE DATE: April 29, 1988.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203; phone (703) 235–1910.

SUPPLEMENTARY INFORMATION: The Mine Safety and Health Administration is revising its existing training requirements for use of self-contained self-rescue units. These revisions are promulgated pursuant to section 101 of the Federal Mine Safety and Health Act of 1977 (Mine Act), (30 U.S.C. 811).

On June 30, 1987, MSHA published an emergency temporary standard (ETS) (52 FR 24374) which required all persons who enter an underground coal mine after September 28, 1987, to have had "hands-on" training in the use of SCSR units. This training included properly opening the device, activating it, inserting the mouthpiece or simulating this task while explaining proper insertion of the mouthpiece, and putting on the nose clip. The ETS was issued in accordance with section 101(b) of the Mine Act. The ETS was effective immediately upon publication and revised the existing safety standards for SCSR units at 30 CFR 75.1714. Under the Mine Act, publication of an ETS requires MSHA to commence rulemaking under section 101(a) of the statute, and to replace the ETS with final standards within 9 months. Consistent with this requirement, on June 30, 1987, MSHA also published a proposed rule (52 FR 24378). The proposed approach was to integrate the safety protection afforded by the training required by the ETS into the framework of existing Agency training standards. Under the proposal this was to be accomplished by codifying "hands-on" SCSR training in MSHA's training regulations, 30 CFR Part 48, and also by amending the training requirements for "certified persons" in 30 CFR 75.160–1.

The mining community did not request a public hearing and therefore none was held.

The Agency's final rule addresses the relevant comments received on the proposed rule and is consistent with the goals of Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act.

I. Discussion of the Final Rule

A. Background

Diligent compliance with mining safety standards and safety-conscious work practices provide a substantial measure of protection against toxic atmospheres associated with fires and explosions in underground coal mines. However, in the high-hazard work environment of underground coal mines, the danger of a fire or explosion is ever-present. Electricity or other sources of power can ignite coal dust or methane gas resulting in an explosion. Equipment can also be the source of a fire, which may involve fuel, lubricants and the surrounding coal. In caved and mined-out areas which contain coal and accumulated gas, explosions can be caused by rock falls and in some instances fires are started by spontaneous combustion. When active mine areas are connected into previously mined-out areas, there is also the risk of exposure to an oxygen-deficient atmosphere.

MSHA standards are designed to protect miners from these hazards, but if an emergency occurs because other measures have failed, SCSR units are the last protection available that facilitates escape. SCSR units are closed-circuit breathing apparatuses that provide a source of oxygen and greatly increase a person's chance of surviving a mine emergency involving an irrespirable atmosphere. Rapid and proper donning of an SCSR unit under such extreme adverse circumstances is essential to survival.

Existing standards at 30 CFR 75.1714 require that underground coal mine operators make SCSR devices available to the miners employed at their mine who go underground, as well as to the visitors who the operators authorize to go underground. The standard also specifies that mine operators must instruct and train miners and visitors in the use and location of the self-rescue devices made available to them. Subjects included in miner training which must be conducted in accordance with MSHA training regulations in 30 CFR Part 48 include use, care and maintenance of the units. Until the ETS, however, the standard did not specifically require "hands-on training" with SCSR units.

The death of 27 miners in a mine fire on December 19, 1984, raised serious questions about the adequacy of miner training in the use of SCSR devices. MSHA's investigation into the accident was complicated by problems relating to extinguishing the fire, and later by the hazardous conditions created by the fire damage.

However, evidence gathered during the investigation (*Report of Investigation, Underground Coal Mine Fire, Wilberg Mine,* issued *August 7, 1987*) indicated that some of the 27 victims did not have basic knowledge about activating or using the SCSR devices available to them. They were also unaware of the critical need to protect their lungs from the smoke and carbon monoxide contaminated atmosphere created by the fire.

MSHA is aware that miners have in several instances successfully used SCSR devices to escape from mines following a mine fire or explosion. However, in November 1986, MSHA completed a nationwide evaluation of the effectiveness of SCSR training covering 1,174 underground coal mines. At each mine, a representative number of miners and supervisors were asked to respond to a series of questions concerning SCSR use and storage at the mine. The same miners and supervisors were then asked to don a SCSR unit provided by MSHA. When the evaluation was completed, a total of 8,904 persons had been interviewed and tested. Of this group nearly 20 percent, or 1,780 persons were graded as failing. At 243 mines where the evaluation indicated ineffective SCSR training,

additional retraining was required for all underground personnel.

In addition to this evaluation, researchers from the University of Kentucky and the Bureau of Mines, U.S. Department of the Interior, have recently reported their findings based on a series of SCSR donning studies. (Cole and Vaught, "Training in the Use of Self-Contained Self-Rescuers," and Vaught and Cole, "Problems in Donning the Self-Contained Self-Rescuer" (USBM project H003480040)). In cooperation with two coal companies, studies were made of miners' skill in the correct use of SCSR devices. Problem areas pointed out by the studies included heavy reliance by the industry on teaching methods that do not provide individual performance simulation. MSHA experience, prior to the ETS, confirmed that training in the use of SCSR devices typically consisted of a film, slide or tape presentation, or demonstration by an instructor to either a class or an individual. "Hands-on" training, which would familiarize miners with the skills necessary to successfully use the units in an emergency, was not an industry-wide practice.

B. General Discussion of the Final Rule

Because the effective use of SCSR devices is essential to successful evacuation in an immediately life-threatening situation, the Agency initially addressed the general lack of "hands-on" training through the immediate regulatory action of the ETS. Under the final rule, "hands-on" training requirements are integrated into the framework of existing MSHA standards for initial and annual retraining of miners and supervisors. The final rule codifies the "hands-on" training requirements in the training regulations for 30 CFR Part 48, and also in the training requirements for "certified persons" in 30 CFR 75.161.

With this approach, the majority of MSHA training requirements are maintained within 30 CFR Part 48, which is consistent with MSHA's goal of a comprehensive miner training program. However, in accordance with § 48.2(a)(1)(ii), supervisory personnel, subject to MSHA-approved state certification requirements, are generally not covered by Part 48. The regular training of these individuals is addressed by 30 CFR 75.160–1. Therefore, the final rule also revises § 75.160–1 to include "hands-on" training with SCSR units in the training and retraining requirements for certified persons. This will assure that all miners, including supervisors, receive "hands-on" training as an integral component of their training in the use, care and maintenance of SCSR's. The final rule also clarifies the existing requirement that visitors going underground must also receive "hands-on" training in the use of the SCSR's they are provided. This clarification and the revisions to Part 48 and § 75.160–1, which are separately discussed below, replace the amendments made by the ETS to § 75.1714.

One commenter recommended that the final rule include provisions which were not within the scope of the proposed rule. The commenter recommended that: (1) The operator make available to each miner an SCSR that can be comfortably worn at all times; (2) storage of SCSRs not be permitted; (3) MSHA establish criteria for the weight and size of SCSR units; (4) training in the use of SCSR units include a review of the mine's emergency evacuation procedures and escapeway routes and a practice drill from the working section to the surface; and (5) mine evacuation exercises be conducted at 6-month intervals to assure that all miners are simultaneously evacuated from the mine.

The suggestions concerning the size and weight of SCSR units which can be comfortably worn are the subject of ongoing research and development. The results of this work, being conducted through the Bureau of Mines, may form the basis for future rulemaking amendments to MSHA's existing SCSR approval regulations at 30 CFR Part 11. Improvements in SCSR technology that would reduce the size and weight of SCSR units could also raise the issue of SCSR units storage as permitted by existing MSHA standards. However, the basis for these revisions is not present in this rulemaking. Likewise, training and drills in emergency evacuation procedures and escapeway routes are addressed by existing Agency standards, and revisions to these requirements are not within the scope of this rulemaking. These issues will, however, be considered in the Agency's future review and revision of the existing standards.

C. Revisions to Part 48—Training and Retraining of Miners

Subpart A of 30 CFR Part 48, prescribes requirements for submitting and obtaining MSHA approval of operator-administered programs for training and retraining underground miners. Each mine must have an approved training program for training new miners and newly-employed experienced miners, as well as training miners for new tasks, providing annual refresher training and giving certain persons hazard training.

The existing training requirements for new miners (§ 48.5), newly-employed experienced miners (§ 48.6), annual refresher training (§ 48.8), and hazard training (§ 48.11) are revised by the final rule to include requirements for "hands-on" training in the use of SCSR devices. The "hands-on" training required includes complete donning procedures in which each person properly assumes a donning position, opens the device, activates the device, inserts the mouthpiece or simulates this task while explaining proper insertion of the mouthpiece and puts on the nose clip. The "hands-on" training will familiarize persons who go into underground coal mines with the skills necessary to successfully use the SCSR unit in an emergency situation.

The requirement that "hands-on" training include "complete donning procedures" was added to the final rule to clarify that comprehensive SCSR donning training is required. For "hands-on" SCSR training to be most effective, commenters and the studies cited above indicate that a start to finish, orderly step-by-step procedure is important to skill building and retention. An example of a complete donning procedure is the "3+3 method" developed as a result of the research conducted by the University of Kentucky and Bureau of Mines previously cited. This procedure directs the person being trained to assume a kneeling position with the neckstrap of the SCSR looped around the neck and to complete a six-step donning sequence: (1) Open and activate the unit; (2) insert mouthpiece; (3) put on nose clip; (4) put on goggles; (5) adjust neck and waist straps, and (6) replace miner's cap. The "3+3 method" can be used with all currently MSHA-approved SCSR units. MSHA has included the "3+3 method" of donning SCSR units in instructor guides and video tapes for the various types of SCSR units. These training aids are available at MSHA District Offices and MSHA's National Mine Health and Safety Academy in Beckley, West Virginia.

Commenters pointed out, and MSHA agrees, that proper body positioning can facilitate correct and prompt SCSR donning. The final rule does not, however, specify the body positioning to be used when donning an SCSR. Instead, this will be addressed in the training plan for each mine so that mining conditions and improved or alternative donning positions can be considered.

The final rule retains the proposed requirements that as part of the "hands-on" SCSR training sequence each person open the SCSR unit and activate it.

These steps familiarize the person with the type of latch or closing device used, its location on the unit and the action necessary to release it. Likewise, activating the unit familiarizes the person with this procedure, which is different between compressed oxygen and chemical-type SCSR units as well as between different models within these two classes.

Consistent with the proposal, the final rule requires that each person receiving "hands on" training insert the mouthpiece or simulate this task while explaining proper insertion of it. The purpose of the final rule is to assure that each person is knowledgeable in proper procedures for inserting the mouthpiece and creating the necessary seal. Several commenters recommended deleting the provision permitting simulation of the mouthpiece. These commenters stated that because proper performance of this step is so essential to isolating the lungs from the outside atmosphere it should be experienced first hand. MSHA agrees that one of the most critical steps in donning a SCSR is quickly and properly creating a seal around the mouthpiece with the lips and gums. The Agency believes that a person can demonstrate this skill either by actual insertion of the mouthpiece or by explaining step-by-step how it is properly inserted. Either method can be effective in evaluating proficiency in performing this task. Maintaining the alternative to simulate proper insertion of the mouthpiece also recognizes some people would prefer not to insert the mouthpiece because of health concerns, even when proper sanitizing procedures are used.

