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May 13, 1988

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WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: May 26; at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC
Reservations: Laurice Clark, 202–523–3517

KANSAS CITY

WHEN: June 10; at 9:00 a.m.
WHERE: Room 147–148, Federal Building, 601 East 12th Street, Kansas City, MO
Reservations: Call the St. Louis Federal Information Center;
Missouri: 1–800–392–7711
Kansas: 1–800–432–2934

NEW YORK, NY

WHEN: June 13; at 1:00 p.m.
WHERE: Room 305C, 26 Federal Plaza, New York, NY
Reservations: Call Arlene Shapiro or Stephen Colon at the New York Federal Information Center, 212–264–4310.

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Presidential Documents

Title 3—

The President

Proclamation 5818 of May 10, 1988

Just Say No Week, 1988

By the President of the United States of America

A Proclamation

This year again we observe a period of time to reflect on our efforts as individuals and as a Nation to create a drug-free society. We do so in the knowledge that we have both cause for hope and cause to redouble our efforts.

Dedicated law enforcement officers and government personnel continue to fight the drug traffickers here and abroad who make war on all of us. Families, churches, schools, and communities are fostering wholesome and healthy attitudes and behavior that are guiding young and old alike. Public opinion polls and other measures show an increasing awareness of the seriousness of illegal drug use and alcohol abuse. And more and more of us see in our American heritage of faith, freedom, spiritual values, and personal achievement a true, rewarding way of life that far outstrips the false, harmful, and joyless path of drug addiction.

America's young people are responding to education and prevention efforts, but continued and intensified work is needed—and at earlier ages. Positive peer pressure can significantly affect children and can create environments in which illegal drug use and alcohol abuse are unacceptable. The "Just Say No" movement, which grew out of great public concern and strong and effective encouragement by the First Lady, is now a rallying cry for youth who want to say "Yes" to life and to the future.

During Just Say No Week this year, on May 11, children across our land will take part in a national "Just Say No" walk against drugs. This week of observance is an excellent time for each of us to commend—and to assist—the young people of our country and all of the parents, educators, and so many other Americans who continue to develop and carry out efforts against illegal drug use and alcohol abuse.

The Congress, by House Joint Resolution 545, has designated the week of May 8 through May 14, 1988, as "Just Say No Week" and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of May 8 through May 14, 1988, as Just Say No Week. I call upon the American people and officials at every level of government, the clergy, the private sector, civic groups, educators, and the communications media to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of May, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 88-10862
Filed 5-11-88; 12:08 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5819 of May 10, 1988

National Osteoporosis Prevention Week, 1988

By the President of the United States of America

A Proclamation

This year we again set aside a week to mark our concern over osteoporosis. This bone-weakening disease is the most common cause of bone fractures in the elderly and is a major health problem that afflicts millions of Americans. Osteoporosis can occur in men, but women are the majority of its victims. In fact, it affects half of American women over age 45 and 90 percent of women over age 75.

A fall, blow, or lifting action that would not injure the average person can easily cause one or more bones to break in a person with severe osteoporosis. Any bones may be affected, although fractures of the spine, wrists, and hips are the most common. Osteoporosis is the underlying reason for 1.3 million bone fractures a year, and its incidence will increase as our population ages.

Fortunately, scientific knowledge about this disease has grown, and there is reason for hope. Research is revealing that prevention may be achieved through estrogen replacement therapy for older women and through adequate calcium intake and regular weight-bearing exercise for people of all ages. New approaches to diagnosis and treatment are also under active investigation. For this work to continue and for us to take advantage of the knowledge we have already gained, public awareness of osteoporosis and of the importance of further scientific research is essential.

The Congress, by Senate Joint Resolution 250, has designated the week of May 8 through May 14, 1988, as "National Osteoporosis Prevention Week" and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of May 8 through May 14, 1988, as National Osteoporosis Prevention Week. I urge the people of the United States and educational, philanthropic, scientific, medical, and health care organizations to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 88-10863
Filed 5-11-88; 12:09 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5820 of May 10, 1988

National Foster Care Month, 1988

By the President of the United States of America

A Proclamation

The family is the indispensable foundation of society; at its best, it performs tasks that no other entity can hope to duplicate. The family has the primary responsibility for nurturing children, transmitting our culture, and building the character traits that make for healthy adults and good citizens. Upon the strength of the family rests the future of our Nation.

For a variety of reasons, however, some parents are unable to provide a minimally acceptable level of care for their children, and temporary or permanent alternative placement is necessary. National Foster Care Month presents an appropriate opportunity for all of us—public officials, business, religious, and community leaders, and parents alike—to reflect on the pressures facing families today and on the need for increased efforts to ensure that abandoned or abused children have the opportunity to live in healthy, loving homes.

The emphasis in foster care must be on the well-being of the child, and public policy must serve to promote alternative placement that represents actual care and not mere custody. Because the tasks facing foster parents often include special challenges, such as care of a child who is physically or mentally handicapped or who has been emotionally or physically abused, the mothers and fathers whom society qualifies to accept this added responsibility must be held to a high standard. To accomplish this goal, many more happy and successful families must be willing to step forward and to offer to share heart and home with children desperately longing for both. The aim of all foster care must be the establishment for the child of a sense of permanence and belonging.

National Foster Care Month also provides an opportunity to offer public thanks for the sacrifices and dedication of the many foster parents and concerned professionals working in the field of foster care. Their jobs require extraordinary patience and love, and their rewards are often reaped only years after their primary labor is done—when the child is grown and fully appreciates what has been done for him or her, or when society pauses from its hectic rush forward to recognize the good they have accomplished.

Finally, this month-long observance calls us to deeper thought on the role of values and ideas in the very formation of families. For if the goal of child care is the creation of a warm, stable environment, it is self-evident that the best place to start is in the pursuit of strong and stable marriages. If the need for foster care is not to outstrip our society's capacity for remedial action, it is critical to focus more efforts on policies that promote and protect the triad of mother, father, and child as the harmonious chord God intended for them to be.

To demonstrate our esteem and appreciation for those who devotedly and selflessly share their lives with foster children, the Congress, by Senate Joint Resolution 59, has designated the month of May 1988 as "National Foster Care Month" and has requested the President to issue a proclamation in its observance.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of May 1988 as National Foster Care Month. I call upon all educators, churches, health care providers, the media, public and private organizations, and the people of the United States to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 88-10864
Filed 5-11-88; 12:10 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5821 of May 10, 1988

Older Americans Month, 1988

By the President of the United States of America

A Proclamation

Celebration of Older Americans Month summons us as individuals and as a Nation to careful reflection on our attitudes toward and treatment of those of us who are elderly.

If we answer this summons, the need for commensurate action will be apparent to us. Senior citizens merit our express appreciation for their countless, invaluable contributions, past and present, to our Nation. They deserve as well our best efforts to avoid and to dispel false ideas about aging. This requires all of us to become more willing to familiarize ourselves with the many ways older people continue to achieve in every area of endeavor as they begin second careers, further their educations, and voluntarily serve their neighbors both at home and abroad. We can also resolve to lend our support as the private sector and public agencies help senior citizens maintain independence and as State and Area Agencies on Aging work with community leaders and groups to create responsive service systems for older Americans.

By every indication, those systems are working well, as is the overall economy whose growth and vitality are necessary for these systems to function as they are designed. The Social Security system, which began the decade in desperate straits, has been rescued and is on solid ground as we near the end of the '80s. Reform of the tax code has brought relief to many elderly taxpayers, and up to a quarter of all of these citizens will pay no Federal income tax whatsover. The poverty rate among the elderly has been reduced to the lowest level in our history.

The true wealth of our older Americans—some 30 million men and women over the age of 65 whose life expectancy continues to grow—lies in the wisdom and experience they have to offer succeeding generations. We are wise ourselves to tap that accumulation of knowledge and good judgment and to pay the tribute of close attention to our venerable fellow citizens, the prime architects of the peace, freedom, and prosperity that are our present blessing and future hope.

The Congress, by House Joint Resolution 508, has recognized the month of May 1988 as "Older Americans Month" and has requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 1988 as Older Americans Month. I call upon the American people to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 88-10865
Filed 5-11-88; 12:11 pm]
Billing code 3195-01-M

Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 613]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 613 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 365,000 cartons during the period May 15 through May 21, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 613 (§ 910.913) is effective for the period May 15 through May 21, 1988.

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

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

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

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

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

This regulation is consistent with the marketing policy for 1987–88. The committee met publicly on May 10, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a 12–1 vote, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market for lemons is steady.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

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

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

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

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

2. Section 910.913 is added to read as follows:

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

§ 910.913 Lemon Regulation 613.

The quantity of lemons grown in California and Arizona which may be handled during the period May 15, 1988, through May 21, 1988, is established at 365,000 cartons.

Dated: May 11, 1988.

Robert C. Keeney,

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

[FR Doc. 88–10910 Filed 5–12–88; 8:45 am]

BILLING CODE 3410–02–M

Food Safety and Inspection Service

9 CFR Parts 327 and 381

[Docket No. 86–002F]

Imported Product; Change in Refused Entry Procedures; Elimination of Certain Sealing Requirement; Addition of Controlled Pre-Stamping Provision

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal meat inspection regulations to require that all consignments of product refused entry into the United States be permanently marked "U.S. Refused Entry." The final rule also amends the Federal meat inspection regulations and the poultry products inspection regulations by providing for "controlled pre-stamping" under certain conditions and by deleting a requirement that refused entry product moving within the United States be sealed with the official import seal. Permanent marking of refused entry product will facilitate keeping such product out of United States' commerce. Sealing will no longer

be required once product is permanently marked refused entry. Addition of the controlled pre-stamping provision will ease congestion at loading docks, reduce the chance of product spoilage, and lessen inspection time.

EFFECTIVE DATE: June 13, 1988.

FOR FURTHER INFORMATION CONTACT: Mark Manis, Director, Import Inspection Division, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–2953.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator of the Food Safety and Inspection Service has determined that this rule is not a major rule under Executive Order 12291. Permanent marking of product that has been refused entry and eliminating the sealing requirement for such product will enable the Agency to more effectively utilize its resources, because Agency personnel will no longer have to seal product or maintain visual control over such product until it has left the United States or has been delivered to an animal food manufacturer. Also, since only .51 percent of imported product was refused entry in fiscal year 1986, permanent marking of refused entry product is expected to have little or no impact on those entities who import product. Providing for controlled pre-stamping is expected to lessen inspection time for both the industry and the Agency because it will facilitate transportation of pre-stamped product from the establishment and should ease congestion at loading/unloading dock areas.

Effect on Small Entities

The Administrator of the Food Safety and Inspection Service has determined that this rule would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601). Permanent marking of product that has been refused entry and eliminating the sealing requirement for such product will enable the Agency to more effectively utilize its resources, because Agency personnel will no longer have to seal product or maintain visual control over such product until it has left the United States or has been delivered to an animal food manufacturer. Also, since only .51 percent of imported product was refused entry in fiscal year 1986, permanent marking of refused enty product is expected to have little or no impact on small entities who import product. Providing for controlled pre-stamping is expected to lessen inspection time for both the industry and the Agency and ease congestion at loading/unloading dock areas. Product can be distributed from the establishment once reinspection is completed instead of being held there until an inspector can return to the establishment to supervise the stamping process.

Paperwork Requirements

This rule requires that import establishments desiring to operate under the controlled pre-stamping provision apply for initial approval to the appropriate Import Field Office supervisor. This application should be in the form of a letter and should include certain information. Once approved for the controlled pre-stamping provision, the establishment is required to maintain a daily log which contains information on the product(s) that is to be pre-stamped. Specific information requirements for the application and the log are outlined in the regulations. These application and recordkeeping requirements have been approved by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) as control number 0583–0015.