Also retained in the final rule is the proposed requirement that as a part of "hands-on" SCSR training each person put on the nose clip. This is a vital part of isolating the lungs from the outside atmosphere and, therefore, an important element in proper use of SCSR units.

Some commenters recommended that the SCSR units used for "hands-on" training be fully charged. They stated that a fully charged unit would allow each person to experience the sensation of being under oxygen as provided by the unit. MSHA is not aware of any information which indicates that charged SCSR units are necessary for effective "hands-on" training. The Agency recognizes that some SCSR training models, particularly the compressed-oxygen type, are designed to permit the use of oxygen, while others do not. Studies conducted by the Bureau of Mines indicate that both charged and non charged types of training models can be effectively used to provide "hands-on" training. While experiencing the sensation of being under oxygen may afford some additional measure of preparedness, this is not central to the rule's purpose of teaching people simple, reliable donning skills that can be used in an emergency. Therefore, the final rule does not adopt this recommendation.

One commenter also recommended that "hands-on" training include a timed performance evaluation of the trainee's ability to don an SCSR. This commenter stated because of the high concentration of carbon monoxide resulting from a mine fire or mine explosion, each person should be capable of donning an SCSR in 60 seconds or less. MSHA agrees that because of the irrespirable atmosphere that is present following a mine explosion or fire, persons need to don their SCSR unit as quickly as possible. A review of MSHA's investigative reports on recent mine emergencies in which SCSR units were not successfully used indicates however that inadequate knowledge of how to properly use the SCSR units and of the danger involved was the cause of these failures and not inadequate donning time. Also, studies conducted by the Bureau of Mines indicate that the average time for a person who has received "hands-on" training to don an SCSR is about 60 seconds. The critical tasks necessary to isolate the lungs from the ambient atmosphere took less than 50 percent of the total time needed to don the units. For these reasons, the final rule does not adopt the recommendation for a timed performance evaluation.

D. Revisions to Section 75.161—Plans for Training and Retraining of Qualified and Certified Persons

Section 75.160 requires each operator to provide a program, approved by the Secretary, for training and retraining qualified and certified persons. This standard, published in 1970, addresses the training of persons who perform certain functions in underground coal mines prescribed by the Mine Act and MSHA standards. The Part 48 training regulations, published in 1978, do not apply to supervisors who are subject to MSHA approved state certification requirements, unless they perform non-supervisory tasks. The vast majority of supervisors at underground coal mines are certified persons. As a result, these persons are not subject to the training requirements of Part 48.

All persons working underground need proper training and retraining in the use of SCSR units to maintain the knowledge and skill necessary to effectively use these devices in an emergency. The final rule, therefore, retains the proposal to require "hands-on" SCSR training for certified persons as part of their regular training and retraining.

Existing § 75.160–1 sets forth the courses that must be included in the training program required by § 75.160 for certified and qualified persons. As a new paragraph (c), the final rule adds the same SCSR "hands-on" training requirements for certified persons as described above for the training and retraining of miners in Part 48. Thus, each certified person must receive training in the use of SCSR devices that includes complete donning procedures in which each person properly assumes a donning position, opens and activates the unit, inserts the mouthpiece or simulates this task while explaining proper insertion of the mouthpiece and puts on the nose clip. This training must be received initially before certified persons go underground and at least annually thereafter. This training is required only for certified persons who go into underground coal mines.

Sections 75.160 and 75.160–1 address both qualified and certified persons and, under the proposal, persons in both of these skill classifications would have been required to receive "hands-on" SCSR unit training. As one commenter recognized, this would be duplicative in that qualified persons are subject to the SCSR training requirements of Part 48. The final rule corrects this by specifying that "hands-on" SCSR training under § 75.161 is required for certified persons only.

The reference in existing § 75.160–1 to December 31, 1970, is no longer applicable and has been deleted in the final rule. That date was the latest date by which operators had to submit the required training plan or program.

The final rule redesignates § 75.160–1 as § 75.161 to conform these standards with the **Federal Register** format.

E. Revisions to § 75.1714—Availability of Approved Self-Contained Self-Rescue Devices; Instruction in Use and Location

Section 75.1714 requires that underground coal mine operators make SCSR units available to the miners employed at their mines who go underground, and to the visitors who operators authorize to go underground. The existing standards also specify that mine operators instruct and train miners and visitors in the use and location of the self-rescue devices made available to them. This training is required to include use, care and maintenance of the units, and is required to be conducted in accordance with MSHA training regulations in 30 CFR Part 48. To clarify that visitors are to receive the

same type SCSR training as miners, the final rule revises the last sentence in paragraph (b) to include the term "visitors".

The ETS revised this section by adding a new paragraph (c) which required each person going into an underground coal mine after September 28, 1987 to have had "hands-on" training. As previously discussed, the final rule now addresses the "hands-on" training in 30 CFR Part 48 and 30 CFR 75.161. Therefore, the ETS is no longer necessary and is deleted by the final rule.

A commenter recommended that visitors not be subject to the same "hands-on" training that is required for miners. This commenter stated that groups of visitors, sometimes as many as 30 people, tour their mine and it is generally not feasible to provide comprehensive training for a large group of individuals. This commenter further stated that the safety of these individuals would be best served by providing visitors a brief familiarization with the SCSR unit available at the mine, and informing them that if it becomes necessary to don the SCSR unit while they are underground, the person assigned to accompany them underground would provide the necessary assistance.

Consistent with the existing standard and for the reasons stated in this rulemaking, MSHA believes that all persons should be completely trained in the use of the SCSR unit before they go into an underground coal mine. In the event of a mine fire or explosion or an inundation of oxygen-deficient air, it is often necessary to properly don an SCSR unit immediately or in a relatively short time. Relying on experienced persons to instruct visitors how to do this would not recognize the emergency nature of the circumstances. In addition, if the individual who is assigned to accompany the visitors underground became incapacitated, the visitors would not be able to obtain the additional instruction and direction needed to don their SCSR units. The final rule does not, therefore, adopt this suggestion.

II. Drafting Information

The principal persons responsible for preparing this document are: Douglas C. Altizer, Jr., Coal Mine Safety and Health, MSHA; Frank Schwamberger, Education Policy and Development, MSHA; Earnest C. Teaster, Jr., Office of Standards, Regulations and Variances, MSHA; and Robert Snashall and Edward C. Hugler, Office of the Solicitor, Department of Labor.

III. Executive Order 12291 and the Regulatory Flexibility Act

In accordance with Executive Order 12291, MSHA has prepared an analysis to identify potential costs and benefits associated with the final rule. The Agency has incorporated this analysis into the Regulatory Flexibility Analysis required by the Regulatory Flexibility Act. In this analysis, MSHA has determined that the final rule will not result in major cost increases nor have an effect of $100 million or more on the economy. Therefore, the rule is not within the criteria for a major rule and a Regulatory Impact Analysis is not required.

The Regulatory Flexibility Act requires that agencies evaluate and include, whenever possible, compliance alternatives that minimize any adverse impact on small businesses when developing regulations. MSHA has determined that compliance alternatives are not available for small mines for the "hands-on" training requirement of this final rule.

In the following summary of the Regulatory Flexibility Analysis MSHA addressed the cost impact on industry by factoring in, where applicable, all direct and indirect costs for equipment and labor. MSHA estimates are based primarily upon the expertise of senior MSHA personnel who provided estimates for the time required to perform specific tasks and the compliance level of the industry.

MSHA estimates that the total compliance cost for the final rule is $252,614 the first year and $244,979 annually thereafter. The cost for revising training plans ($21,900) comprises about 9 percent of the first year cost. The cost for SCSR training devices comprises about 6 percent of the recurring cost. The remaining cost ($230,714) is attributed to labor for the persons taking the training and for the instructors giving the training. A copy of the full analysis is available upon request.

IV. Paperwork Reduction Act

Codification of the "hands-on" training provision in 30 CFR Part 48 and in the training requirements for certified persons specified in 30 CFR 75.161 requires operators of underground coal mines to submit revised training plans and programs to MSHA for approval. MSHA estimates that it would take 30 minutes for each of the 1825 underground coal mines to revise the training plan and program.

The Office of Management and Budget (OMB) has approved this paperwork requirement under the Paperwork Reduction Act of 1980 and has assigned OMB control number 1219–0009. The requirement is approved through November 11, 1990.

List of Subjects in 30 CFR Part 75

Administrative practice and procedure, Education, Mine safety and health, Self-contained self-rescue devices.

Date: March 24, 1988.

David C. O'Neal,

Deputy Assistant Secretary for Mine Safety and Health.

Accordingly, Parts 48 and 75 of Chapter I, Title 30 of the Code of Federal Regulations are amended as follows:

PART 48—TRAINING AND RETRAINING OF UNDERGROUND MINERS

1. The authority citation to 30 CFR Part 48 is revised to read as follows:

Authority: 30 U.S.C. 811 and 825.

2. Section 48.5 is amended by revising paragraph (b)(2) to read as follows:

§ 48.5 Training of new miners; minimum courses of instruction; hours of instruction.

* * * * *

(b) * * *

(2) *Self-rescue and respiratory devices.* The course shall include instruction and demonstration in the use, care, and maintenance of self-rescue and respiratory devices used at the mine. Training in the use of self-contained self-rescue devices shall include complete donning procedures in which each person assumes a donning position, opens the device, activates the device, inserts the mouthpiece or simulates this task while explaining proper insertion of the mouthpiece, and puts on the nose clip. The course shall be given before the new miner goes underground.

* * * * *

3. Section 48.6 is amended by redesignating paragraph (b)(8) as (b)(9) and adding a new paragraph (b)(8) to read as follows:

§ 48.6 Training of newly employed experienced miners; minimum courses of instruction.

* * * * *

(b)(8) *Self-rescue and respiratory devices.* The course shall include instruction and demonstration in the use, care, and maintenance of self-rescue and respiratory devices and at the mine. Training in the use of self-contained self-rescue devices shall include complete donning procedures in which each person assumes a donning position, opens the device, activates the device, inserts the mouthpiece or

simulates this task while explaining proper insertion of the mouthpiece, and puts on the nose clip.

* * * * *

4. Section 48.8 is amended by revising paragraph (b)(8) to read as follows:

§ 48.8 Annual refresher training of miners; minimum courses of instruction; hours of instruction.

* * * * *

(b)(8) *Self-rescue and respiratory devices.* The course shall include instruction and demonstration in the use, care, and maintenance of self-rescue and respiratory devices used at the mine. Training in the use of self-contained self-rescue devices shall include complete donning procedures in which each person assumes a donning position, opens the device, activates the device, inserts the mouthpiece or simulates this task while explaining proper insertion of the mouthpiece, and puts on the nose clip.

* * * * *

5. Section 48.11 is amended by revising paragraph (a)(4) to read as follows:

§ 48.11 Hazard training.

* * * * *

(a)(4) Use of self-rescue and respiratory devices, with self-contained self-rescue device training that includes complete donning procedures in which each person assumes a donning position, opens the device, activates the device, inserts the mouthpiece or simulates this task while explaining proper insertion of the mouthpiece, and puts on the nose clip; and

* * * * *

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

1. The authority citation to 30 CFR Part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 957, and 961.

2. Section 75.160–1 is redesignated as § 75.161 and is revised to read as follows:

§ 75.161 Plans for training programs.

Each mine operator shall submit to the District Manager a program or plan setting forth what, when, how, and where the operator will train and retrain persons whose work assignments require that they be qualified or certified. The program shall provide—

(a) For certified persons, annual training courses in methane measurement and oxygen deficiency testing, roof and rib control, ventilation, first aid, principles of mine rescue, and the provisions of this Part 75;

(b) For qualified persons, annual courses in performance of the tasks which they perform as qualified persons; and

(c) For certified persons, annual training in the use of self-contained self-rescue devices used at the mine. This training shall include complete donning procedures in which each person assumes proper position, opens the device, activates the device, inserts the mouthpiece or simulates this task while explaining proper insertion of the mouthpiece, and puts on the nose clip.

3. Section 75.1714 is amended by revising paragraph (b) to read as follows and removing paragraph (c):

§ 75.1714 Availability of approved self-rescue devices; instruction in use and location.

* * * * *

(b) Before any miner employed by the operator or visitor authorized by the operator goes underground the operator shall instruct and train such person in the use and location of the self-rescue device or devices made available at the mine. Instruction and training of miners and visitors shall be in accordance with provisions set forth in 30 CFR Part 48.

[FR Doc. 88-6898 Filed 3-29-88; 8:45 am]

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Federal Register

Wednesday
March 30, 1988

Part III

Department of Justice

28 CFR Part 44

Unfair Immigration-Related Employment Practices; Interim Final Rule With Request for Comments

DEPARTMENT OF JUSTICE

28 CFR Part 44

[Order No. 1264-88]

Unfair Immigration-Related Employment Practices

AGENCY: Department of Justice.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule amends 28 CFR 44.101(c)(2)(ii), which defines who is a citizen or intending citizen protected from citizenship status discrimination under section 102 of the Immigration Reform and Control Act of 1986 (IRCA) (8 U.S.C. 1324b), by adding a new sentence. It provides that aliens, whose applications for temporary residence status pursuant to 8 U.S.C. 1255a are approved, are deemed to have been temporary residents from the date shown on the receipt received when they paid their application fee.

Prompt implementation of this interim rule is required (1) to ensure that rights of aliens otherwise protected under section 102 of IRCA (8 U.S.C. 1324b) are not lost; (2) to make clear that eligible aliens may apply for temporary resident status and be protected from citizenship status discrimination, thus encouraging them to apply for legalization; (3) to make the date temporary resident status begins consistent with that used by the Immigration and Naturalization Service; and (4) and to effect Congressional intent. For these reasons, this rule is published as an interim final rule with a request for comments.

EFFECTIVE DATE: March 30, 1988.

Comments must be submitted on or before May 31, 1988.

ADDRESS: Written comments should be addressed to: Special Counsel, Office of Special Counsel for Immigration Related Unfair Employment Practices, U.S. Department of Justice, P.O. Box 65490, Washington, DC 20035-5490.

Comments received will be available for public inspection in suite 800, 1100 Connecticut Avenue, NW., Washington, DC from 9:00 a.m. to 5:30 p.m., Monday through Friday except legal holidays. Copies of this regulation are available on tape for those with impaired vision.

FOR FURTHER INFORMATION CONTACT: Lawrence J. Siskind, Special Counsel, Office of Special Counsel for Immigration Related Unfair Employment Practices, U.S. Department of Justice, P.O. Box 65490, Washington, DC 20035-5490; (202) 653-8121 (Voice) or (202) 653-5710 (TDD number for the hearing impaired); or Andrew M. Strojny, Senior Attorney, Office of Special Counsel, (202) 653-8246 (Voice) or (202) 653-5710 (TDD). These are not toll free numbers.

SUPPLEMENTARY INFORMATION:

Background

On October 6, 1987, a final rule establishing standards and procedures for the enforcement of the antidiscrimination provisions of section 274B of the Immigration and Nationality Act, as amended by section 102 of the Immigration and Control Act of 1986 (IRCA) (8 U.S.C. 1324b) was published in 52 FR 37402 (to be codified at 28 CFR Part 44). Section 102 of IRCA protects aliens authorized to work in the United States from employment discrimination based on their national origin. It protects only U.S. citizens, nationals, and intending citizens from employment discrimination based on their citizenship status.

Subsection 44.101(c) of the existing rule defines the classes of aliens who are intending citizens under the Act. One of these classes consists of aliens who are granted the status of temporary residence under 8 U.S.C. 1255a(a)(1) (28 CFR 44.401(c)(2)(i)). The definition is silent as to whether aliens who have applied for temporary residence under 8 U.S.C. 1255a(a)(1), but who have not yet been granted that status, are intending citizens. Thus, the existing regulation is not clear whether applicants for temporary residence are protected against citizenship status discrimination. This interim final rule makes clear that temporary resident status, once granted, relates back to the time the application fee is paid, *i.e.*, from the time of application. Therefore successful applicants are protected against citizenship status discrimination from the time of application.

Reasons for the Amendment

The interim final rule comports with the language of section 102. Section 102 defines an intending citizen as an alien who "is granted the status of an alien lawfully admitted for temporary residence under section 245A(a)(1) [of the Immigration and Nationality Act, as amended, 8 U.S.C. 1255a(a)(1)]" (8 U.S.C. 1324b(3)(B)(i)). Section 245A(a)(1) is entitled "Timely Application" and only concerns the preliminary step of applying for temporary resident status or legalization, as the program is popularly known. Thus the words of the statute lend support to relating temporary resident status back to the time of application.

This rule makes the time temporary resident status begins for antidiscrimination purposes consistent with that used by the Immigration and Naturalization Service (INS) for legalization purposes. INS in its regulations implementing the Section 245A temporary resident program treats temporary residence, once granted, as relating back to the time the application fee is paid. This regulation implements the statutory requirement that there be an 18 month waiting period before a temporary resident can apply for permanent residence (8 U.S.C. 1255a(b)(1)(A)). The INS regulation sets forth when temporary resident status begins. It states:

> The status of an alien whose application for application for temporary resident status is approved shall be adjusted to that of a lawful temporary resident as of the date indicated on the application fee receipt issued at [the] Service Legalization Office. (8 CFR 245a.2(s)).

The interim final rule tracks this INS regulation. This makes the treatment of when temporary resident status begins the same for legalization and antidiscrimination purposes.

This treatment of temporary resident status is also consistent with the intent of Congress in enacting the antidiscrimination provisions of IRCA. For example, the House Committee on the Judiciary stated in its report:

> The Committee does not believe barriers should be placed in the path of permanent residents and other aliens who are authorized to work and who are seeking employment, particularly when such aliens have evidenced an intent to become U.S. citizens. It makes no sense to admit immigrants and refugees to this country, require them to work and then allow employers to refuse to hire them because of their immigration (non-citizenship) status. Since Title VII does not provide any protection against employment discrimination based on alienage or non-citizen status, the Committee is of the view that the instant legislation must do so.

H.R. Rep. No. 99-682, 99th Cong., 2d Sess., pt. 1 at 70. The House Committee on Education and Labor quoted the same passage in its report and stated "the Committee on Education and Labor fully endorses the policy position on the Committee on the Judiciary * * *", *Id.*, pt. 2 at 12.

The reference to those "who are authorized to work and who are seeking employment" embraces applicants for temporary resident status. Those applicants must demonstrate proof of financial responsibility (8 CFR 245a.s(d)(4)). Documents accompanying their applications for temporary residence must "be employment-related if employment-related documents * * * are available to the applicant" (8 U.S.C. 1255a(c)(1)(B)). Permitting discrimination against them creates the very situation that Congress intended to avoid, *i.e.*, the

Government requires them to work and, in many instances, to tell their employer they are legalization applicants, but leaves them exposed to discrimination. Such a situation would discourage eligible aliens from even applying for legalization and would undermine the purpose of the legalization program enacted by Congress.This interim final rule clarifies § 44.101(c) to avoid the possibility of this situation.

Justification for an Interim Final Rule

Good cause exists under 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d) for making this amendment effective immediately without prior public comment. This amendment is directed, in part, at those who would apply for legalization if they could be assured that they would be protected from discrimination by section 102 of IRCA. Because the time for applying for temporary resident status expires on May 4, 1988 (8 U.S.C. 1255a(a)(1)(A), 8 CFR 245a.2(a)), the delay in following public comment procedures may deny many potential applicants the opportunity for legalization. Consequently, it is impractical to follow the normal notice and comment procedure. Furthermore, any delay in effectuating this rule could deter victims of citizenship status discrimination from filing discrimination charges under section 102 because they believed they were not covered. In addition, because section 102 requires that charges be filed within 180 days of the alleged discrimination (8 U.S.C. 1324b(d)(3)), any delay in filing charges could result in the loss of rights.

This rule is not a major rule within the meaning of Executive Order 12291 (46 FR 13193, 3 CFR 1981 Comp., p. 127). Moreover, a regulatory flexibility analysis has not been prepared under the Regulatory Flexibility Act (5 U.S.C. 601–612), because the rule is unlikely to have a significant economic impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 44

Administrative practice and procedure, Aliens, Citizenship and naturalization, Civil rights, Discrimination in employment, Employment, Equal employment opportunity, Immigration, Investigations, Law enforcement officers, Minority groups, Nationality, Naturalization, Nondiscrimination, Refugees.

For the reasons set forth in the preamble, Chapter I, Part 44 of Title 28 of the Code of Federal Regulations is amended as follows:

PART 44—[AMENDED]

1. The authority citation for Part 44 is revised to read as follows:

Authority: 8 U.S.C. 1324b, 8 U.S.C. 1103(a).

2. In § 44.101, paragraph (c)(2)(ii) is revised to read as follows:

§ 44.101 Definitions.

* * * * *

(c) * * *

(2) * * *

(ii) Evidences an intention to become a citizen of the United States through completing a declaration of intention to become a citizen (INS Form N–315, "Declaration of Intention"; or INS Form I–772, "Declaration of Intending Citizen"). The status of an alien whose appplication for temporary resident status under 8 U.S.C. 1255a is approved shall be adjusted to that of a lawful temporary resident as of the date indicated on the application fee receipt issued at the Immigration and Naturalization Service Legalization Office. As used in this definition, the term citizen or intending citizen does not include an alien who—

* * * * *

Edwin Meese III,

Attorney General.