Background

On June 17, 1987, FSIS published a proposed rule (52 FR 23041) to amend the Federal meat inspection regulations by requiring that all consignments of product refused entry into the United States be permanently marked "U.S. Refused Entry." FSIS also proposed to amend the Federal meat inspection regulations and the poultry products inspection regulations by providing for "controlled pre-stamping" under certain conditions and by deleting a requirement that refused entry product moving within the United States be sealed with the official import seal. These actions resulted from a reexamination of policies and procedures in effect for import inspection when authority and responsibility for import inspection activities were transferred from FSIS's Meat and Poultry Inspection Operations to its International Programs.

Previous Regulatory Actions

On August 19, 1982, FSIS published an interim rule (47 FR 36109), effective immediately, that established new procedures for handling imported product to decrease the likelihood that "refused entry" meat and meat food products and poultry products would enter into United States' commerce. Among the actions taken in the interim rule were prohibitions on (1) the application of the "U.S. Inspected and Passed" markings on meat and meat food products and poultry products prior to final import inspection, also known as controlled stamping or pre-stamping; and (2) the movement of any refused entry product within the United States except under seal. In addition, this interim rule also required that all consignments of meat and meat food products refused entry be marked "U.S. Refused Entry." This was consistent with a 1982 General Accounting Office (GAO) recommendation in its audit of FSIS's import inspection program that FSIS should take action by "Requiring the stamping of all rejected products on each carton or carcass as 'U.S. Refused Entry' * * *."

On April 13, 1983, FSIS published a final rule (48 FR 15887) confirming the interim rule, as published, with one exception. The final rule did not include the provision that required all consignments of meat and meat food products refused entry to be marked "U.S. Refused Entry." Prior to the August 1982, interim rule, containers of rejected product were identified by a temporary placard or label. Permanent marking of the individual product containers as "U.S. Refused Entry" was done at the discretion of the area supervisor. In the preamble to the final rule, the Agency stated that the interim rule unintentionally implied that marking of all refused entry consignments was required in addition to or instead of normal identification, which is usually by label or placard. The Agency then stated that, after reconsideration, it was determined that the change requiring permanent marking was not warranted.

Permanent Marking of Refused Entry Product

Currently, containers of refused entry product are identified with temporary placards placed on the product containers. These placards are removed once the product (1) has left the United States, (2) has been converted to animal food, or (3) has been destroyed. However, assuring proper disposition of refused entry product, which is identified with temporary placards, requires labor-intensive supervision and control by Program inspectors. A Program employee or employees must maintain control over the product until it is loaded on a vessel, has left the United States, is delivered to an animal food manufacturer, or is destroyed for human food purposes. Controlling the movement of refused entry product is also an activity that is performed on

demand. This means that inspectors generally have to interrupt normal inspection duties to meet an establishment's request to move refused entry product.

The Agency completed a study designed to compare, in terms of inspector hours expended, the costs of inspecting and passing lots of imported products to the costs of inspecting and controlling refused entry lots of imported products. In the 26 cases studied, the Agency found that the tasks involved in refusing entry take four times as long as the tasks required to inspect the lot. The study showed that, on the average, it takes approximately 1 hour to inspect and pass a lot, and approximately 4 hours to inspect and process a refused entry lot.

In August of 1985, 36 countries in the Western Hemisphere met at the Inter-American Conference on Food Protection and unanimously adopted one recommendation that pertained specifically to refused entry product:

> International food shipments rejected by an importing country because of noncompliance with safety requirements should not be reshipped to other countries, and a mechanism should be developed to quickly inform other countries of such shipments.

In addition, several Caribbean nations and Canada have asked the United States to ban the shipment of certain types of refused entry product to their countries. Permanent marking of refused entry product would alert importing countries of previously rejected product. FSIS is sympathetic to the needs of receiving countries for clear, unequivocal identification of United States refused entry product. Instances in which the previous history of such product has been concealed from the receiving country do not promote responsible trade in meat food products.

Therefore, on June 17, 1987, FSIS proposed to amend § 327.10(c) of the Federal meat inspection regulations (9 CFR 327.10(c)) (52 FR 23041) to require that each packing unit of all consignments of meat or meat food products refused entry or each carcass be marked "U.S. Refused Entry." This reflected FSIS's belief that Customs' control over the bonded carriers that transport refused entry product, coupled with permanent marking of refused entry product, will provide adquate safeguards to assure the proper disposition of such product. In addition, requiring the marking of refused entry meat products is consistent with the existing requirement that refused entry poultry products be so marked (9 CFR 381.204).

Elimination of Sealing Requirement

Currently, § 327.13(b) of the Federal meat inspection regulations (9 CFR 327.13(b)) and § 381.202(b) of the poultry products inspection regulations (9 CFR 381.202(b)) require that refused entry product be sealed before it is transported within the United States. This requirement was promulgated as part of the August 1982 interim rule and April 1983 final rule to assure that such refused entry product would not be diverted to human food channels.

On June 17, 1987, FSIS proposed to delete this product sealing requirement (52 FR 23041) because the proposed permanent marking of refused entry product would make sealing product containers to maintain their identity unnecessary. Documentation on the movement of all refused entry product would continue to be required by FSIS. This documentation, together with the permanent marking of the affected product containers or carcasses, and the fact that carriers must be bonded under Customs' regulations, is sufficient to assure that the product will be shipped from the United States, delivered to an animal food manufacturer, or destroyed for human food purposes.

Controlled Stamping Provision

This rule also reinstates the practice known as controlled pre-stamping, that is, placing the "U.S. Inspected and Passed" mark on imported product before import inspection has been completed. This practice has developed informally over the years as a convenience to importers to expedite the unloading of ships. However, in 1982 FSIS prohibited the practice of controlled pre-stamping imported products in the interim final rule referenced previously, because the USDA Office of the Inspector General (OIG) objected to the policy of controlled pre-stamping asserting that pre-stamping reduced FSIS's control of imported product found to be adulterated or misbranded.

USDA's decision in 1982 to end controlled pre-stamping was vigorously opposed by importers and was subsequently criticized by GAO. GAO noted in a June 1982 letter to the Agency that based on its observations and discussions with FSIS officials, importers, and cold storage facility firms "it appears that the elimination of pre-stamping is resulting in additional product handling by cold storage facility (service) employees, increased inspector time, congestion at cold storage facility loading docks, and, in some cases, may be adversely affecting the quality of the imported products." GAO also questioned whether FSIS, in tightening its controls over refused entry product, had considered marking refused entry products as "U.S. Refused Entry" and if it was so considered, why did FSIS not implement this procedure rather than eliminating pre-stamping. GAO did state that it was aware of problems in controlling product that was pre-stamped as "inspected and passed" and subsequently refused entry, but felt that proper precautionary measures could be instituted to eliminate or minimize these problems.

Because of the criticism of the decision to end controlled pre-stamping, an Agency task force reviewed the issue and suggested various controls under which controlled pre-stamping might be reinstituted. The following control measures were proposed at that time: (1) Limiting controlled pre-stamping to only those lots that will be inspected the same day, (2) requiring that all product which receives controlled pre-stamping remain at the establishment until import inspection occurs, (3) requiring inspection marks to be removed from containers refused entry on the day a refused entry determination is made (under FSIS' direct supervision and, if overtime, on a reimbursable fee basis), (4) denying controlled pre-stamping to those lots required to be held at the establishment pending the receipt of laboratory results, (5) requiring the establishment to apply for permission from the Import Field Office (application signed by company official, acknowledging intent to comply), (6) requiring the establishment to reapply each year, and (7) vesting local import inspection personnel with the authority to suspend controlled pre-stamping on the spot.

Subsequently, in the 1987 porposal, FSIS proposed to amend §§ 327.10 and 381.204 to reinstitute controlled pre-stamping subject to these controls (52 FR 23041). In addition, it was proposed that controlled pre-stamping be provided only at port of entry locations.

U.S. Customs Service personnel have reviewed the proposed controls and have agreed to pursue any violation of the control provisions by lifting the Customs' bond in effect of the product.

Comments on the Proposed Rule

FSIS received 3 comments in response to the proposed rule: 1 from a trade association, 1 from an industry member, and 1 from a representative of a New Zealand trade association. The following are the issues raised by the commenters and FSIS's response to each.

Comment: Two of the commenters objected to permanent marking of product as "U.S. Refused Entry." One of these commenters stated that permanent marking was not within the authority of the Federal Meat Inspection Act (FMIA). The other commenter stated that product could be refused entry and, thus, so marked solely for "procedural defects" not related to the quality of the product. This commenter also stated that such permanent marking of product could be disproportionate to the kind of problem that caused the product to be rejected.

Response: The FMIA provides the Secretary of Agriculture with clear authority to regulate meat products offered for importation into the United States. Under section 20 of the FMIA, the Secretary is responsible for assuring that imported products do not enter United States commerce if they are found to be adulterated or misbranded or otherwise not in compliance with any provision of the FMIA or regulations thereunder applicable to such product in commerce within the United States, and is authorized to prescribe terms and conditions for the destruction of products refused entry unless they are exported. Permanent marking is a means to keep "refused entry" products out of United States commerce and, as discussed in the preamble, to inform foreign countries of rejected product shipments, regardless of cause. Indelible marking is the most effective and efficient means of providing clear, unequivocal identification of such product to third countries.

Imported product is not likely to be refused entry due solely to innocuous "procedural defects." Under current procedures, if a shipment of product is rejected because of missing or incomplete documentation, FSIS provides the exporting country an opportunity to correct the problem before the product is officially rejected. Also, when product undergoes re-inspection, noted defects are classified according to their severity and number. The types and number of defects determine whether a lot of product passes or fails reinspection. If product is refused entry and is intended for reexport to a third country, FSIS notifies the country of the specific cause of the rejection. In this way, one shipment can be distinguished from another and the foreign country can decide whether to accept or reject the shipment based on the reasons for rejection.

Comment: One commenter requested that FSIS provide a 24-hour period between the time product is pre-stamped and is then ultimately reinspected by FSIS. (The proposal stipulated that pre-stamping would only be provided for lots of product that would be reinspected on the same day.) The commenter stated that a 24-hour period would result in increased efficiency for both FSIS and the industry.

Response: FSIS intends to retain this provision as proposed—to provide controlled pre-stamping only to those lots that the inspector has determined will be reinspected later the same day. This limitation—that the inspector completes both facets of the reinspection the same day—ensures that the same import inspector and establishment employee are communicating about the same products. It minimizes the potential for misunderstandings that might result in the distribution of pre-stamped product from the establishment before completion of reinspection.

One change has been made in the language of §§ 327.10(d) and 381.204(f) to indicate specifically that the application for controlled pre-stamping will be approved by the Director, Import Inspection Division, not the Administrator, as was stated in the proposed rule.

Final Rule

After careful consideration of the comments received and all other available information, FSIS is amending Part 327 of the Federal meat inspection regulations and Part 381 of the poultry products inspection regulations as set forth below.

List of Subjects

9 CFR Part 327

Imported product, Meat inspection.

9 CFR Part 381

Imported product, Poultry inspection.

PART 327—IMPORTED PRODUCT

1. The authority citation for Part 327 is revised to read as follows:

Authority: 34 Stat. 1260, 81 Stat. 584, as amended (21 U.S.C. 601 *et seq.*), unless otherwise noted.

2. Paragraphs (b) and (c) of § 327.10 are revised and a new paragraph (d) is added to read as follows:

§ 327.10 Samples; inspection of consignments; refusal of entry; marking.