[FR Doc. 88–6947 Filed 3–29–88; 8:45 am]

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Federal Register

Wednesday
March 30, 1988

Part IV

Department of Labor

Wage and Hour Division

29 CFR Parts 516 and 530

Employment of Homeworkers in Certain Industries; Records To Be Kept by Employers; Proposed Rule; Reopening of Comment Period and Invitation for Comments on Additional Enforcement Provisions and Other Changes to Prior Proposal

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Parts 516 and 530

Employment of Homeworkers in Certain Industries; Records To Be Kept by Employers

AGENCY: Employment Standards Administration, Wage and Hour Division, ESA, Labor.

ACTION: Proposed rule; reopening of comment period and invitation for enforcement provisions, and other changes to prior proposal.

SUMMARY: There are presently six industries in which homework is banned under section 11(d) of the Fair Labor Standards Act (FLSA), unless special individual certificates are obtained. The six industries are: Women's apparel, jewelry manufacturing, gloves and mittens, button and buckle manufacturing, handkerchief manufacturing, and embroideries. On August 21, 1986, the Department of Labor published proposed 29 CFR Part 530 which, if adopted, would lift the restrictions on the employment of homeworkers in these industries for employers who first obtain certificates authorizing homework from the Department. The proposal would expand the certification program currently in effect in the knitted outerwear industry under a rule promulgated in 1984. The period for public comment on the proposed rule, after having been extended, expired on December 4, 1986. Over 19,000 comments on the proposal were received, and were reviewed by the Department.

A number of the commenters indicated their belief that the Department would face substantial difficulty in enforcing the FLSA under the proposal. Specifically, these commenters argued that enforcement had been ineffective among employers of homeworkers in the knitted outerwear industry under a similar rule promulgated in 1984. The Department reviewed its enforcement experience in knitted outerwear in light of the issues raised in these comments and, recognizing the validity of some of the concerns raised, decided to modify the proposal by incorporating a number of provisions designed to improve and strengthen FLSA enforcement with respect to homeworkers. The question of lifting the ban on the employment of homeworkers in the women's apparel industry remains under review. Any further action with respect to women's apparel would be the subject of separate rulemaking proceedings. In addition, those manufacturing operations in the jewelry industry that may be hazardous are not included in this proposal. Those portions of the prior proposal relating to the women's apparel and jewelry industries (other than those operations identified herein) are hereby withdrawn.

DATE: Comments are due on or before April 29, 1988.

ADDRESS: Submit written comments (preferably in triplicate) to Paula V. Smith, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW., Washington, DC 20210. Commenters who wish to receive notification of receipt of comments are requested to include a self-addressed, stamped post card.

FOR FURTHER INFORMATION CONTACT: Paula V. Smith, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523-8305. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Background

The background of the current proposal is detailed in the Department's August 21, 1986, Notice of Proposed Rulemaking (51 FR 30036). The comments submitted in response to that Notice have been carefully reviewed by the Department.

Several commenters suggested that the times have changed considerably since the ban on homework was initially imposed. The Department believes that since the ban was implemented in the 1940s, there have been demographic and other changes that would either make enforcement of FLSA provisions easier than before, or indicate that there is now a greater need for the ban in these industries to be lifted.

For example, the percentage of surfaced roads has increased 56.2% to 86%, and the percentage of households with telephones has increased from 62% to 97%. A greater percentage of surfaced roads and the increased penetration rate of telephone technology indicate that travel and communication conditions are better now than when homework was initially banned. These changes increase the accessibility of homeworkers to compliance officers and make it easier for homeworkers to lodge complaints. Also, the Department expects that the passage of the Immigration Reform and Control Act of 1986 (IRCA), with its provisions for adjustment of status ("amnesty"), may reduce the leverage that certain employers have had over illegal aliens, in that the fear of deportation for filing a complaint will no longer be present for many individuals.

Since data collection began in this area in 1967, the unemployment rate for females who maintain families has doubled to 9.8%. Many women in this group may be unemployed because they have young children at home. Although there is no guarantee that women in this group will be more prone to want to work as homeworkers than other women, lifting the ban in the remaining industries will provide them with employment opportunities that would not conflict with their desire to stay at home and care for their children.

On the other hand, a number of the commenters expressed concerns about the Department's ability to enforce the FLSA with respect to homeworkers in these industries. The Department also reviewed its enforcement experience in knitted outerwear in light of these comments. Based on this review, and to address the concerns raised in the comments, the Department has decided to propose including in the rule a wider range of enforcement mechanisms to enhance FLSA compliance among employers of homeworkers in the restriced industries. In addition, the Department is proposing revisions to the homeworker handbook and other recordkeeping requirements in 29 CFR Part 516.

With respect to the women's apparel industry, the Department still has this matter under review and thus is not proposing herein to lift the ban on the employment of homeworkers in that industry. If the Department decides at a later date to lift the ban in women's apparel, such action would require separate rulemaking. With respect to the jewelry industry, the Department is withdrawing its proposal to lift the ban on the employment of homeworkers except with respect to those jewelry manufacturing operations which do not involve safety and health hazards. Nonhazardous operations have been identified as the stringing of beads and other jewelry, the attaching of jewelry to cards, and packaging. While the Department has tentatively identified these opearations as nonhazardous, it is recognized that there may be other such operations. Comment is specifically invited identifying any additional nonhazardous operations (as well as any operations that may be hazardous).

Finally, the Department proposes to adopt a policy whereby certain employers who utilize "model garment programs" will not be subject to any action by the Department for employing

homeworkers under certain specified conditions.

For these reasons, the comment period is being reopened to solicit views on the modifications to the proposal set forth below. All comments received in response to the previous notice will continue to be part of the rulemaking record and will be fully considered in preparation of the final regulation. Therefore, it is not necessary to resubmit any comments.

Phase in Industries

In order to more efficiently utilize available resources, it is proposed to phase in the certification program in the remaining restricted industries on an industry-by-industry basis. This would give the Department the time to implement in an orderly fashion the new proposed enforcement mechanisms discussed below. Also, this phase-in would allow the Department to conduct investigations of the employers who apply for certification promptly after the issuance of the certificate, thereby providing the necessary assistance to enable them to fully comply with the FLSA from the outset.

The phase-in of the certification program would take place on a graduated basis, beginning with the gloves and mittens industry and the embroideries industry, immediately upon the effective date of the final rule, and the permissible operations in the jewelry industry and the button and buckle manufacturing and handkerchief manufacturing industries six months later. Although the certification program is already in place in the knitted outerwear industry, the additional requirements proposed herein would apply immediately upon the effective date of the final rule.

Issue No Certificates in States Prohibiting Homework

Prior to the issuance of certificates pursuant to the proposed rule, the Department would contact those States with statutes which appear to prohibit homework in the federally-restricted industries in order to confirm whether such homework employment is illegal under State law. The States would be afforded thirty days in which to reply. The Department would not issue a certificate authorizing the employment of homeworkers in any State where the Governor (or authorized representative) has advised the Administrator in writing that the use of homeworkers in such an industry conflicts with a State labor standards or health and safety law. This proposal would avoid any possible confusion for employers in such States and eliminate any potential impact on State agency enforcement efforts.

Regular Renewal of Certificates

It is proposed that certificates issued to employers of homeworkers in the restricted industries would be renewable at two-year intervals. Also, at the time of application and at each renewal, employers would be required to furnish the Department with a listing of the names, addresses, and languages (other than English) spoken by the homeworkers that are currently employed (if any) or expected to be employed. Thus, the Department would have an additional mechanism for close monitoring of certified employers of homeworkers in these industries, and a system for distributing information (handbooks, pamphlets, etc.) to homeworkers in appropriate languages. In addition, this requirement would assist the Department in assigning bilingual compliance officers to investigations of such employers.

Conditions of Certification

To insure that employers of homeworkers are fully aware of their regulatory and statutory obligations in employing homeworkers, the Department proposes to add a requirement to the process of application for certification that the employer provide written assurances that all homeworkers will be employed in compliance with the provisions of the FLSA and all applicable regulations with respect to the payment of wages, employment of minors, and recordkeeping. The employer would further assure compliance with the requirements of Parts 516 and 530 with respect to maintenance of homeworker handbooks and calculation of piece rates, and would encourage all homeworkers to cooperate with the Department in any investigation that may be made.

Wage-Hour Investigation Procedures

Any employer in a restricted industry who requests certification to employ homeworkers would be investigated promptly after the issuance of the certificate by the Department's Wage and Hour Division. Where such an employer is found to be in violation of the FLSA, corrects the violation(s) and promises further compliance, the firm would be reinvestigated to further assure that full FLSA compliance has been achieved.

Improved Homeworker Handbook

The Department also proposes to adopt a number of initiatives to promote the accuracy of hours worked records for homeworkers employed under the certification program. A simplified homeworker handbook will be used to provide homeworkers with the information necessary to accurately record daily and weekly hours worked. While the current handbook requires a fairly detailed description of work done, e.g., style or lot number, article worked on, operation performed, etc. with a single "hours worked" total for each line entry, the revised handbook will give primary attention to accurate recording of daily and weekly hours worked by providing time sheets with sufficient space for a homeworker to log in and out several times a day. The Department believes that such a recordkeeping tool more closely approximates the reality of the homework situation in that it recognizes that homeworkers frequently start and stop working a number of times over the course of a day. The revised handbook will afford homeworkers a simple means to record their hours as they go, rather than reconstruct them at the end of the day or week. In addition, in contrast to the existing rule in 29 CFR Part 516 which requires that the employer personally enter the required information into the handbook, the proposed rule would require the employer to insure that the hours worked and other information required therein are accurately entered by the homeworker.

In addition to revising the format of the homeworker handbook, the Department plans to revise and clarify the instructions for filling it out and include a brief explanation of what constitutes "hours worked" under the FLSA. The homeworker handbook will also be published in a number of foreign languages, which is expected to reduce enforcement problems associated with language barriers.

Under the revised homework recordkeeping regulations, the Department proposes to require that employers insure that the homeworker handbooks are completed accurately and in a timely fashion. In this regard, employers will be required to sign a statement in each homeworker handbook that the homeworker was instructed to accurately record all of the required information regarding such homeworker's employment, and that, to the best of his or her knowledge and belief, the information was recorded accurately. The Department believes that the signing of a statement attesting to the validity of the information in the handbook would encourage the maintenance of accurate records.

In addition, a number of clarifying changes are proposed to the homework recordkeeping rules in Part 516.

Piece Rates—Work Measurement

Experience in enforcement of the FLSA with respect to homeworkers has shown that many homeworkers do not earn sufficient amounts at piece rates to meet the minimum wage. One apparent reason is that employers have often not set their piece rates high enough to insure that all the homeworkers will be paid at least the required hourly minimum wage. Consequently, it is proposed that as a condition for obtaining a certificate, employers who wish to pay piece rates (as opposed to hourly rates) to their homeworkers would be required to establish the piece rates for the different types of items produced using stop watch time studies or other work measurement methods.