* * * * *

(b) The outside containers of all products offered for importation from any foreign country and accompanied with a foreign inspection certificate as required by this part, which, upon inspection by Program inspectors, are found not to be adulterated or misbranded and to be otherwise eligible for entry into the United States under this part, or the products themselves if not in containers, shall be marked with the official inspection legend prescribed in § 327.26. Such inspection legend shall be placed upon the containers or the products themselves only upon completion of official import inspection except as provided in paragraph (d) of this section.

(c) Product which is inspected and rejected shall be marked "U.S. Refused Entry" as shown in § 327.26(c). Such marks shall be applied to the shipping container or the product itself if not in a container.

(d) The inspection legend may be placed on containers of product before completion of official import inspection if the containers are being inspected by an import inspector who reports directly to an Import Field Office Supervisor; the product is not required to be held at the establishment pending the receipt of laboratory test results; and a written procedure for controlled stamping, submitted by the import establishment and approved by the Director, Import Inspection Division, is on file at the import inspection facility where the inspection is to be performed.

(1) The written procedure for controlled pre-stamping should be in the form of a letter and shall include the following:

(i) That stamping under this part will be limited to those lots of product which can be inspected on the day that certificates for the product are examined;

(ii) That all product which has been pre-stamped will be stored in the facility where the import inspection will occur;

(iii) That inspection marks applied under this part will be removed from any lot of product subsequently refused entry on the day the product is rejected; and

(iv) That the establishment will maintain a daily stamping log containing the following information for each lot of product: the date of inspection, the country of origin, the foreign establishment number, the product name, the number of units, the shipping container marks, and the MP-410 number covering the product to be inspected. The daily stamping log must be retained by the establishment in accordance with the requirements of § 320.3.

(2) An establishment's controlled pre-stamping privilege may be cancelled orally or in writing by the inspector who is supervising its enforcement whenever the inspector finds that the

establishment has failed to comply with the provisions of this part or any conditions imposed pursuant thereto. If the cancellation is oral, the decision and the reasons therefor shall be confirmed in writing, as promptly as circumstances allow. Any person whose controlled pre-stamping privilege has been cancelled may appeal the decision to the Administrator, in writing, within ten (10) days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the controlled pre-stamping privilege was wrongfully cancelled. The Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict. Rules of practice concerning such a hearing will be adopted by the Administrator. The cancellation of the controlled pre-stamping privilege will be in effect until there is a final determination of the proceeding.

(Approved by the Office of Management and Budget under control number 0583–0015)

3. Paragraph (b) of § 327.13 is revised to read as follows:

§ 327.13 Foreign products offered for importation; reporting of findings to customs; handling of articles refused entry.

* * * * *

(b) Upon the request of the Director of Customs at the port where a product is offered for clearance through the customs, the consignee of the product shall, at the consignee's own expense, immediately return to the Director any product which has been delivered to consignee under § 327.7 and subsequently designated "U.S. Refused Entry" or found in any respect not to comply with the requirements in this part.

* * * * *

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

4. The authority citation for Part 381 continues to read as follows:

Authority: 71 Stat. 441, 82 Stat. 791, as amended, 21 U.S.C. 451 *et seq.*; 76 Stat. 663 (7 U.S.C. 450 *et seq.*), unless otherwise noted.

5. Paragraph (b) of § 381.202 is revised to read as follows:

§ 381.202 Poultry products offered for entry; reporting of findings to customs; handling of articles refused entry; appeals, how made; denaturing procedures.

* * * * *

(b) Upon the request of the Director of Customs at the port where a product is offered for clearance through the customs, the consignee of the product shall, at the consignee's own expense, immediately return to the Director any product which has been delivered to consignee under this subpart and subsequently designated "U.S. Refused Entry" or found in any request not to comply with the requirements in this subpart.

* * * * *

6. Section 381.204 is amended by revising paragraph (a) and by adding a new paragraph (f) to read as follows:

§ 381.204 Marking of poultry products offered for entry; official import inspection marks and devices.

(a) The outside containers of all products offered for importation from any foreign country and accompanied with a foreign inspection certificate as required by this subpart, which, upon inspection by Program inspectors, are found not to be adulterated or misbranded and to be otherwise eligible for entry into the United States under this subpart, shall be marked with the official inspection legend shown in paragraph (b) of this section. Such inspection legend shall be placed upon the containers only upon completion of official import inspection except as provided in paragraph (f) of this section.

* * * * *

(f) The inspection legend may be placed on containers of product before completion of official import inspection if the containers are being inspected by an import inspector who reports to an Import Field Office Supervisor, the product is not required to be held at the establishment pending the receipt of laboratory test results; and a written procedure for controlled stamping, submitted by the import establishment and approved by the Director, Import Inspection Division, is on file at the import inspection facility where the inspection is to be performed.

(1) The written procedure for controlled pre-stamping should be in the form of a letter and shall include the following:

(i) That stamping under this subpart will be limited to those lots of product which can be inspected on the day that certificates for the product are examined;

(ii) That all products which have been pre-stamped will be stored in the facility where the import inspection will occur;

(iii) That inspection marks applied under this part will be removed from any lot of product subsequently refused entry on the day the product is rejected; and

(iv) That the establishment will maintain a daily stamping log containing the following information for each lot of product: the date of inspection, the country of origin, the foreign establishment number, the product name, the number of units, the shipping container marks, and the MP–410 number covering the product to be inspected. The daily stamping log must be retained by the establishment in accordance with the requirements of § 381.177.

(2) An establishment's controlled pre-stamping privilege may be cancelled orally or in writing by the inspector who is supervising its enforcement whenever the inspector finds that the establishment has failed to comply with the provisions of this subpart or any conditions imposed pursuant thereto. If the cancellation is oral, the decision and the reasons therefor shall be confirmed in writing, as promptly as circumstances allow. Any person whose controlled pre-stamping privilege has been cancelled may appeal the decision to the Administrator, in writing, within ten (10) days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the controlled pre-stamping was wrongfully cancelled. The Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict. Rules of practice concerning such a hearing will be adopted by the Administrator. The cancellation of the controlled pre-stamping privilege will be in effect until there is a final determination in the proceeding.

(Approved by the Office of Management and Budget under control number 0583–0015)

Done at Washington, DC, on April 22, 1988.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 88–10694 Filed 5–12–88; 8:45 am]

BILLING CODE 3410-DM-M

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9 CFR Part 335

[Docket No. 86-048F]

Meat and Poultry Inspection; Criminal Violations; Proceedings

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule; confirmation of interim rule.

SUMMARY: On April 27, 1987, the Department of Agriculture published an interim rule and solicited comments (52

FR 13827) on an amendment to the Federal meat inspection regulations which provides that persons, firms, and corporations suspected of having violated the Federal Meat Inspection Act (FMIA) be provided reasonable notice that USDA intends to report such violations to the Department of Justice for prosecution in a criminal proceeding, and that they have an opportunity to present to USDA views with respect to such proceeding. The interim rule also designated five exceptions, outlining situations in which notice and an opportunity to present views would not be given to alleged violators. USDA is adopting the interim rule as a final rule without change.

EFFECTIVE DATE: June 13, 1988.

FOR FURTHER INFORMATION CONTACT: Robert W. Gonter, Assistant Deputy Administrator, Compliance Program, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–7745.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule has been designated a "non-major" rule under E.O. 12291. It will not result in an annual effect on the economy of $100 million or more. There will be no major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have a significant effect on competition, employment, investment, productivity, or upon the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation concerns procedures to be followed by the Department prior to referral for prosecution of suspected violators of the FMIA. As such, it does not address the economic or marketing issues which are the subject of E.O. 12291.

Effect on Small Entities

The Administrator of FSIS has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (RFA), Pub. L. 96–354 (5 U.S.C. 601 *et seq.*). This rule does not raise the economic considerations which are the subject of the RFA. Accordingly, the RFA is not applicable to this rulemaking.

Background

Under the Federal Meat Inspection Act (FMIA) (21 U.S C 601 *et seq.*), the Secretary has responsibility to assure consumers that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. In this regard, the FMIA provides that certain violations of the Act will subject individuals and firms to criminal sanctions unless, as provided by section 406(b) of the FMIA (21 U.S.C. 676(b)), the violations are minor and the Secretary determines that the public interest would be adequately served by a suitable written notice of warning.

Section 403(c)(2) of the Processed Products Improvement Act (Title IV of the Futures Trading Act of 1986 (Pub. L. 99–641)) added a new section 406(c) to the FMIA. The new section requires that the Secretary give reasonable notice and an opportunity to present views to persons suspected of having violated the FMIA, prior to the Secretary's referral to the Department of Justice of charges for criminal prosecution. The new section also authorizes the Secretary to make exceptions to the requirement of prior notice by promulgation of regulations. Because section 406(c) of the FMIA went into effect upon enactment of the Processed Products Improvement Act of 1986, the Administrator of FSIS determined it was essential to issue regulations to implement it in order to protect certain ongoing and future criminal investigations and cases. Accordingly, an interim rule was published on April 27, 1987, to amend Title 9 of the Code of Federal Regulations by adding a new Subpart titled "Criminal Violations" (52 FR 13828). The Administrator determined that the ability of the Department to protect the public by investigating and prosecuting suspected violators of the FMIA could have been compromised without publication of the interim rule.

Description of Interim Rule on Notice of Proceedings and Opportunity for Presentation of Views

The interim rule provided that persons suspected of violating the FMIA will be provided reasonable notice that USDA intends to report such violations for prosecution in a criminal proceeding, and that, prior to reporting, such persons will have an opportunity to present to USDA views with respect to such proceeding. The notice will summarize the suspected violations and will inform the suspected violator that the violator has a specified number of days from receipt of the letter to respond, orally or in writing, to the Director, Evaluation and Enforcement Division, Compliance Program, FSIS. The notice will be sent by registered or certified mail. All views presented in response to and in accord with the notice will be considered before reporting the violations for prosecution, and all documentation of such views will be incorporated into the Department's official record in the matter.

The interim rule also identified the following five situations in which there are compelling public interests that preclude the giving of notice and an opportunity to present views prior to the reporting of suspected violations for criminal prosecution:

1. When there is the possibility for destruction or alteration of evidence, or where disclosure could result in injury to persons or property.

2. When there is the possibility of flight of a suspected violator to avoid prosecution.

3. When there is the possibility of the compromise of special investigative techniques, such as undercover or other covert operations.

4. When the impending referral involves suspicion of bribery and related offenses, or clandestine slaughtering and/or processing operations.

5. When the impending referral for prosecution is part of a broader investigation involving non-Act violations, and the Act and non-Act violations are jointly referred for prosecution.

These exceptions address situations where giving notice would compromise an investigation and negatively affect the Department's investigative and enforcement programs.

Summary of Comments

FSIS received two comments from trade associations in response to the interim rule. Both comments supported the general intent of the interim rule, but expressed reservations about various aspects of the exceptions. The following are the issues raised by the comments and FSIS's response to each:

1. *Comment:* One commenter asked that the "use of any exception * * * be scrutinized by judicial review before the exception may be exercised by the department." The commenter expressed concern that the absence of the "judicial reviews" in the interim rule represents a due process deficiency.

Response: The Processed Products Improvement Act of 1986 provided no mechanism for the type of "judicial review" requested by the commenter. Congress intended for the creation of exceptions by regulation and the exercise of the exceptions without an

interim level of review. The conducting of such review would be contrary to that intent. Furthermore, the delay involved in requiring the Agency to go into court each time it intended to invoke one of the exceptions would effectively thwart the use of the exception and endanger investigations in the manner this rulemaking is intended to prevent.

2. *Comment:* The other commenter expressed concern that the exceptions to the prior notice requirement were overly broad. The commenter was especially concerned about the exception which referred to the joining of Act and non-Act violations, suggesting that the Department could subvert the prior notice requirement by deliberately joining non-Act violations.