Denial or Revocation of a Homework Certificate

Upon finding violations of the FLSA, the Department has authorized under sections 16(c) and 17 of the Act to seek back wages and injunctive relief through court action. The Administrator also has the authority, codified in section 11(d), to ban homework if that is necessary to insure that homeworkers are not employed in violation of the minimum wage requirements of the Act. Instead of a total ban on homework, the Administrator is proposing at this time to allow it in four of the six remaining restricted industries and to a limited extent in a fifth, upon the condition that the employer obtain a certificate and comply with the requirements of these regulations. In this regard, another means to obtain compliance with the FLSA is a proposed provision for denial or revocation of a homework certificate upon a determination by the Administrator of the failure of the applicant or certificate holder to comply with the FLSA, regulations and the assurances the applicant makes as a condition of obtaining a certificate. Since certificate holders have made certain assurances as a condition of obtaining a certificate, revocation of the certificate is appropriate when these assurances are not observed. Depending on the circumstances, a certificate may be denied or revoked for a period of one to three years.

I. Serious Wage Violations

It is recognized by the Department that not all wage violations are so severe that revocation of a certificate is necessary to insure future compliance with the wage requirements of the FLSA. Thus, the proposed regulation differentiates between serious and non-serious violations for purposes of this rule.

Serious wage violations which would result in revocation are defined in three alternative ways. First, a serious wage violation is defined as one in which the back wages found due homeworkers during the investigation period total $10,000 or more. (The Department's investigations cover a two-year period, or a three-year period in the case of willful violations.) Thus, an employer with a large number of homeworkers may commit a serious wage violation even though the amount of back wages due a single homeowner is not substantial. A second standard measures a serious wage violation by means of a forumla based on wage and hour data obtained during an investigation. This standard measures the impact on homeworkers in terms of a percentage of the minimum wage for a specified period of time rather than an absolute dollar amount. The third definition of a serious wage violation is failure to pay the minimum wage or overtime pay to more than half of the homeworkers for a specified period of time.

II. Repeated Wage Violations

The Department believes that an employer's compliance history is a factor in predicting the likelihood of failure to comply with wage requirements in the future. Thus, a record of repeated violations is an indication that future compliance is doubtful and that revocation of a homework certificate is necessary.

III. Child Labor Violations

A major reason for the ban on homework in 1942 was the conclusion that homework resulted in increased illegal child labor in the home. In order to avoid the possibility that a certificate program will result in an increase in illegal child labor, and to discourage the use of illegal child labor by employers with certificates, child labor violations are made a basis for revoking a certificate.

IV. Failure To Pay Back Wages or Civil Money Penalties Judged Owing

The Department enforces the Fair Labor Standards Act in federal court and in administrative proceedings within the Department. Once the appropriate authority has made a final determination that a certificate holder is liable for back wages or civil money penalties, liability has been fixed in accordance with due process of law. Since the employer promised as a condition of receiving the certificate to comply with all the requiremnts of the Act and regulations issued thereunder, the employer is in violation of the conditions of the certificate until such payment is made. It is proposed that failure to make such payment within 60 days of a final order or agreement would lead to revocation of the certificate.

V. Failure To Cooperate in an Investigation

As a condition of obtaining a homework certificate, an employer provides assurances to cooperate with an investigation by the Department to determine compliance with the FLSA. Included in that cooperation is the responsibility not to impede or obstruct the investigation, and the requirement to make available to a compliance officer records or any other information under the employer's control necessary for a complete investigation.

VI. Serious Recordkeeping Violations

Because of the importance of accurate wage and hour records, the failure to keep records of wage information necessary for wage computations would be grounds for revocation of a certificate. Revocation may result from erroneous as well as incomplete or missing information. The Wage and Hour Division will not seek revocation of a certificate for an employer's failure to keep records not necessary for a determination of homeworkers' hours worked and wages earned and will not seek revocation of a certificate for minor or technical mistakes in the records.

Wage and Hour may exercise its discretion not to seek revocation for recordkeeping violations found in a first investigation upon evaluation of all the circumstances.

VII. Deliberate Misstatement in an Application for a Certificate or Other Documents

In order to enforce the FLSA, the Department must have accurate information from applicants and certificate holders about their employees. The Department is especially concerned with those facts that help it identify homeworkers and determine the hours worked by and the wages paid to such homeworkers. For example, if the employer fails to identify all of the homeworkers or has kept false records of hours worked or wages paid to homeworkers, he or she has misstated a material fact. Accordingly, a deliberate misstatement of a material fact in an application for a certificate, payroll records, or other documents will be grounds for denial or revocation of a certificate. Minor mistakes or omission

of non-material facts in an application for a certificate or other documents will not be grounds for denial or revocation of a certificate.

VIII. Discrimination Against a Homeworker

Effective enforcement of the FLSA for homeworkers as with all workers is based on the freedom of employees to make complaints of violations to the Department or other appropriate authorities or to participate in the enforcement process without fear of reprisal. Accordingly, it is essential that employers who discriminate against homeworkers have their certificates revoked. Even if the homeworker's complaint is not subsequently substantiated, the homeworker is protected against discrimination.

Civil Money Penalties

The proposed regulations would establish a system of civil money penalties, to be assessed for any violation of the FLSA related to homework (except child labor) or for any violation of the homeworker regulations. Part 579 of this chapter, issued pursuant to section 12 of the FLSA, provides a system of civil money penalties for child labor violations. In setting the amount of any penalty, the Administrator would take into consideration the number of homeworkers affected, the history of prior violations, whether a violation was intentional or knowing, whether a violation was substantial (but not so serious as to warrant revocation of a certificate) or minor in nature, and mitigating or extenuating circumstances. A schedule would be prescribed for computation of such penalties, up to $500 per affected homeworker. Procedures for assessment and administrative hearings are included in the proposed regulation.

Authority for imposition of civil money penalties may be found in section 11(d) of the Act, enacted in 1949, which authorizes the Secretary to make "such regulations and orders regulating, restricting, or prohibiting industrial homework *as are necessary or appropriate to* prevent the circumvention or evasion of and to safeguard the minimum wage rate prescribed in the Act." (emphasis added). Even before this provision was added to the Act the Supreme Court upheld, in *Gemsco* v. *Walling*, 324 U.S. 244 (1945), the Wage-Hour Administrator's authority to prohibit, outright, the practice of industrial homework, where the statute authorized the prescription in industry wage orders of "such terms and conditions as the Administrator finds necessary * * * to safeguard the minimum wage rates * * *."

By the same rationale, section 11(d) authorizes the Secretary to impose remedies short of outright prohibition, namely civil money penalties, where this is a reasonable alternative to prohibition, and reasonably necessary or appropriate to safeguard payment of the minimum wage to homeworkers. See also *Janik Paving & Construction, Inc.* v. *Brock*, 828 F.2d 84 (2nd Cir. 1987) (Secretary authorized to debar contractors under Contract Work Hours and Safety Standards Act, pursuant to statutory authority "to prescribe appropriate standards, regulations, and procedures * * * with respect to compliance with the enforcement of such labor standards, as he deems desirable," following *Steuart & Bros.* v. *Bowles*, 322 U.S. 398 (1944). As in *Gemsco*, the Secretary's utilization of a specially tailored remedy here is necessitated by the special enforcement problems posed by industrial homework, where these problems cannot be fully resolved by the use of more routine back wage or injunctive remedies.

The Department views civil money penalties as an important enforcement tool, to encourage employers of homeworkers to pay not less than the minimum wage and overtime pay as required by the Act, and to keep proper records as required by the regulations. This device would be used in those instances when revocation of a certificate seems inappropriate or unduly harsh under the circumstances of the violations.

A civil money penalty system also permits the imposition of a relatively moderate administrative remedy for violations, especially in situations where substantial back wages are not found to be owing to homeworkers. Full due process would be afforded to employers through prescribed administrative appeal procedures.

Administrative Procedures

The proposed regulations provide the administrative process for review of a determination to deny or revoke a homework certificate and for review of a decision to assess civil money penalties. The procedures include a right to a hearing before an Administrative Law Judge and an appeal of the Judge's decision to the Secretary.

Special procedures are proposed for an expedited proceeding when a hearing has been requested followed a determination to revoke a certificate on an emergency basis. In the case of a request for such a hearing, special time limits are provided for the Administrative Law Judge to hold a hearing and issue a decision, and for the Secretary to issue a final decision.

The proposed regulations also provide an informal procedure before the Administrator in lieu of a formal hearing before an Administrative Law Judge. This procedure is to be used when an applicant or certificate holder does not contest the factual findings of the Administrator and waives a formal hearing.

Bonding or Security Payments

The proposed regulations would authorize the Administrator to require employers to furnish a bond or cash security payment as a condition for issuance or renewal of a certificate. A bond would be compulsory prior to issuance or renewal of a certificate in the case of any employer whose application for a certificate had previously been denied, or whose certificate had previously been revoked. Such bond or cash payment would be in an amount up to $2500 for each homeworker to be employed under a certificate, and would be subject to payment or forfeiture in the event the employer failed to pay any minimum wages or overtime pay due homeworkers. The Administrator would be required to disburse any sums thus paid or forfeited to affected homeworkers in accordance with the procedures set forth in section 16(c) of the FLSA.

The Department considers a bonding or security requirement to be a significant enforcement tool which would not only provide a strong incentive for employers to pay homeworkers the minimum wage and overtime pay required by the FLSA, but also assure that in the event of nonpayment, funds would be available to satisfy the employer's back wage obligations.

In order to avoid unnecessary burdens on law-abiding employers, bonding would not be imposed as a routine requirement, but only in instances where it is questionable, based on Wage-Hour experience with the employers from past or current investigations, whether they will comply with their legal obligation, or whether money will be available to compensate homeworkers if violations occur. Bonding would be imposed, for example, in cases where an employer in the past has needed an installment plan to pay the back wages due. In such cases, the Administrator may relieve the employer from the bonding obligation and refund any amounts held as security where it is

subsequently determined that the employer is in compliance with the law and the Administrator is satisfied that the employer will be financially able to remedy any back wage violations which may occur.

Homework in the Jewelry Industry

Many comments were received on the August 21, 1986, proposal opposing the lifting of the ban on jewelry homework based on safety and health issues. Specifically, commenters expressed the opinion that permitting homework in the jewelry industry would impose a grave danger to the health and safety of workers, their families and the community. They alleged that a number of the processes involved in jewelry manufacturing expose workers to toxic fumes and acids, many of which are known cancer-causing agents or are harmful to the reproductive processes. It was also argued that significant fire hazards and the potential for explosions are present due to the use of flammable solvents, propane tanks and acetylene torches.

The Department has carefully considered all of the comments submitted on this issue. In light of the potential for very serious safety and health hazards for homeworkers in the jewelry industry, and the Secretary's broad and multi-faceted responsibility for protecting and promoting the welfare of working people generally (29 U.S.C. 551), and in view of the potential adverse impact on the public at large, the Department is herein withdrawing its prior proposal to lift the ban on those aspects of this industry that may pose such hazards and the restrictions on homework will be retained therein. However, since there is no evidence in the record of safety and health hazards in jewelry assembly operations such as the stringing of beads and other jewelry, the attaching of jewelry to cards, and packaging operations, and since a number of comments advocated that homework should be permitted in such operations, the Department is herein proposing that the ban be lifted only on these operations.

Homework in the Women's Apparel Industry

Many comments were received on the August 1986 proposal opposing the lifting of the ban on homework in the women's apparel industry. The Department is still carefully reviewing all of the comments submitted on this issue. Accordingly, the prior proposal to lift that ban in the women's apparel industry is withdrawn. Should the Department decide to take further action with respect to this industry, separate rulemaking would be undertaken.

Model Garment Programs

Home sewing retailers (fabric stores) have for some time conducted model garment programs, which have been found to be in violation of the FLSA homework restrictions.

Typical model garment programs involve employees of retail fabric stores making garments in their homes for display in the stores. While there are many variations, usually the employee is given free patterns, notions and materials, and is allowed to keep the garment after the display period, which usually lasts three to six weeks. Such programs are voluntary, and the employee typically has wide discretion in selecting patterns, fabrics and notions.

Such display garment programs are considered beneficial by employers and employees. The employees consider the program a job benefit because many of them are enthusiastic home sewers. The display garment programs are of advantage to consumers because they can see finished products. The employers are pleased since they can provide this job benefit to employees, and display model garments—which are constructed with personal care—to their customers.

The Department agrees that a special provision appears to be appropriate for model garment programs and, therefore, proposes to adopt a policy whereby the Department will not take any action in situations where the criteria listed below are met. It must be emphasized, however, that time spent by employees in sewing model garments is hours worked under the FLSA and that such hours must be combined with hours worked at the establishment in recording the total hours in the workweek and calculating the payment of the minimum wage and overtime pay. This policy would apply only where:

(1) The employee's work is voluntary;

(2) The patterns, fabrics, and notions are provided by the employers at no cost to the employees;

(3) The employees retain ownership of the model garments after the display period;

(4) An accurate record in homeworker handbooks is maintained of all hours worked in the home-sewing activities; and

(5) The employees are paid for all hours worked, both in the stores and in the home-sewing activities, in accordance with the provisions of the FLSA.

Executive Order 12291

This rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore no regulatory impact analysis is required.

Regulatory Flexibility Act

The proposed rule, if promulgated, will not have a significant effect on a substantial number of small entities. This conclusion is based on all information presently available to the Department concerning the employment of homeworkers. The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect.

The Chief Counsel for Advocacy filed comments in support of the prior proposed rule and indicated the belief that the certification program would provide significant benefits for small businesses in these industries by improving their competitive position and increasing their ability to offer flexibility in employment.

Similarly, the Bureau of Economics, Competition and Consumer Protection of the Federal Trade Commission filed comments in support of the prior proposed rule. The Bureaus concluded that a relaxation of the ban might improve the international competitiveness of the restricted industries and that total employment, possibly including that of factory workers, could increase.

In contrast, a number of manufacturers and associations of manufacturers in the restricted industries filed comments opposing the prior proposal. These commenters argued that adoption of the proposal would result in unfair competition between factory employers and employers of homeworkers in that the latter group would not be required to absorb the overhead costs of operating factories (e.g., rent and utilities). As a result of such competition, these commenters believed the prior proposal would severely damage their businesses.

The Department believes that modifying the restrictions on the employment of homeworkers would have a net benefit in the affected industries by providing greater flexibility in work arrangements. No reliable data have been identified to refute this belief. However, the ultimate effects of this rulemaking depend on the extent to which employers will seek to obtain cerfiticates and choose to employ homeworkers.

Consideration of Alternatives to Certification

Prior to the promulgation of the final rule lifting the ban on the employment of homeworkers in the knitted outerwear industry in 1984 (49 FR 44268) the Department carefully considered various alternatives to a total recission of the ban, namely, implementing an employer licensing or certification system, removing the restrictions only in rural areas, expanding the conditions for granting certificates for individual homeworkers, and transferring certification enforcement responsibilities to the States. After completing its analysis of the rulemaking record, the Department adopted the employer certification program in lieu of a total recission of the ban on homework in the knitted outerwear industry. The remaining alternatives were rejected as unworkable and/or less effective than employer certification. Other than comments in favor of lifting the restrictions which argued that special needs for homework exist in rural areas, no substantive comments on alternatives to the certification program were received in response to the prior proposal. While the Department believes the certification program, combined with the additional enforcement mechanisms discussed above, is the most desirable means to enforce the FLSA with respect to homeworkers, specific comments are again invited on the other alternatives.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, the recordkeeping provisions that are included in proposed 29 CFR Parts 516 and 530 have been or will be submitted for approval to the Office of Management and Budget (OMB).

This document was prepared under the direction and control of Paula V. Smith, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects

29 CFR Part 516

Minimum wage, Reporting and recordkeeping requirements.

29 CFR Part 530

Employment, Investigations, Labor, Law enforcement, Minimum wages, Wages, Licenses.

Accordingly, it is proposed to amend 29 CFR Parts 530 and 516 as set forth below.

Signed at Washington, DC, on this 25th day of March 1988.

Ann McLaughlin,

Secretary of Labor.

Fred W. Alvarez,

Assistant Secretary for Employment Standards.

Paula V. Smith,

Administrator, Wage and Hour Division.

PART 530—EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

1. The authority citation for Part 530 is revised to read as set forth below and the authority citations following all of the sections in Part 530 are removed.

Authority: Sec. 11, 52 Stat. 1066 (29 U.S.C. 211) as amended by Sec. 9, 63 Stat. 910 (29 U.S.C. 211(d)); Secretary's Order No. 6–84, 49 FR 32473, August 14, 1984; and Employment Standards Order No. 85–01, June 5, 1985.

2. The table of contents is revised to read as follows:

PART 530—EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

Subpart A—General

Sec.

Subpart B—Homeworker Employer Certificates

Subpart C—Denial/Revocation of Homeworker Employer Certificates

Subpart D—Civil Money Penalties

Subpart E—Administrative Procedures

§ 530.1—530.12 (Subpart A) [Amended]

3. Sections 530.1 through 530.12 are designated as Subpart A and a new Subpart heading "General" is added.

4. In § 530.1 paragraphs (b) through (j) are redesignated as (c) through (k), new paragraph (b) is added, and newly redesignated paragraph (f)(1)(ii) is amended by changing the reference to "(e)(1)(i)" to read "(f)(1)(i)".

§ 530.1 Definitions.

* * * * *

(b) "Administrator" as used in this part means the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, or an authorized representative of the Administrator.

* * * * *

5. Section 530.2 is revised to read as follows:

§ 530.2 Restriction of homework.

Except as provided in Subpart B of this part, no work in the industries defined in paragraphs (e) through (k) of § 530.1 shall be done in or about a home, apartment, tenement, or room in a residential establishment unless a special homework certificate issued and in effect pursuant to this part has been obtained for each homeworker or unless

the homeworker is so engaged under the supervision of a Sheltered Workshop, as defined in § 525.2 of this chapter.

§§ 530.3, 530.4, 530.6, 530.7, 530.8, and 530.10 [Amended]

6. The headings for §§ 530.3, 530.4, 530.6, 530.7, 530.8, and 530.10 are revised as follows:

* * * * *

§ 530.3 Application forms for individual homeworker certificates.

§ 530.4 Terms and conditions for the issuance of individual homeworker certificates.

* * * * *

§ 530.6 Termination of individual homeworker certificates.

§ 530.7 Revocation and cancellation of individual homeworker certificates.

§ 530.8 Preservation of individual homeworker certificates.

* * * * *

§ 530.10 Delegation of authority to grant, deny, or cancel an individual homeworker certificate.

7. In § 530.4, paragraph (c) in its entirety is removed.

8. The OMB information collection approval, which is displayed in parentheses at the end of § 530.4, is amended by removing the second sentence which refers to paragraph (c).

§ 530.13 [Removed]

9. Section 530.13 is removed.

10. New Subparts B, C, D, and E are added as follows:

Subpart B—Homeworker Employer Certificates

§ 530.101 General

Except as provided in subpart C, a certificate may be issued to an employer authorizing the employment of homeworkers in any industry defined in paragraphs (g) through (k) of § 530.1; and in the jewelry industry § 530.1(f)), where the employer's homeworkers are engaged exclusively in the stringing of beads and other jewelry and the carding and packaging of jewelry. This certificate may be issued irrespective of whether individual homeworkers meet the conditions set forth in paragraph (a) of § 530.4 of Subpart A. Unless suspended or revoked, such certificates are valid for two-year periods. Applications for renewals must be submitted no later than thirty (30) days prior to the expiration date of the current certificate. In the absence of a certificate, the employment of homeworkers in these industries is prohibited, and an employer violating this prohibition is subject to all the sanctions provided in the Fair Labor Standards Act and in this part, including an injunction restraining the employment to homeworkers.

Certificates authorizing such employment may be issued on the following terms and conditions upon written application to the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

§ 530.102 Requests for employer certificates.

The initial request for certification or renewal application shall be signed by the employer and shall contain the name of the firm, its mailing address, the physical location of the firm's principal place of business and a description of the business operations and items produced. In addition, the initial or renewal application shall contain the names, addresses, and languages (if other than English) spoken by the homeworkers that are currently employed (if any) or expected to be employed. The employer shall also provide the Administrator, within thirty (30) days, a notice of each change of address of the principal place of business. The notification shall be in writing and addressed to the Administrator, Wage and Hour Division, Employment Standards Administration, 200 Constitution Avenue NW., Washington, DC 20210.

§ 530.103 Employer assurances.

In order to be granted a certificate authorizing the employment of industrial homeworkers, the employer must provide written assurances concerning the employment of homeworkers subject to section 11(d) of the Fair Labor Standards Act to the effect that:

(a) All industrial homeworkers shall be paid in accordance with the provisions of the Act.

(b) All industrial homeworkers shall be employed in compliance with the child labor provisions contained in section 12 of the Act and regulations and orders issued pursuant to section 12. All homeworkers will be instructed not to permit minors to work in violation of such provisions.

(c) Records of hours worked and wages paid shall be maintained in accordance with section 11 of the Act and Part 516 of this chapter.

(d) All homeworkers shall complete homeworker handbooks in accordance with § 516.31 of Part 516.

(e) All records shall be made available for inspection and transcription by the Administrator or a duly authorized and designated representative, or transcription by the employer upon written request.

(f) Piece rates paid to homeworkers shall be established using stop watch time studies or other work measurement methods.

(g) All homeworkers shall be encouraged to cooperate with the Department in any investigation that may be made.

§ 530.104 Bonding or security payments.

(a) Where in the Administrator's judgment there is not sufficient reason to believe that the Act will be complied with or that money will be available if violations of the Act occur, the Administrator may condition issuance or renewal of a certificate to an employer upon the furnishing of a bond with a surety or sureties satisfactory to the Administrator.

(b) The Administrator shall condition issuance or reinstatement of a certificate to any employer whose application for a certificate had previously been denied, or whose certificate had been revoked, upon the furnishing of a bond.