Response: In situations where Act and non-Act violations would be jointly referred for prosecution, USDA personnel would be involved in the matter with persons from other government agencies. In many cases, the prior notice and an opportunity to present views would have a negative impact on the pursuit of non-Act violations by parties other than USDA. In many of the cases, the discovery of FMIA violations is incident to a broader investigation of another matter. Therefore, the rule affords the Secretary discretion to make exceptions to the prior notice requirement in such situations.

Final Rule

List of Subjects in 9 CFR Part 335

Meat inspection, Withdrawal of inspection, Administrative practice and procedure, Criminal violations, Criminal procedure.

PART 335—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE FEDERAL MEAT INSPECTION ACT

Accordingly, we are adopting as a final rule, without change, the interim rule that added Subpart E and that was published at 52 FR 13827–28 on April 27, 1987.

Authority: Section 406, Pub. L. 99–641, 100 Stat. 3571; 21 U.S.C. 676.

Done at Washington, DC, on: April 27, 1988.

Richard E. Lyng,

Secretary.

[FR Doc. 88–10693 Filed 5–12–88; 8:45 am]

BILLING CODE 3410–DM–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88–NM–31–AD, Amdt. 39–5923]

Airworthiness Directives; Lockheed Aeronautical Systems Company Model L–1011–385–1, L–1011–385–1–14, L–1011–385–1–15, and L–1011–385–3 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of Lockheed Model L–1011–385–1, L–1011–385–1–14, L–1011–385–1–15, and L–1011–385–3 series airplanes by individual telegrams. This AD required deactivation of the AC electric motor-driven hydraulic pumps. This action is prompted by a report of smoke and fire damage resulting from a failed AC electric motor-driven hydraulic pump electrical connector, in combination with leaking hydraulic fluid from the failed electrical components. This condition, if not corrected, could result in severe fire damage to the airplane on the ground or in flight.

DATES: Effective June 3, 1988. This AD was effective earlier to all recipients of telegraphic AD T88–07–51, dated March 31, 1988.

ADDRESSES: The applicable service information may be obtained from Lockheed Aeronautical Systems Company, P.O. Box 551, Burbank California 91520, Attention: Commercial Order Administration, Dept. 65–33, Unit 33, Plant B–1. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Elvin K. Wheeler, Aerospace Engineer, Systems and Equipment Branch, ANM–132L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514–6323.

SUPPLEMENTARY INFORMATION: On March 31, 1988, the FAA issued telegraphic AD T88–07–51, applicable to Lockheed Aeronautical Systems Company Model L–1011–385–1, L–1011–385–1–14, L–1011–385–1–15, and L–1011–385–3 series airplanes, which requires deactivation of the AC electric motor-driven hydraulic pumps.

That action was prompted by a report where, during a walk-around inspection of a Lockheed Model L–1011–385 series airplane, smoke was observed in the left main landing gear wheel well and hydraulic fluid was leaking from the hydraulic service center. A visual inspection of the hydraulic service center revealed that the "C" system AC electric motor-driven hydraulic pump (Lockheed Control No. 671548–111, Vickers Part No. 428153) electrical connector shell was severely overheated and a hole was burned through the aircraft wiring connector shell and the pump half of the connector. There was fire damage from the resulting pattern of burning hydraulic fluid spray mist released from the burn-through on the electrical connector. Fire damaged the Direct Lift Control (DLC) servo, right hand spoiler No. 1 push-pull cable, servo wiring, the flap Power Drive Unit (PDU), flap PDU input bungees, aileron trim anti-backlash springs, and mid/aft lavatory waste duct assembly. This condition, if not corrected, could result in severe fire damage to the airplane on the ground or in flight.

Since issuance of the telegraphic AD, Lockheed has issued Lockheed TriStar L–1011 Alert Service Bulletin 093–29–A088, dated April 14, 1988, which describes procedures for deactivation of the AC electric motor-driven hydraulic pumps. The final rule has been revised to reflect this service bulletin as an acceptable means for accomplishing the requirements of this AD.

Since a situation existed, and still exists, that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The regulations set forth in this amendment are promulgated pursuant to the authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, *et seq.*), which statute is construed to preempt state law regulating the same subject. Thus in accordance with Executive Order 12612, it is determined that such regulations do not have federalism implications warranting the preparation of a Federalism Assessment.

The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Lockheed Aeronautical Systems Company: Applies to Lockheed Model L–1011–385–1, L–1011–385–1–14, L–1011–385–1–15, and L–1011–385–3 series airplanes, as listed in Lockheed TriStar L–1011 Alert Service Bulletin 093–29–A088, dated April 14, 1988, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent fire from a failed AC Electric Motor-Driven Hydraulic Pump electrical connector, in combination with leaking hydraulic fluid from the failed electrical components, accomplish the following:

A. Within 100 flight hours after the effective date of this AD, accomplish the following:

1. On the Flight Engineer/Second Officer's (FE/SO) overhead CB panel CB2, open and collar circuit breakers L12 "AC Pump B3" and L22 "AC Pump C3," using PACO plastic ring P/N S–4933959–503, or equivalent.

2. As a verification that power has been removed from affected pumps, on the FE/SO hydraulic system control panel, cycle the AC pumps switchlights and verify that the "ON" legends do not illuminate.

B. Accomplishment of the requirements of paragraph A., above, in accordance with Lockheed TriStar L–1011 Alert Service Bulletin 093–29–A088, dated April 14, 1988, is considered an acceptable means of compliance with this AD.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer, may obtain copies upon request to Lockheed Aeronautical Systems Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Order Administration, Dept. 65–33, Unit 33, Plant B–1. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective June 3, 1988.

It was effective earlier to all recipients of telegraphic AD T88–07–51, issued March 31, 1988.

Issued in Seattle, Washington, on May 3, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88–10712 Filed 5–12–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 88–NM–45–AD; Amdt. 39–5922]

Airworthiness Directives; McDonnell Douglas Model DC–8–70 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all McDonnell Douglas Model DC–8–70 series airplanes, which requires inspection and repair or replacement, if necessary, of the generator power feeder cables, supporting brackets, and clamps at all the engine pylons. This amendment is prompted by four recent reports of generator power feeder cable chafing against clamp and support bracket resulting in shorting to the clamp, bracket, and structure in the pylon area. This condition, if not corrected, could result in a fire on the ground if a fuel leak exists in the pylon.

DATES: Effective June 3, 1988.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1–L00 (54–60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

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

SUPPLEMENTARY INFORMATION: Two operators have recently reported four instances of electrical generator power feeder cable failure in the pylon area. This condition has been attributed to cables chafing against clamps and support brackets, resulting in shorting to the clamp, bracket, and structure. Subsequent investigation revealed that chafing can occur when cable movement within the clamps pulls the cushion from the clamp and exposes the metal of the clamp or when excessive droop exists in the cable. In addition, it has been determined that wire-to-wire chafing can occur in unsupported cable areas between stations YN = 292.000 and YN = 299.000. This chafing occurs in an area where fuel vapor can accumulate during certain conditions when the airplane is on the ground and a fuel leak exists. If nor corrected, generator power feeder cable arcing can ignite the fuel vapor.

The FAA has reviewed and approved McDonnell Douglas Model DC–8–70 Service Bulletin A24–72, dated April 6, 1988, which describes procedures for inspecting and repairing or replacing, if necessary, the generator power feeder cable, support brackets, and clamps in each of the pylons. The service bulletin also describes procedures for inspecting the cable for excessive droops and for modifying the cable to minimize droops, if necessary. Prior to the issuance of Service Bulletin A24–72, dated April 6, 1988, a telex copy of the service bulletin, which was approved by the FAA on March 31, 1988, was transmitted to all DC–8–70 operators by the manufacturer.

Since this condition is likely to exist or develop on other airplanes of the same type design, this AD requires inspection and repair, replacement or modification, if necessary, in accordance with the service bulletin previously mentioned.

Since a situation exists that requires immediate adoption of this regulation, it

is found that notice and public procedure herein are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The regulations set forth in this amendment are promulgated pursuant to the authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, *et seq.*), which statute is construed to preempt state law regulating the same subject. Thus, in accordance with Executive Order 12612, it is determined that such regulations do not have federalism implications warranting the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Part 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–8–70 series airplanes, certificated in any category. Compliance required as indicated below.

To prevent the possibility of a fire that can be attributed to chafed generator feeder cable in a fuel contaminated pylon, accomplish the following:

A. Within 30 days after the effective date of this airworthiness directive (AD), unless previously accomplished within the last 3,500 flight hours, inspect the generator power feeder cables, support brackets, and clamps between bulkhead feed-through at Station YN = 278.500 and Terminal Strip S3–7000 at engine pylons 1, 2, 3, and 4, for evidence of arcing, burning, chafing, or damage and cable droop, in accordance with the Accomplishment Instructions of McDonnell Douglas Service Bulletin A24–72, dated April 6, 1988.

1. If no evidence of arcing, burning, chafing, damage, or drooping exists, proceed to paragraph A.3., below.

2. If evidence of arcing, burning, chafing, damage or drooping exists, repair or replace parts, as required, in accordance with the service bulletin.

3. Verify that nuts securing cable terminals to Terminal Strip S3–7000 are tightened to a torque of 120 to 130 inch-pounds.

B. Repeat the procedures specified in paragraph A., above, at intervals not to exceed 3,500 flight hours.

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

Note: The request should be forwarded through a FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Los Angles Aircraft Certification Office.

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

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1–L00 (54–60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective June 3, 1988.

Issued in Seattle, Washington, on May 3, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88–10713 Filed 5–12–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 88–ANM–10]

Rock Springs, WY; Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: During June 1987, the Rock Springs, Wyoming (FAA) Flight Service Station reached personnel staffing level sufficient to return to full-time operations. Therefore, the Control Zone at the Rock Springs Sweetwater County Airport has returned to full-time status.

DATES: Effective Date—0901 UTC, June 30, 1988. Comments must be received on or before June 20, 1988.

ADDRESSES: Send comments on the rule to: Federal Aviation Administration, Northwest Mountain Region, Air Traffic Division, ANM–530, 17900 Pacific Highway South, Seattle, Washington 98168.

The official docket may be examined in the Regional Counsel Office, Federal Aviation Administration, 17900 Pacific Highway South, Seattle, WA 98168.

An informal docket may also be examined during normal business hours at the Airspace and System Management Branch, ANM–530, Federal Aviation Administration, 17900 Pacific Highway South, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT: Bob Brown, ANM–535, Federal Aviation Administration, Docket No. 88–ANM–10, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168, Telephone: (206) 431–2535.

SUPPLEMENTARY INFORMATION:

Request for Comment on the Rule

Although this action is in the form of a final rule, which involves the change of status of the Rock Springs, Wyoming Control Zone from part-time to full-time and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal

Aviation Regulations (14 CFR Part 71) is to change the status of the Rock Springs, Wyoming Control Zone from part-time to full-time.

Section 91.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6D dated January 4, 1988.

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 71

Aviation safety, Control zones.

Adoption of the Amendment

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

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

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Rock Springs, Wyoming [Amended]

By deleting the words "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

Issued in Seattle, Washington, on April 25, 1988.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 88–10710 Filed 5–12–88; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 88–ASO–5]

Amendment to Transition Area; Elizabeth City, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment to the transition area, Elizabeth City, North Carolina, deletes an arrival area extension. This action will lessen the burden on the public by raising the floor of controlled airspace from 700 to 1200' above the surface in this particular area. The Weeksville RBN which previously supported an instrument approach procedure has been decommissioned. The associated NDB standard instrument approach procedure has been cancelled. Consequently, a need no longer exists for the arrival extension.

DATE: *Effective Date:* 0901 UTC, June 30, 1988.