(c) Any bond required by the Administrator under paragraph (a) or (b) of this section shall be in an amount determined by the Administrator, up to $2500 for each homeworker to be employed by such employer under the certificate. In lieu of a bond, the employer may furnish a cash payment of equal amount, to be held in a special deposit account by the Administrator for the period during which the certificate is in effect. Such bond, or cash payment, shall be subject to payment or forfeiture, in whole or in part, upon a final determination that the employer has failed to pay minimum wages or overtime compensation to homeworkers in accordance with the Act. Any sums thus paid or forfeited to the Administrator shall be disbursed to affected homeworkers in accordance with section 16(c) of the Act.

(d) At the Administrator's discretion, the obligation of a bond may be relieved, and any cash payment held as security in lieu thereof may be refunded (together with any interest accrued thereon), upon a subsequent determination that the employer is in compliance with the Act and that sufficient funds will be available to meet back wage payment obligations in the event of violations of the Act.

§ 530.105 Investigations.

Any employer in a restricted industry who requests certification to employ homeworkers will be investigated promptly after the issuance of the

certificate by the Wage and Hour Division. Where such an employer is found to be in violation of the FLSA, and the violations are corrected and future compliance is promised, the firm will be reinvestigated to assure that full FLSA compliance has, in fact, been achieved.

Subpart C—Denial/Revocation of Homeworker Employer Certificates

§ 530.201 Conflict with State law.

No certificate will be issued pursuant to § 530.101 of Subpart B above authorizing the employment of homeworkers in any State where the Governor (or authorized representative) has advised the Administrator of the Wage and Hour Division in writing that the employment of homeworkers in an industry defined in paragraphs (f) through (k) of § 530.1 is illegal by virtue of a State labor standards or health and safety law.

§ 530.202 Piece rates—work measurement.

(a) No certificate will be issued pursuant to § 530.101 of Subpart B to an employer who pays homeworkers based on piece rates unless the employer establishes the piece rates for the different types of items produced using stop watch time studies or other work measurement methods. Documentation of the work measurements used to establish the piece rates, and the circumstances under which such measurements were conducted shall be retained for three years and made available on request to the Wage and Hour Division.

(b) The fact that an employer bases piece rates on time studies which indicate that the homeworkers would receive at least the minimum wage at such piece rate(s) does not relieve the employer from the Act's requirement that *each* homeworker actually receive not less than the minimum wage for all hours worked.

§ 530.203 Outstanding violations and open investigations.

A homework certificate will not be issued or renewed by the Administrator if, within the previous three years, the Administrator has found and notified the applicant of a monetary violation of the Fair Labor Standards Act in an amount certain, or the Administrator has assessed a civil money penalty pursuant to Subpart D of these regulations or Part 579 of this chapter (child labor), and such amounts are unpaid, or if the applicant is the subject of a revocation proceeding at the time of the application for renewal, or the applicant is the subject of an open investigation.

§ 530.204 Discretionary denial or revocation.

Where the Administrator finds that the employment of homeworkers under a certificate is likely to result in violations of the Fair Labor Standards Act, the Administrator may deny or revoke the certificate.

§ 530.205 Mandatory denial or revocation.

The Administrator shall deny or revoke a certificate in accordance with the following standards and for the period specified in the standards:

(a) *Serious wage violations.* Upon a finding by the Administrator of a serious wage violation, a certificate shall be denied (including refusal to renew) or revoked for one year. A serious wage violation is defined as minimum wage or overtime pay violations of the Act totalling $10,000 or more with respect to homeworkers; or minimum wage violations where 10 percent or more of a certificate holder's homeworkers (but in all cases at least two homeworkers) failed to receive at least 80 percent of the minimum wage for all hours worked for 6 or more weeks in any 3 month period; or minimum wage or overtime pay violations affecting more than half of the homeworkers of the certificate holder for 6 or more weeks in any 3 month period. All other wage violations are deemed non-serious wage violations for purposes of this section.

(b) *Repeated wage violations.* For repeated wage violations found by the Administrator, a certificate shall be revoked for one to three years, depending on the seriousness and frequency of the violations.

(c) *Child labor violations.* Upon a finding by the Administrator of a violation of the child labor provisions of section 12 of the Fair Labor Standards Act and the regulations at Part 570 of this title, a certificate shall be revoked for one year. Upon a second finding by the Administrator of such a violation, the certificate shall be revoked for three years.

(d) *Failure to pay back wages or civil money penalties judged owing.* Upon the failure of a certificate holder to pay within 60 days back wages or civil money penalties finally judged by a court, administrative law judge or other appropriate authority, as the case may be, to be owed by the certificate holder, or agreed to be paid by the certificate holder, or within such longer period as may be specified in the final order or agreement, a certificate shall be revoked for up to one year or for such period as such obligation shall remain unpaid if longer than one year.

(e) *Failure to cooperate in an investigation.* Where the Administrator finds obstruction of or other failure to cooperate in a Wage and Hour investigation by a certificate holder which impedes the investigation, the certificate shall be revoked for a period of one to three years, depending on the circumstances. For purposes of this regulation, cooperation includes providing records upon request to Wage and Hour compliance officers, identifying homeworkers of the certificate holder, and encouraging homeworkers to make themselves available in connection with an investigation.

(f) *Serious recordkeeping violations.* Upon a finding by the Administrator that a certificate holder has engaged in a serious recordkeeping violation, the certificate may be revoked for up to one year. Upon a second finding by the Administrator of a serious recordkeeping violation, a certificate shall be revoked for one to three years A serious recordkeeping violation is defined as one where, either through errors in or omissions of required information, the data which is necessary for the accurate determination of hours worked by or wages paid to homeworkers or data necessary for the computation of wages owed to homeworkers is unavailable with respect to 10 percent or more of the homeworkers.

(g) *Deliberate misstatement in an application for a certificate or in other documents.* Upon a finding by the Administrator of a deliberate misstatement of a material fact in an application for a certificate, in payroll records, or in any other information submitted to the Wage and Hour Division or maintained by the employer pursuant to these regulations, the certificate shall be denied or revoked for one to three years.

(h) *Discrimination against a homeworker.* Upon a finding by the Administrator that a certificate holder has discharged or otherwise discriminated against a homeworker with respect to the homeworker's compensation or terms, conditions, or privileges of employment because the homeworkers engaged in protected activity, the certificates shall be revoked for three years. Protected activity is defined as:

(1) Any complaint of a violation of the Act to the employer, the Department or other appropriate authority, or;

(2) Any action which furthers the enforcement of or compliance with the Act, such as giving information to a Wage and Hour compliance officer.

§ 530.206 Special circumstances.

At the discretion of the Administrator, a certificate need not be denied or revoked pursuant to § 530.204 or § 530.205 of this subpart if the Administrator finds all of the following:

(a) The certificate holder, despite the exercise of due care, did not know and did not have reason to know of the violations;

(b) All back wages and civil money penalties found by the Administrator to be owing by the certificate holder have been paid; and

(c) The certificate holder has taken appropriate steps to prevent recurrence of the violations.

Subpart D—Civil Money Penalties

§ 530.301 General.

A system of civil money penalties is established to provide a remedy for any violations of the FLSA related to homework (except child labor violations, which are subject to civil money penalties pursuant to Part 579 of this chapter), or for any violation of the homeworker regulations or employers' assurances pursuant to this Part, which are not so serious as to warrant denial or revocation of a certificate. Accordingly, no civil money penalty will be assessed for conduct which serves as the basis of proposed denial or revocation of a certificate. (See Subpart C of this part.) Civil money penalties will be assessed only against employers who are operating under a certificate or who are seeking certification.

§ 530.302 Amounts of civil money penalties.

(a) A civil money penalty, not to exceed $500 per affected homeworker for any one violation, may be assessed for any violation of the Act or of this part or of the assurances given in connection with the issuance of a certificate.

(b) The amount of civil money penalties shall be determined per affected homeworker within the limits set forth in the following schedule, except that no penalty shall be assessed in the case of violations which are deemed to be *de minimis* in nature:

Nature of violation	Penalty per affected homeworker		
	Minor	Substantial	Repeated, intentional or knowing
Recordkeeping	$10 to $100	$100 to $200	$200 to $500
Monetary violations	$10 to $100	$100 to $200	
Employment of homeworkers without a certificate		$100 to $200	$200 to $500
Other violations of statutes, regulations or employer assurances	$10 to $100	$100 to $200	$200 to $500

§ 530.303 Considerations in determining amounts.

(a) In determining the amount of a penalty within any range, the Administrator shall take into account the presence or absence of circumstances such as the following:

(1) Good faith attempts to comply with the Act or regulations;

(2) Extent to which the violation is under the employer's control;

(3) Non-culpable ignorance of the requirements of the Act or regulations;

(4) False documents or representations; and

(5) Exercise of due care.

(b) An employer's financial inability to meet obligations under the Act shall not constitute a mitigating or extenuating circumstance.

(c) No civil money penalty shall be assessed against an employer, who applies for a certificate, solely for employing homeworkers, provided the employer is not currently under investigation by the Wage and Hour Division.

§ 530.304 Procedures for assessment.

Assessment of penalties pursuant to this section, including administrative proceedings, shall be in accordance with the procedures set out in Subpart E of this part.

Subpart E—Administrative Procedures

§ 530.401 Applicability of procedures and rules.

The procedures and rules contained herein prescribe the administrative process which will be applied with respect to a determination to deny (including refusal to renew) or revoke a certificate and to a determination to assess civil money penalties. Special rules and procedures for the emergency revocation of certificates are prescribed in § 530.412 of this subpart.

§ 530.402 Notice of determination.

Whenever the Administrator determines to deny or revoke a certificate or determines to assess a civil money penalty, the person affected by such determination shall be notified of the determination in writing, by certified mail to the last known address. The notice required shall:

(a) Set forth the determination of the Administrator, including the specific statutory or regulatory provision or assurance violated, the reasons for denying or revoking a certificate, or the amount of any civil money penalty assessment and the reason or reasons therefor.

(b) Set forth the right to request a hearing on such determination.

(c) Set forth the time and method for requesting a hearing, and the procedures relating thereto, as set forth in § 530.403 of this subpart.

(d) Inform any affected person or persons that in lieu of formal proceedings there is available an alternative summary proceeding under § 530.412 of this subpart.

(e) Inform any affected persons that in the absence of a timely request for a hearing the determination of the Administration shall become final and unappealable.

§ 530.403 Request for hearing.

(a) Except in the case of an emergency revocation under § 530.411 of this subpart, a request for an administrative hearing on a determination referred to in § 530.402 of this subpart shall be made in writing to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210, and must be received no later than thirty (30) days after issuance of the notice referred to in § 530.402 of this subpart.

(b) No particular form is prescribed for any request for a hearing permitted by this part. However, any such request shall be typewritten or legibly written; specify the issue or issues stated in the notice of determination giving rise to such request; state the specific reason or reasons why the person requesting the hearing believes such determination is in error; be signed by the person making the request or by an authorized representative of such person; and

include the address at which such person or authorized representative desires to receive further communications relating thereto.

(c) In the case of an emergency revocation, a request for an administrative hearing shall be made in writing to the Chief Administrative Law Judge, U.S. Department of Labor, 1111 20th Street NW., Suite 700, Washington, DC 20036, and must be received no later than 20 days after the issuance of the notice referred to in § 530.402 of this subpart.

§ 530.404 Referral to Administrative Law Judge.

Upon receipt of a timely request for a hearing, the request and a copy of the notice of administrative determination complained of, shall, by Order of Reference, be referred to the Chief Administrative Law Judge, for a determination in an administrative proceeding as provided herein. The notice of administrative determination and request for hearing shall, respectively, be given the effect of a complaint and answer thereto for purposes of the administrative proceedings, subject to any amendment that may be permitted under 29 CFR Part 18.

§ 530.405 General.

Except as specifically provided in these regulations, the "Rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges" established by the Secretary at 29 CFR Part 18 shall apply to administrative proceedings described in this subpart.

§ 530.406 Decision and order of Administrative Law Judge.

(a) The Administrative Law Judge shall prepare, after completion of the hearing and closing of the record, a decision on the issues referred by the Administrator.

(b) The decision of the Administrative Law Judge shall include a statement of findings and conclusions, with reasons and basis therefor, upon each material issue presented on the record. If the Administrative Law Judge finds that the Administrator has established by a preponderance of the evidence the factual basis for the determination to deny or revoke a certificate or to assess a civil money penalty, that determination shall be affirmed. The decision shall also include an appropriate order which may affirm, deny, reverse, or modify, in whole or in part, the determination of the Administrator. The reason or reasons for such order shall be stated in the decision.

(c) The decision shall be served on all parties and the Secretary in person or by certified mail. The decision when served by the Administrative Law Judge shall constitute the final order of the Department of Labor unless the Secretary, as provided for in § 530.407 of this subpart, determines to review the decision.

§ 530.407 Procedures for initiating and undertaking review.

Any party desiring review of the decision of the Administrative Law Judge may petition the Secretary to review the decision. To be effective, such petition must be received by the Secretary within 30 days of the date of the decision of the Administrative Law Judge. Copies of the petition shall be served on all parties and on the Chief Administrative Law Judge. If the Secretary does not issue a notice accepting a petition for review within 30 days after receipt of a timely filing of the petition, or within 30 days of the date of the decision if no petition has been received, the decision of the Administrative Law Judge shall be deemed the final agency action.

§ 530.408 Notice of the Secretary to review decision.

Whenever the Secretary determines to review the decision and order of an Administrative Law Judge, the Secretary shall notify each party of the issue or issues raised; the form in which submission shall be made (i.e, briefs, oral argument, etc.); and, the time within which such presentation shall be submitted.

§ 530.409 Final decision of the Secretary.

The Secretary's final decision shall be served upon all parties and the Administrative Law Judge, in person or by certified mail.

§ 530.410 Special procedures.

In a revocation proceeding pursuant to § 530.205(d) of Subpart C of this part arising as a result of a certificate holder's failure to pay back wages or civil money penalties judged owing, the Administrator may file a motion for expedited decision, attaching to the notice, by affidavit or other means, evidence that a final order has been entered or agreement signed requiring respondent to pay back wages or civil money penalties and that the back wages or civil money penalties have not been paid. The respondent in the proceeding shall have 20 days in which to file a countering affidavit or other evidence. If no evidence countering the material assertions of the Administrator has been submitted within 20 days, the Administrative Law Judge shall, within 30 days thereafter, affirm the revocation or denial of the certificate. If the respondent does timely file such evidence, the Administrative Law Judge shall schedule a hearing pursuant to § 530.411(c) of this subpart and the case shall be subject to the expeditious procedures following therein.

§ 530.411 Emergency certificate revocation procedures.

(a) When the Administrator determines that immediate revocation of a homework certificate is necessary to safeguard the payment of minimum wages to homeworkers, a notice of proposed emergency revocation of a certificate shall be sent to the certificate holder pursuant to § 530.402 of this subpart setting forth reasons requiring emergency revocation of the certificate.

(b) If no request for a hearing to § 530.403 of this subpart is received within 20 days of the date of receipt of the notice by the certificate holder, the proposed revocation of the certificate shall become final.

(c) The Office of Administrative Law Judges shall notify the parties at their last known address, of the date, time and place for the hearing, which shall be no more than 60 days from the date of receipt of the request for the hearing. All parties shall be given at least 5 days notice of such hearing. No requests for postponement shall be granted except for compelling reasons.

(d) The Administrative Law Judge shall issue a decision pursuant to § 530.406 of this subpart within 30 days after the termination of a proceeding at which evidence was submitted. The decision shall be served on all parties and the Secretary by certified mail and shall constitute the final order of the Department of Labor unless the Secretary determines to review the decision.

(e) Any party desiring review of the decision of the Administrative Law Judge may petition the Secretary to review the decision of the Administrative Law Judge. To be effective, such petition must be received by the Secretary within 30 days of the date of the decision of the Administrative Law Judge. If the Secretary does not issue a notice accepting a petition for review within 15 days after receipt of a timely filing of the petition, or within 30 days of the date of the decision if no petition is filed, the decision of the Administrative Law Judge shall be deemed the final agency action.

(f) The Secretary's decision shall be issued within 60 days of the notice by the Secretary accepting the submission, and shall be served upon all parties and the Administrative Law Judge, in person or by certified mail.

§ 530.412 Alternate summary proceedings.

In lieu of an administrative hearing before an Administrative Law Judge under the above procedures, an applicant or certificate holder who does not dispute the factual findings of the Administrator may, within 30 days of the date of issuance of the notice of denial, revocation, or assessment (or within 20 days in the case of a notice of emergency revocation) petition the Administrator instead to reconsider the denial or revocation of the certificate or the assessment of civil money penalties. An applicant or certificate holder electing this informal procedure may appear before the Administrator in person, make a written submission to the Administrator, or both. Such reconsideration by the Administrator shall be available only upon waiver by the applicant or certificate holder of the formal hearing procedures provided by the above regulations.

§ 530.413 Certification of the record.

Upon receipt of a complaint seeking review of a final decision issued pursaunt to this part filed in a United States District Court, after the administrative remedies have been exhausted, the Chief Administrative Law Judge shall promptly index, certify and file with the appropriate United States District Court, a full, true, and correct copy of the entire record, including the transcript of proceedings.

§ 530.414 Equal Access to Justice Act.

Proceedings under this part are not subject to the provisions of the Equal Access to Justice Act. In any hearing conducted pursuant to these regulations, Administrative Law Judges shall have no power or authority to award attorney fees or other litigation expenses pursuant to the Equal Access to Justice Act.

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

11. The authority citation for Part 516 continues to read as follows:

Authority: Sec. 11, 52 Stat. 1066, as amended, 29 U.S.C. 211, Section 516.33 also issued under 52 Stat. 1060, as amended; 29 U.S.C. 201 *et seq.*

12. Paragraphs (b) and (c) § 516.31 are revised to read as follows:

§516.31 Industrial homeworkers.

* * * * *

(b) *Items required.* In addition to all of the records required by § 516.2, every employer of homeworkers shall maintain and preserve payroll or other records containing the following information and data with respect to each and every industrial homeworker employed (excepting those homeworkers to whom section 13(d) of the Act applies and those homeworkers in Puerto Rico to whom Part 545 of this chapter applies, or in the Virgin Islands to whom Part 695 of this chapter applies):

(1) With respect to each lot of work:

(i) Date on which work is given out to worker, or begun by worker, and amount of such work given out or begun;

(ii) Date on which work is turned in by worker, and amount of such work;

(iii) Kind of articles worked on and operations performed;

(iv) Piece rates paid;

(v) Hours worked on each lot of work turned in;

(vi) Wages paid for each lot of work turned in.

(2) With respect to any agent, distributor, or contractor: The name and address of each such agent, distributor, or contractor through whom homework is distributed or collected and the name and address of each homeworker to whom homework is distributed or from whom it is collected by each such agent, distributor, or contractor.

(c) *Homeworker handbook.* In addition to the information and data required in paragraph (b) of this section, a separate handbook (to be obtained by the employer from the Wage and Hour Division and supplied by such employer to each worker) shall be kept for each homeworker. The employer is required to insure that the hours worked and other information required therein is entered by the homeworker when work is performed and/or business-related expenses are incurred. This handbook must remain in the possession of the homeworker except at the end of each pay period when it is to be submitted to the employer for transcription of the hours worked and other required information and for computation of wages be paid. The handbooks shall include a provision for written verification by the employer attesting that the homeworker was instructed to accurately record all of the required information regarding such homeworker's employment, and that, to the best of his or her knowledge and belief, the information was recorded accurately. Once no space remains in the handbook for additional entries, or upon termination of the homeworker's employment, the handbook shall be returned to the employer. The employer shall then preserve this handbook for at least two years and make it available for inspection by the Wage and Hour Division on request.

* * * * *

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Federal Register

Wednesday
March 30, 1988

Part V

The President

Executive Order 12633—Amending the Code of Conduct for Members of the Armed Forces of the United States

Federal Register
Vol. 53, No. 61
Wednesday, March 30, 1988

Presidential Documents

Title 3—

The President

Executive Order 12633 of March 28, 1988

Amending the Code of Conduct for Members of the Armed Forces of the United States

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and as Commander in Chief of the Armed Forces of the United States, in order to remove gender specific terms, Executive Order No. 10631, of August 17, 1955, as amended, is further amended as follows:

Section 1. The second paragraph is amended to read as follows: "All members of the Armed Forces of the United States are expected to measure up to the standards embodied in this Code of Conduct while in combat or in captivity. To ensure achievement of these standards, members of the armed forces liable to capture shall be provided with specific training and instruction designed to better equip them to counter and withstand all enemy efforts against them, and shall be fully instructed as to the behavior and obligations expected of them during combat or captivity.".

Sec. 2. Articles I, II, and VI of the Code of Conduct for Members of the United States Armed Forces, attached to and made a part of Executive Order No. 10631, are amended to read as follows:

"I

"I am an American, fighting in the forces which guard my country and our way of life. I am prepared to give my life in their defense.

"II

"I will never surrender of my own free will. If in command, I will never surrender the members of my command while they still have the means to resist.

"VI

"I will never forget that I am an American, fighting for freedom, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.".

Ronald Reagan

THE WHITE HOUSE,
March 28, 1988.

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LIST OF PUBLIC LAWS

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202–275–3030).

H.R. 3689/Pub. L. 100–264

To designate the United States Post Office Building located at 300 Sycamore Street in Waterloo, Iowa, as the "H.R. Gross Post Office Building." (Mar. 25, 1988; 102 Stat. 38; 1 page) Price: $1.00

S.J. Res. 216/Pub. L. 100–265

Approving the location of the Black Revolutionary War Patriots Memorial. (Mar. 25, 1988; 102 Stat. 39; 1 page) Price: $1.00

S.J. Res. 218/Pub. L. 100–266

To designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." (Mar. 25, 1988; 102 Stat. 40; 1 page) Price: $1.00