ADDRESS: The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, Airspace and Procedures Branch Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320, telephone: (404) 763–7646.

The Rule

This amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to remove an arrival extension from the description of the Elizabeth City, North Carolina, transition area. The arrival extension was predicated on the Weeksville RBN and an associated standard instrument approach procedure (SIAP). The Weeksville RBN has been decommissioned and the NDB SIAP has been cancelled. Consequently, a need no longer exists for the arrival extension. Because this change reduces the burden on the public and is so minor, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor amendment in which the public would not be particularly interested. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6D dated January 4, 1988.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Adoption of the Amendment

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

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

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Elizabeth City, NC [Amended]

By deleting the phrase, "within 3 miles each side of the 128° bearing from Weeksville RBN, extending from the 8.5-mile radius area to 8.5-miles southeast of the RBN;" from the present description.

Issued in East Point, Georgia, on April 28, 1988.

William D. Wood,

Acting Manager, Air Traffic Division Southern Region.

[FR Doc. 88–10711 Filed 5–12–88; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 373 and 399

[Docket No. 80464-8064]

Editorial Corrections and Clarifications Based on Amendments to the Commodity Control List

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration maintains the Commodity Control List (CCL), which lists those commodities subject to Department of Commerce export controls. This rule, which neither expands nor limits the provisions of the Export Administration Regulations (15 CFR 368-399), makes editorial clarifications that conform certain regulatory provisions to recent regulatory amendments to the Commodity Control List, as outlined below:

(1) Supplement No. 1 to Part 373 of the Export Administration Regulations lists certain entries of the CCL that are excluded from certain special license procedures. CCL entry 4590B is removed from the Supplement because commodities previously controlled by that entry are now part of ECCN 1565A.

(2) Certain commodities previously controlled under ECCN 1529A are now listed in 1533A. At the time of the revision of 1533A, some language that should have been transferred from 1529A was inadvertently omitted. This rule adds the correct language to the latest 1533A revision.

(3) For the sake of clarity, a note is added for ECCN 5999B, and the *GFW Eligibility paragraph* for ECCN 1565A is amended.

(4) For the sake of clarity, a paragraph is amended for ECCNs 1354A and 1129A to remove incorrect terminology. In addition, certain language inadvertently omitted from ECCNs 1502A and 1702A is added.

EFFECTIVE DATE: This rule is effective May 13, 1988.

FOR FURTHER INFORMATION CONTACT: Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 377-2440.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (EAA) (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Section 13(b) of the EAA does not require that this rule be published in proposed form because this rule does not impose a new control. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule mentions a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0625-0001.

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

List of Subjects in 15 CFR Parts 373 and 399

Exports, Reporting and recordkeeping requirements.

Accordingly, the Export Administration Regulations are amended as follows:

1. The authority citation for 15 CFR Parts 373 and 399 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

PART 373—[AMENDED]

2. In supplement No. 1 to Part 373, the entry 4590 is removed.

§ 399.1 Supplement No. 1 [Amended]

3. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 1 (Chemical and Petroleum Equipment), paragraph (a) of ECCN 1129A is amended by removing the phrase "measured at atmospheric pressure".

4. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), ECCN 1354A is amended by revising the term "digitally controlled" to read "stored program controlled" in the second Technical Note and in the Advisory Note for the People's Republic of China.

5. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN, 1502A is amended by revising the Advisory Note for the People's Republic of China reading as follows:

1502A Communication, detection or tracking equipment of a kind using ultra-violet radiation, infrared radiation or ultrasonic waves, and specially designed components therefor.

* * * * *

Advisory Note for the People's Republic of China: Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China of thermal imaging cameras containing pyroelectric vidicons, designed for fire fighting and buried detection, with optimum sensitivity in the wavelength range from 8 to 14 microns.

6. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1533A is amended by revising the *GFW Eligibility* paragraph; by redesignating Note 6 as (Advisory) Note 6; by removing from the second Technical Note the last sentence, which reads "(For logic and network analyzers and transient records, see ECCN 1529A.)"; and by adding a paragraph (c) to (Advisory) Note 7 for

the People's Republic of China, to read as follows:

1533A * * *

* * * * *

GFW Eligibility: Commodities that meet the technical specifications described in Advisory Notes 5 and 6 under this entry regardless of end-use, subject to the prohibitions contained in § 371.2(c).

* * * * *

(Advisory) Note 7 for the People's Republic of China: * * *

* * * * *

(c) Spectrum analyzers employing time compression of the input signal for Fast Fourier Transform techniques not capable of:

(1) Analyzing signals with a frequency greater than 100 kHz if the instrument uses time compression, or

(2) Calculating 512 complex lines in less than 50 ms.

7. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1565A is amended by revising in the *GFW Eligibility* paragraph the phrase "Advisory Notes 3, 5, 7, and 9" to read "Advisory Note 3, 5, 7, or 9".

8. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), ECCN 1702A is amended by adding a new (Technical) Note 3 and (Technical) Note 4, to read as follows:

1702A Hydraulic fluids that contain as the principal ingredient(s) petroleum (mineral) oils, synthetic hydrocarbon oils, non-fluorinated silicones or fluorocarbons as described in this entry.

* * * * *

(Technical) Note 3: The higher test temperature of 700° F sustained for six hours is intended to simulate in a shorter time the long-term thermal effects at 650° F.

(Technical) Note 4: A schematic of the test apparatus is contained in Mil Spec MIL–H–27601A (USAF).

* * * * *

9. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 9 (Miscellaneous) ECCN 5999B is amended by adding a "Note" at the end of the entry to read as follows:

5999B Saps; specially designed implements of torture; straight jackets; plastic handcuffs; police helmets and shields; and parts and accessories, n.e.s.

* * * * *

Special Crime Controls: * * *

Note: See ECCN 1746A for controls on police helmets containing 50% or more aromatic polyamide fiber by value.

Dated: May 10, 1988.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 88–10750 Filed 5–12–88; 8:45 am]

BILLING CODE 3510-DT-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C–3225]

The Silver Group, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a San Francisco-based marketer of artificial tanning devices from misrepresenting that its devices do not pose for users a risk of any harmful side effect associated with sun exposure. Respondent is required to have reliable and competent scientific evidence for any health or safety claim it makes in any advertisement.

DATES: Complaint and Order issued April 13, 1988.[1]

FOR FURTHER INFORMATION CONTACT: Brinley H. Williams, Cleveland Regional Office, Federal Trade Commission, Suite 500-Mall Bldg., 118 St. Clair Ave., Cleveland, OH 44114. (216) 522–4210.

SUPPLEMENTARY INFORMATION: On Wednesday, January 27, 1988, there was published in the **Federal Register,** 53 FR 2230, a proposed consent agreement with analysis In the Matter of The Silver Group, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.195 Safety; § 13.195–60 Product; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests. Subpart—Corrective Actions And/Or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–10 Corrective advertising; § 13.533–20 Disclosures; § 13.533–40 Furnishing information to media; § 13.533–45 Maintain records; § 13.533–45(a) Advertising substantiation; § 13.533–45(k) Records, in general; § 13.533–50 Maintain means of communication. Subpart—Misrepresenting Oneself And Goods—Goods: § 13.1590–20 Federal Trade Commission Act; § 13.1730 Results; § 13.1740 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Suntanning devices, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Emily H. Rock,

Secretary.

[FR Doc. 88–10829 Filed 5–12–88; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th St. and Pennsylvania Ave., NW., Washington, DC 20580.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–272; Re: Notice No. 652]

Realignment of the Boundary Common to the Alexander Valley and Chalk Hill Viticultural Areas

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

ACTION: Final rule; Treasury decision.

SUMMARY: This final rule establishes a realignment of the boundary common to the Alexander Valley and Chalk Hill viticultural areas so that vineyards immediately within the north-central leg of the boundary of the Chalk Hill viticultural area would be relocated to the southeastern corner of the Alexander Valley viticultural area. This final rule is based on a notice of proposed rulemaking published in the **Federal Register** on January 20, 1988, at 53 FR 1492, Notice No. 652. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of viticultural areas as appellations of origins will also help

winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: June 13, 1988.

FOR FURTHER INFORMATION CONTACT: Edward A. Reisman, Specialist, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, Room 6237, Washington, DC 20226, Telephone: (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in Title 27, Code of Federal Regulations, Part 4. These regulations allow the establishment of definite American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added to Title 27 a new Part 9 providing for the listing of approved American viticultural areas. Section 4.25a(e)(1) of Title 27, Code of Federal Regulations, Part 4, defines an American viticultural area as a delimited grape growing region distinguishable by geographical features.

Section 4.25a(e)(2), outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition shall include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundary of the proposed viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and,

(e) A copy (or copies) of the appropriate U.S.G.S. map(s) with the proposed boundary prominently marked. Establishment of the Chalk Hill and Alexander Valley Viticultural Areas.

With the issuance of T.D. ATF-155 on October 21, 1983 and T.D. ATF-187 on October 24, 1984, ATF established, respectively, the Chalk Hill and the Alexander Valley viticultural areas in Sonoma County, California. On August 26, 1986, ATF issued T.D. ATF-233 which made several revisions to the boundary of the Alexander Valley viticultural area including the extension of the southern leg of the boundary to include the Digger Bend area east of Healdsburg.

Petition

By letter dated August 20, 1987, Ms. Willi Martin-Hilliard and Mr. Richard Godwin, owners and operators of separate vineyards sited on the south-facing slopes of Bell Mountain, filed a petition to extend the boundary of the Alexander Valley viticultural area approximately one mile south in order to include land on which is sited 76 acres of vineyards in the watershed of Martin Creek which flows into Barnes Creek to Brooks Creek and the Russian River. The petition, researched and prepared by William K. Crowley, a professor of geography at Sonoma State University in Santa Rosa, California, documented the name recognition, history and physical features of this area and includes declarations of support from neighbors, grape growers and local winemakers.

The petition included evidence that the land in the area enjoys name recognition and shares similar geological history, topographical features, soils, and climatic conditions as adjoining land within the boundary of the Alexander Valley viticultural area.

Name

The Alexander Valley viticultural area was established 30 days after the issuance of T.D. ATF-187 which was published in the **Federal Register** on October 24, 1984.

In early 1981, the Hilliards subdivided their property and sold the more northerly portion to Mr. Godwin. Also in 1981, the Hilliards planted 55 acres of wine grape vines on their portion of the subdivided property. In 1983, Mr. Godwin established a 21-acre vineyard on his property. The Hilliards and Mr. Godwin stated that these vineyards are in closer proximity to vineyards planted in the Alexander Valley viticultural area than vineyards planted in either the Chalk Hill viticultural area or in the Russian River viticultural area. In fact, a part of Mr. Godwin's property, on which no grapes are presently planted, lies within the existing boundary of the Alexander Valley viticultural area.

The Hilliards have advised ATF that they were unaware until the Spring of 1986 that their vineyards had been excluded from the boundary established in November 1984 for the Alexander Valley viticultural area. Although the Hilliards planted their vineyards in 1981, they did not establish permanent residence on their property until November 1983.

Consequently, when ATF held a public hearing in Sonoma County in February 1983 to air the petition filed by the Alexander Valley Appellation Committee in 1981 and a second group's petition to include land north of Geyserville to the Mendocino County line, the Hilliards saw no need to give testimony at the hearing or to file a written comment.

The petition included a declaration of support from Mr. Frederick P. Furth, the petitioner for the Chalk Hill viticultural area. Included in Mr. Furth's letter was the statement "I have no objection to this (petition) and frankly have always considered your vineyards were in the Alexander Valley Appellation originally."

The petition also included letters of support from Messrs. Hank Wetzel, Russell H. Green, Jr., and Robert A. Young, wine grape growers in the Alexander Valley viticultural area, and wine producer Michael G. Dacres Dixon, all of whom were members of the Appellation Committee which filed the June 18, 1981, petition to establish the Alexander Valley viticultural area. All have demonstrated great concern that the Alexander Valley viticultural area be carefully defined and all maintain that these properties should have been included in the originally petitioned area.

The declarations supported the petitioners' statement that the vineyards planted in 1981 on the Hilliard property and in 1983 on the Godwin property "are most closely associated with the Alexander Valley, both by people living in the area and by their proximity to other Alexander Valley vineyards."

Climate

Thermograph readings for the petitioned area were taken in 1981 on the Hilliard property. These readings suggested that the vineyards lie on the boundary between Region I and Region II. The petition stated that the reading of 2,475 heat summation units "is similar to locations in the southern end of Alexander Valley, though obviously cooler than the central and northern portions." The petition noted that "because the property is in the boundary area of regular summer fog intrusions, readings could vary considerably from one year to the next, with the best guess that the (1981) reading is a relatively cool year."

Soils

The petition stated that the principal soils of the Martin Creek area, namely, Felta very gravelly loams, Spreckels loam, and Yolo silt loam, "represent soil series and associations common to the existing Alexander Valley (viticultural area)."

Topography

The southeastern leg of the boundary of the Alexander Valley viticultural area extends in an easterly direction from the summit of Chalk Hill to just south of the summit of Bell Mountain. The Martin Creek area lies on the south-facing slopes of Bell Mountain. The vineyards are planted on low hills ranging from 300 to 400 feet above sea level. Part of the petitioned area was within the Franz Creek drainage and part was within the Brooks Creek drainage. The points of confluence where the waters in these streams flow into the Russian River were within the boundary of the Alexander Valley viticultural area. The terrain of the Chalk Hill viticultural area to the south and west of the petitioned area was higher in elevation and more rugged than that of the petitioned area.

Chalk Hill Viticultural Area

The proposal to revise the boundary of the Alexander Valley viticultural area affected a portion of the boundary common to the Chalk Hill viticultural area. The petitioners requested that the common boundary between the two viticultural areas be realigned so as to extend the southern leg of the boundary for the Alexander Valley viticultural area and to curtail the north-central leg of the boundary for Chalk Hill viticultural area.

The statement from the petitioner for the Chalk Hill viticultural area, the letters of support from the original petitioners for the Alexander Valley appellation, and the physical proximity of the vineyards in the petitioned area to vineyards within the present boundary of the Alexander Valley viticultural area supported the criteria for history and recognition of name. The limited climatic data suggested that the petitioned area lies in a transitional space between the inland "coastal warm" Alexander Valley viticultural area and the Chalk Hill viticultural area. The latter encompasses the higher elevation "coastal warm" areas near Mark West Springs as well as the "coastal cool" basin of the Russian River south of Fitch Mountain.

Notice of Proposed Rulemaking

On January 20, 1988, Notice No. 652 was published in the **Federal Register** with a 30-day comment period. The notice was titled "Realignment of the Boundary Common to the Alexander Valley and Chalk Hill Viticultural Areas." In that notice ATF invited comments from all interested parties. Three comments were received during the comment period.

One commenter with a winery located in Alexander Valley claimed that it used the appellation "Alexander Valley" since the 1975 vintage. The commenter supported the proposed realignment of the boundary. A second commenter supported the realignment. The commenter said that the area to be added to the Alexander Valley viticultural area had very similar climate, soil and topography to that viticultural area. The commenter concurred with the proposal to realign the boundary. The third commenter also concurred with the proposal because the realignment increasing the Alexander Valley viticultural area acreage would more accurately describe vineyard land that had similar geological history, topographical features, soils and climatic conditions.

Realignment of Common Boundary

The description of the boundary of the established Alexander Valley viticultural area, as found in 27 CFR 9.53, is amended to include all of section 28 and portions of sections 27, 29, 33 and 34 in Township 9 N., Range 8 W. The description of the boundary of the established Chalk Hill viticultural area, as found in 27 CFR 9.52, is amended to exclude all of section 28 and portions of sections 27, 29, 33 and 34 in Township 9 N., Range 8 W. The amended boundary description appears in the regulation portion of this rulemaking.

Miscellaneous

ATF does not wish to give the impression by approving this realignment of the boundary common to the Alexander Valley and Chalk Hill viticultural areas that it is approving or endorsing the quality of the wine derived from these two viticultural areas. ATF is approving these viticultural areas as being distinct and not better than other areas. By approving these realignments, wine producers within these areas are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of wines from "Alexander Valley" and "Chalk Hill."

Regulatory Flexibility Act

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

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

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a "major rule" since it will not result in:

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

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

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

Paperwork Reduction Act

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

Drafting Information

The principal author of this document is Edward A. Reisman, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Authority and Issuance

Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas, is amended as follows:

PART 9—[AMENDED]

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

Authority: 27 U.S.C. 205.

Par. 2. ATF is amending § 9.53 of Subpart C of Title 27, Code of Federal Regulations, Part 9, by removing existing paragraphs (c)(27) and (c)(28), redesignating paragraphs (c)(29) through (c)(40) as paragraphs (c)(35) through (c)(46), and adding new paragraphs (c)(27) through (c)(34) to read as follows:

§ 9.53 Alexander Valley.

* * * * *

(c) *Boundary.* * * *

(27) Then south from said peak, in a straight line, approximately 0.2 mile to the point where Chalk Hill Road crosses Brooks Creek (on the Healdsburg Quadrangle map);

(28) Then southeasterly, approximately 1.3 miles, along the roadbed of Chalk Hill Road to the point near the confluence of Brooks Creek and Barnes Creek where Chalk Hill Road intersects an unnamed unimproved road (known locally as Spurgeon Road) that parallels Barnes Creek in section 32, T. 9 N., R. 8 W.;

(29) Then easterly, approximately 0.45 mile, along said road (known locally as Spurgeon Road) to the point where the road is intersected by an unnamed unimproved road (known locally as the access to the Shurtleff Ranch) in section 33, T. 9 N., R. 8 W.;

(30) Then continuing along the unnamed unimproved road (known locally as the access to the Shurtleff Ranch), approximately 1.33 miles, in a generally easterly direction, to the eastern terminus of said road at a small dwelling along the north fork of Barnes Creek in section 34, T. 9 N., R. 8 W. on the Mark West Springs, California, Quadrangle map;

(31) Then easterly along the north fork of Barnes Creek, approximately 0.5 mile, to the point in the northeast corner of section 34, T. 9 N., R. 8 W. where the north fork of Barnes Creek intersects the east line of section 34, T. 9 N., R. 8 W.;

(32) Then north, approximately 0.65 mile, along the east lines of sections 34 and 27, T. 9 N., R. 8 W., to the point at which an unnamed unimproved road which parallels the south bank of Martin Creek intersects the eastern border of section 27, T. 9 N., R. 8 W.;

(33) Then in a generally northwesterly direction, approximately 1.07 miles, along said road to the point at which the road is crossed by the west line of section 27, T. 9 N., R. 8 W.;

(34) Then north, approximately 0.08 mile, along the west line of section 27, T. 9 N., R. 8 W., to the southeast corner of section 21, T. 9 N., R. 8 W.;

* * * * *

Par. 3. ATF is amending § 9.52 of Subpart C of Title 27, Code of Federal Regulations, Part 9, by removing existing paragraphs (c)(13) and (c)(14), redesignating paragraphs (c)(15) through (c)(24) as paragraphs (c)(21) through (c)(30), and adding new paragraphs (c)(13) through (c)(20) to read as follows:

§ 9.52 Chalk Hill.

* * * * *

(c) *Boundary.* * * *

(13) Then southerly, approximately 0.08 mile, along the west line of section 27, T. 9 N., R. 8 W., to the point at which an unnamed unimproved road which parallels the south bank of Martin Creek intersects the west line of section 27, T. 9 N., R. 8 W.;

(14) Then southeasterly, approximately 1.07 miles, along said road to the point at which the road is crossed by the east line of section 27, T. 9 N., R. 8 W.;

(15) Then southerly, approximately 0.65 mile, along the east lines of sections 27 and 34, T. 9 N., R. 8 W., to the point in the northeast corner of section 34, T. 9 N., R. 8 W. where the north fork of Barnes Creek intersects such line in section 34, T. 9 N., R. 8 W.;

(16) Then continuing along the north fork of Barnes Creek, approximately 0.5 mile, in a generally westerly direction to a small dwelling at the eastern terminus of an unnamed unimproved road (known locally as the access to the Shurtleff Ranch) in section 34, T. 9 N., R. 8 W.;

(17) Then continuing in a generally westerly direction, approximately 1.4 miles, along the unnamed unimproved road (known locally as the access to the Shurtleff Ranch) to its intersection with an unnamed unimproved road (known locally as Spurgeon Road) in section 33, T. 9 N., R. 8 W. on the Healdsburg, California, Quadrangle Map;

(18) Then westerly, approximately 0.45 mile, along the unnamed unimproved road (known locally as Spurgeon Road) to the point where the road intersects Chalk Hill Road in section 32, T. 9 N., R. 8 W.;

(19) Then in a generally northwesterly direction, approximately 1.3 miles, along Chalk Hill Road to the point where Chalk Hill Road crosses Brooks Creek in section 29, T. 9 N., R. 8 W.;

(20) Then north in a straight line, approximately 0.2 mile, to the top of a peak identified as Chalk Hill;

* * * * *

Signed: April 15, 1988.

Stephen E. Higgins,

Director.

Approved: April 27, 1988.

John P. Simpson,

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

[FR Doc. 88-10642 Filed 5-12-88; 8:45 am]

BILLING CODE 4810-31-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Single-Employer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Single-Employer Plans contains the interest rates and factors for the period beginning June 1, 1988. The use of these interest rates and factors to value benefits is mandatory for some terminating single-employer pension plans and optional for others. The Pension Benefit Guaranty Corporation adjusts the interest rates and factors periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after June 1, 1988, and will remain in effect until the PBGC issues new interest rates and factors.

EFFECTIVE DATE: June 1, 1988.

FOR FURTHER INFORMATION CONTACT: John Foster, Attorney, Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006, 202-778-8824 (202-778-8859 for TTY and TDD only). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation's ("PBGC's") regulation on Valuation of Plan Benefits in Single-Employer Plans (29 CFR Part 2619) sets forth the methods for valuing plan benefits of terminating single-employer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). The recent amendments to Title IV made by the Pension Protection Act ("PPA"), a part of the Omnibus Budget Reconciliation Act of 1987, increase the amount of plan benefits for which an employer is responsible upon plan termination.

These new termination rules apply to plan terminations with respect to which the 60-day advance notice to affected parties (the notice of intent to terminate) is issued after December 17, 1987. (For more detail, see the PBGC's Notice of Revised Termination Rules, 53 FR 1905 (January 22, 1988).) However, the PPA does not change the Title IV valuation rules.

Under amended ERISA section 4041(c), all plans wishing to terminate in a distress termination must value guaranteed benefits and "benefit liabilities", i.e., all benefits provided under the plan as of the plan termination date, using the formulas set forth in Part 2619. Plans terminating in a standard termination may, for purposes of the notice given to the PBGC, use these formulas to value benefit liabilities, although this is not required. (Such plans may value benefit liabilities that are payable as annuities on the basis of a qualifying bid obtained from an insurer.)

Plans that terminate on or after January 1, 1986 (the effective date of the Single-Employer Pension Plan Amendments Act of 1986) and issued notices of intent to terminate prior to December 18, 1987, or against which the PBGC instituted involuntary termination proceedings before that date, shall continue to be responsible for benefit commitments under the plan and to value guaranteed benefits and/or benefit commitments.

Appendix B in Part 2619 sets forth the interest rates and factors that are to be used in the formulas contained in the regulation. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

The rates and factors currently in use have been in effect since April 1, 1988 (53 FR 8454 (March 15, 1988)). Changes in the financial and annuity markets now require an increase in those rates. Accordingly, this amendment adds to Appendix B a new set of interest rates and factors for valuing benefits in plans that terminate on or after June 1, 1988, which set reflects an increase of ¼ percent in the immediate interest rate to 8 percent.

Generally, the interest rates and factors will be in effect for at least one month. However, any published rates and factors will remain in effect until such time as the PBGC publishes another amendment changing them. Any change in the rates normally will be published in the **Federal Register** by the 15th of the month preceding the effective date of the new rates or as close to that date as circumstances permit.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest rates and factors promptly so that the rates can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans that will terminate on or after June 1, 1988, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, or innovation.

List of Subjects in 29 CFR Part 2619

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended as follows:

PART 2619—[AMENDED]

1. The authority citation for Part 2619 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362, as amended by secs. 11004(a), 11007–11009, 11016(c)(12)–(c)(13) and 11011(a), Pub. L. 99–272, 100 Stat. 239–240, 244–252, 274 and 253–257 and by secs. 9312–13, Pub. L. 100–203, 101 Stat. 1330.

2. Rate Set 73 of Appendix B is revised and Rate Set 74 of Appendix B is added to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "Gy" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1, k_2, k_3, n_1 and n_2, are defined in § 2619.45.

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities				
	On or After	& Before		k_1	k_2	k_3	n_1	n_2
*	*	*	*	*	*	*	*	*
73	4–1–88	6–1–88	7.75	1.0700	1.0575	1.0400	7	8
74	6–1–88	.....	8.00	1.0725	1.0600	1.0400	7	8

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 88–10717 Filed 5–12–88; 8:45 am]

BILLING CODE 7708-01-M

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal—Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR Part 2676). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table the rate series for the month of June 1988.

EFFECTIVE DATE: June 1, 1988.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K

Street NW., Washington DC 20006; 202–778–8820 (202–778–8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (*See* 5 U.S.C. 533 (b) and (d).) Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans, Pensions.

In consideration of the foregoing, Part 2676 of Subchapter H of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. The authority citation for Part 2676 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1).

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates therein the following new entry:

§ 2676.15 Interest

* * * * *

(c) *Interest rates.*

For valuation dates occurring in the month:	The values of i_k are:															
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_u
*	*			*		*			*		*			*		
June 1988	.09875	.095	.09	.085	.08	.07375	.07375	.07375	.07375	.07375	.0675	.0675	.0675	.0675	.0675	.06

Issued at Washington, DC, on this 6th day of May 1988.

Kathleen P. Utgoff,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 88–10718 Filed 5–12–88; 8:45 am]

BILLING CODE 7708–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD11–88–03]

Anchorage Ground; San Francisco Bay

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Shoaling off Benicia, California has forced the Coast Guard to reposition Carquinez Strait buoy number 25, Coast Guard light list number 6760, to allow adequate water depth for vessels transiting the channel. This action routes vessels into existing Anchorage 25. A temporary Safety Zone deleting Anchorage 25 and establishing two new anchorages has been created by the Captain of the Port, San Francisco to reduce the risk of collision.

As presently configured, Anchorage 25 poses a hazard to navigation. Vessels using Anchorage 25 are in an outside bend in the river and pose an excessive risk to navigation. Vessels using the two proposed anchorage areas would pose less threat to navigation.

DATES: This regulation becomes effective on 20 May 1988. Comments must be received on or before June 13, 1988.

ADDRESSES: Comments should be mailed to Commander(oan), Eleventh Coast Guard District, Union Bank Building, Rm 702, 400 Oceangate, Long Beach, CA 90822–5399. The comments and other materials referenced in this notice will be available for inspection and copying at Commander, Eleventh Coast Guard District, Office of Aids to Navigation, Room 701, 400 Oceangate, Long Beach, CA 90822–5399. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Michael J. Lodge, Office of Aids to Navigation, Eleventh Coast Guard District, 400 Oceangate, Long Beach, CA 90822–5399. Phone number: (213) 499–5410.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been contrary to public interest. Immediate action is needed to prevent vessels from grounding in uncharted shoal areas and to ensure deep draft vessels' safe transit of the area.

Although this regulation is published as a final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "ADDRESS" in this preamble. Commenters should include their names and addresses, and identify the docket number for the regulation. Based upon comments received, the regulation may be changed.

Drafting Information

The drafters of this notice are Lieutenant Junior Grade Michael J. Lodge, project officer; Lieutenant Commander James Spitzer, project officer; and Lieutenant G. R. Wheatley, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Proposed Regulation

The Twelfth Coast Guard District, disestablished and combined with the Eleventh Coast Guard District on 1 July 1987 (FR 21 April 1987 pg. 13082), proposed changes to Anchorages Nos. 5 and 25 in San Francisco Bay and

Carquinez Strait (CGD12–87–01, FR 3 March 1987 pg. 6347). Action had not been taken on this proposal prior to the District change. The proposal under docket CGD12–87–01 is withdrawn. However, under the authority of the Commander, Eleventh Coast Guard District, it is in part set forth in this new docket. The two comments received previously will be considered in this new docket.

Anchorage 25 is located in the outside of a difficult bend in the river with strong currents, frequent high winds and seasonal fog; vessels anchoring within Anchorage 25 can interfere with passing deep draft traffic. The movement of buoy 25 325 yards southeast to position 38°—01′—59.6″ N, 122°—09′38.7″ W further encroaches on the usefulness of Anchorage 25 by routing traffic into existing anchorage 25. Because of the hazard of anchoring vessels in Anchorage 25, due in part to the re-positioning of buoy 25, the Coast Guard has deleted Anchorage 25 and created two new anchorages, numbers 22 and 23.

This regulation is issued pursuant to 33 U.S.C. 471 as set out in the authority citation for all of Part 110.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this rule is expected to be so minimal that a full regulatory evaluation is unnecessary. Deletion of Anchorage 25 will not reduce the available anchorage areas due to the addition of Anchorages 22 and 23. The addition of Anchorages 22 and 23 are in areas outside the established channel, and will have no effect on the navigation of transiting vessels.

Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Regulations

In consideration of the foregoing, the Coast Guard is amending Part 110 of Title 33, Code of Federal Regulations as follows:

PART 110—[AMENDED]

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46(c) and 33 CFR 1.05–1(g).

2. Section 110.224 is amended by removing from table (d)(1) the entry for Anchorage No. "25" and adding to table (d)(1) Anchorage No. "22", location "Carquinez Strait", purpose "General", Anchorage No. "23", location "Benicia", purpose "General", specific regulations "Notes c,d,e,l". Additionally, note "l" is added at the end of table (d)(1) to read "l. Vessels using this anchorage must exceed 15 feet draft, have engines on standby, and have a pilot on board."

3. Section 110.224 is further amended by removing paragraph (e)(16); redesignating paragraphs (e)(15), and (e)(17) through (e)(20) as paragraphs (e)(17) through (e)(21); adding new paragraphs (e)(15) and (e)(16), and amending paragraph (e)(2) to read as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River, and connecting waters, Calif.

* * * * *

(e) * * *

(15) *Anchorage No. 22, Carquinez Strait.* In Carquinez Strait an area bounded by a line connecting the following coordinates:

Latitude	*Longitude*
38°02′36.8″ N	122°09′59″ W; to
38°02′06.6″ N	122°09′46.7″ W; to
38°01′53.8″ N	122°09′00″ W; to
38°02′33.9″ N	122°09′00″ W; thence back to
38°02′36.8″ N	122°09′59″ W.

(16) *Anchorage No. 23, Benicia.* In Carquinez Strait an area bounded by a line connecting the following coordinates:

Latitude	*Longitude*
38°02′33.9″ N	122°09′00″ W; to
38°01′53.8″ N	122°09′00″ W; to
38°01′57.4″ N	122°08′19.3″ W; to
38°02′33″ N	122°08′18.6″ W; thence back to
38°02′33.9″ N	122°09′00″ W.

* * * * *

Dated: May 9, 1988.

A. B. Beran,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 88–10617 Filed 5–12–88; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[COTP Cleveland Regulation 88–01]

Safety Zone Regulations; Old River and Cuyahoga River, Cleveland, OH

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is re-establishing seven safety zones in the Cuyahoga River, and is establishing three others in the Old River, the Cuyahoga River and the adjoining shore area. The zones are needed to protect life and property associated with moored, standing or anchored vessels from a safety hazard arising from the transit of vessels over 1600 gross tons. Entry into these zones is generally prohibited unless authorized by the Coast Guard Captain of the Port, Cleveland, OH. However, vessels may transit, but not moor, stand or anchor in, these zones as necessary to comply with the Inland Navigation Rules or otherwise facilitate safe navigation.

EFFECTIVE DATES: This regulation becomes effective on April 8, 1988. It terminates on August 1, 1988, unless sooner terminated by the Captain of the Port, Cleveland.

ADDRESS: Comments should be mailed to Commanding Officer, Marine Safety Office, 1055 East Ninth Street, Cleveland, OH 44114. The comments will be available for inspection and copying at the same location. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: CDR John H. Distin, Captain of the Port, (216) 522–4406.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rule making was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent further damage to the vessels involved or further injury to the people involved.

Although this regulation is published as an emergency final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "ADDRESS" in this preamble. Commenters should include their names and addresses, identify the docket number for the regulations, and give reasons for their comments. Based upon comments received, the regulation may be changed.

Drafting Information

The drafters of this regulation are CDR JOHN H. DISTIN, the Captain of the Port, Cleveland, and LCDR CARL V.

MOSEBACH, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulation

The circumstance requiring this regulation results from large vessels (lakers) transiting the Cuyahoga River an average of four times a day through areas used increasingly by a large number of small, mainly recreational vessels. A pattern of collisions between large, underway vessels and small vessels located on the insides of bends in the river has been identified. On August 31, 1987, one such collision resulted in severe damage to two recreational boats, one of which had persons on board.

Ten areas are considered to present the greatest danger to life and property based on collisions that have occurred or are likely to occur. Those areas are in the vicinity of the river bends by Ontario Stone, Shooters, Nautica Stage, Columbus Road bridge, Alpha Precast Products (United Ready Mix), Upriver Marina and Shippers C&D. Preventing mooring, standing or anchoring of vessels in these areas will decrease danger to lives and property.

Seven safety zones were established on September 3, 1987. Those zones were located at specific bends in the Cuyahoga River at which a history of mishaps had developed, and were successful in preventing further mishaps at those designated areas. During the period in which the emergency rules were in effect, the Captain of the Port continued to study the river traffic situation, and determined that three other areas presented a severe hazard to life and property should small craft be allowed to moor there. These areas were incorporated into a proposed regulation which would make all ten areas permanent safety zones, and were published in the **Federal Register** on December 3, 1987.

The comments concerning these proposed regulations resulted in the Captain of the Port holding a public hearing on March 7, 1988, at which several witnesses expressed the desire to form a working group which would study the river situation, and present a mutually agreeable solution to the Captain of the Port within ninety days. The Captain of the Port has agreed to this.

These emergency regulations are being effected in order to safeguard life and property while that group is at work.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of Part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Subpart C of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5.

2. A new § 165.T0901 is added to read as follows:

§ 165.T0901 Safety zones; Cuyahoga River and Old River, Cleveland, Ohio.

(a) *Location.* The waters of the Cuyahoga River and Old River extending ten (10) feet into the river at the following ten (10) locations, including the adjacent shorelines, are safety zones:

(1) One hundred (100) feet downriver to one hundred (100) feet upriver from 41 degrees 29'53.5" N, 81 degrees 42'33.5" W, which is the knuckle on the north side of Old River entrance at Ontario Stone.

(2) Fifty (50) feet downriver and fifty (50) feet upriver from 41 degrees 29'48.4" N, 81 degrees 42'44" W, which is the knuckle adjacent to the Ontario Stone warehouse on the south side of Old River.

(3) From 41 degrees 29'51.1" N, 81 degrees 42'32.0" W, which is the corner of Nicky's Pier at Sycamore Slip on the Old River, to fifty (50) feet east of 41 degrees 29'55.1" N, 81 degrees 42'27.6" W, which is the north point of the pier at Shooter's Restaurant on the Cuyahoga River.

(4) Twenty-five (25) feet downriver to twenty-five (25) feet upriver of 41 degrees 29'48.9" N, 81 degrees 42'10.7" W which is the knuckle toward the downriver corner of the Nautica stage.

(5) Ten (10) feet downriver to ten (10) feet upriver of 41 degrees 29'45.5" N, 81 degrees 42'9.7" W which is the knuckle toward the upriver corner of the Nautica stage.

(6) The fender on the west bank of the river at 41 degrees 29'45.2" N, 81 degrees 42'10" W, which is the knuckle at Bascule Bridge (railroad).

(7) The two hundred seventy (270) foot area on the east bank of the river between the Columbus Road bridge (41 degrees 29'18.8" N, 81 degrees 42'02.3" W) to the chain link fence at the upriver end of Commodore's Club Marina.

(8) Fifty (50) feet downriver to twenty-five (25) feet upriver from 41 degrees 29'24.5" N, 81 degrees 41'57.2" W which is the knuckle at the Upriver Marina fuel pump.

(9) Seventy-five (75) feet downriver and seventy-five (75) feet upriver from 41 degrees 29'33.7" N, 81 degrees 41'57.5" W, which is the knuckle adjacent to the warehouse at Alpha Precast Products (United Ready Mix).

(10) Fifteen (15) feet downriver to fifteen (15) feet upriver from 41 degrees 29'41" N, 81 degrees 41'38.6" W, which is the end of the chain link fence between Jim's Steak House and Shipper's C&D.

(b) *Effective Date.* This regulation becomes effective on April 8, 1988. It terminates on August 1, 1988 unless sooner terminated by the Captain of the Port.

(c) *Regulations*—(1) *General Rule.* Except as provided below, entry of any kind or for any purpose into the foregoing zones is strictly prohibited in accordance with the general regulations in § 165.23 of this part.

(2) *Exception.* Vessels may *transit*, but not moor, stand or anchor in, the foregoing zones as necessary to comply with the Inland Navigation Rules or to otherwise facilitate safe navigation.

(3) *Waivers.* Owners or operators of docks wishing a partial waiver of these regulations may apply to the Captain of the Port, Cleveland. Waivers received under the previous emergency rule must be reinstated, as they expired on 31 December, 1987. Partial waivers will only be considered to allow for the mooring of vessels in a safety zone when vessels of 1600 gross tons (GT) or greater are not navigating in the proximate area.

Any requests for a waiver must include a plan to ensure immediate removal of any vessels moored in a safety zone upon the approach of a vessel(s) 1600 GT or greater.

Dated: April 5, 1988.

John H. Distin,

CDR, U.S. Coast Guard, Captain of the Port, Cleveland, OH

[FR Doc. 88–10620 Filed 5–12–88; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 211

Appeal of Decisions Concerning the National Forest System

AGENCY: Forest Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule provides separate and streamlined procedures by which persons may appeal resource recovery and rehabilitation decisions of Forest Service officials that result from natural catastrophes. The need for the rule arises from the agency's experience following the severe fire situation that occurred in the National Forests of California and Oregon in the late summer and fall of 1987. The intended effect is twofold: (1) To preserve a meaningful opportunity for the public to appeal resource recovery and rehabilitation-related decisions and (2) to preserve the agency's ability to rehabilitate lands and recover forest resources before such deterioration occurs that the resource is irretrievably lost or rendered useless. In order to preserve the Agency's ability to meet resource management objectives within the areas affected by the catastrophic events of the 1987 fire season in California and Oregon, it is necessary to make this rule effective upon publication. However, the Agency invites public comment on the interim rule, which will be considered in promulgating a final rule.

DATES: This rule is effective May 13, 1988.

Comments on this rule must be received by July 12, 1988.

ADDRESSES: Send written comments to F. Dale Robertson, Chief (1570), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090.

The public may inspect comments received on this rule in the office of the Staff Assistant for Operations, National Forest System, Room 4211 South Agriculture Building, 12th and Independence Avenue SW., Washington, DC, during regular business hours.

FOR FURTHER IMFORMATION CONTACT: Larry Hill, Staff Assistant for Operations, National Forest System, Forest Service, USDA, (202) 382–9349.

SUPPLEMENTARY INFORMATION: While the procedures outlined in this rule speak primarily to future natural catastrophes, the agency also is faced with providing appeal procedures for recovery and rehabilitation activities, including salvage of timber and attendant roading, resulting from the severe fire situation during the summer of 1987. It is this situation which brought to the Agency's attention the need to consider developing appeal procedures that would be more consistent with the need to expeditiously manage and mitigate the effects of natural catastrophes, and recover, to the extent practicable, resources that might otherwise be lost to the economy.

The summer of 1987 was the most severe fire situation since 1929 on National Forest System lands. In the West, the fire complexes stretched from central California into southern Oregon, burning more than 837,000 acres of public and private land. Of that total, some 750,000 acres were within the boundaries of the National Forest System, administered by the Forest Service of the U.S. Department of Agriculture.

Wildfires create devastating effects on National Forest resources which require urgent attention. The loss to timber and vegetation present an immediate threat of flooding, landslides, and damage to water quality from stream siltation in many areas. Additionally, fires result in substantial losses of fish and wildlife and their habitat, trails, and recreation areas and facilities.

The greatest loss from the 1987 fire season was in the West. Approximately 2.2 billion board feet of National Forest System timber was destroyed or damaged: 1.8 billion board feet in California and 400 million in Oregon. This is about 25 percent of the total volume offered for sale from the entire National Forest System in an average year, about 40 percent of the volume offered for sale in California and Oregon in an average year, and more than 100 percent of the annual sale volume in California alone. Approximately 1.8 billion board feet of the destroyed or damaged timber is in non-wilderness areas (400 million is in 43 roadless areas). The Forest Service estimates about 75 percent (or 1.4 to 1.8 billion board feet timber) can be salvaged, if prompt action is taken. The timber is valued at nearly $400 million.

Because of the type of timber affected, mainly ponderosa pine, Douglas-fir, and the true firs, the salvageable volume must be offered for sale and removed as quickly as possible. The pine and true fir will not remain viable for lumber if not offered within 1 year and harvested within 2. Douglas fir will generally remain viable for lumber if harvested within 3 years.

Because of the urgent need to identify, study, prepare, and conduct recovery and rehabilitation work resulting from the 1987 fires and because it is likely that similar situations will occur in the future, the Secretary of Agriculture has decided that it is in the nation's best interest to provide a streamlined process for administrative appeals of Forest Service decisions concerning resource recovery and rehabilitation activities resulting from natural causes, such as wildfire, flooding, earthquakes, winds, and insect or disease epidemics.

The current rules set forth at 36 CFR 211.18 provide a process by which anyone who disputes a decision of a Forest officer may appeal that decision and have it reviewed by the next highest level. Two levels of appeal are available. The appeal process is lengthy and highly procedural. It may take up to a year to decide an appeal. In the case of current resource recovery and rehabilitation needs in California and Oregon, such a delay on fire-caused salvage sales and related rehabilitation activities would result in unacceptable losses of valuable natural resources—the loss of the salvageable timber itself as well as additional losses should the deteriorating timber become infested with insects and disease and spread to healthy timber in adjoining, unburned areas. Moreover, the economy of timber dependent communities in the burn areas could be adversely affected by delays in salvage and related rehabilitation work. The fires have created a major disruption in the timber sale programs of affected National Forests; for example, in Region 5 (California), the fires have reduced the normal green timber sales program by half. Salvage sales and activities necessary to support them will help the timber industry recover some of its planned harvesting and thus offset the otherwise severe economic effects on timber dependent communities, especially in California.

The Forest Service has an obligation to rehabilitate National forest lands and resources damaged in burned areas. With full consideration to be given to environmental values, specific management objectives for resource recovery and rehabilitation are to:

1. Reforest burned-over areas to ensure watershed and soil quality and to provide for future timber needs;

2. Restore watershed and soil values damaged as a result of the fires;

3. Restore wildlife and fisheries habitat;

4. Salvage as much of the burned timber as possible;

5. Reduce the potential for insect infestation in adjacent unburned areas; and

6. Reduce accumulation of fuel in the burned areas to prevent future fire susceptibility.

The accomplishment of these objectives can involve not only harvest of the timber but also road construction and reconstruction, application of herbicides, and reconstruction of physical facilities installed for wildlife and fisheries habitat, range management, and recreation.

With respect to the California and Oregon fire situation of 1987, the urgent need to act to salvage as much timber as practicable does not relieve the Forest Service of its obligation to conduct environmental analyses pursuant to the National Environmental Policy Act (NEPA) and implementing regulations (40 CFR 1500–1508). In the initial scoping phase of the process, the Regions and National Forests involved will seek to give interested segments of the public an opportunity to participate in the analyses. Individuals and organizations interested in specific National Forest areas burned in the recent fires and in monitoring salvage and related decisions are encouraged and advised to contact the appropriate Forest Supervisor or District Ranger to make their interest known and to request participation in the analyses. The Agency will identify reasonable alternatives and will record its analyses in the appropriate environmental document. Notice will be given of the decisions made. The Forest Service is committed to conducting and documenting environmental analyses of activities associated with resource recovery and rehabilitation efforts in full compliance with applicable laws and regulations.

In promulgating this rule, the Department considered as alternatives exempting recovery and rehabilitation activities from administrative appeal; taking no action (allowing appeals under the current rules, 36 CFR 211.18); and exempting from appeal only sales of timber most susceptible to deterioration and infestation. If the recovery and rehabilitation activities in California and Oregon remained subject to the current lengthy and procedurally detailed administrative appeal process, the chance of salvaging the pines, true firs, and small diameter trees of all species would be significantly reduced. The mixed species composition of many timber stands in burned areas makes it impracticable to sell only the species that deteriorate most quickly. Moreover, some burned stands are intermixed with green, relatively undamaged timber. Thus, the alternative of exempting from appeal only salvage sales of fire damaged, fast deteriorating species is impracticable. Also, this alternative would likely not be acceptable to potential appellants, since sale appeals are normally not species specific, but rather relate to the potential impacts of the sale on the land. Finally, exempting all salvage sales in California and Oregon and other parts of the country from appeal would deny potentially affected individuals and groups an administrative process for resolving their concerns directly with the Agency and leave them remedy only in the courts—a time consuming and expensive process for appellants and the Agency.

The principal procedures contained in this rule are as follows:

1. Decisions on recovery and rehabilitation activities that result from natural catastrophes are entitled to a 1-level appeal process, to be completed within 90 days.

2. Notice of decisions on recovery and rehabilitation appealable under this section and made after May 13, 1988, are to be published in a local newspaper of general circulation. Any individual or organization has 30 days from publication of the notice of decision about a particular activity associated with recovery and rehabilitation efforts resulting from natural catastrophes to file a notice of appeal and request a stay.

3. Formal procedures for intervention are not included; however, interested persons may submit comments to the record for use by the Reviewing Officer.

4. Procedural appeals, such as appealing decisions to deny a stay, are not allowed.

5. A responsive statement from the initial Forest Officer who made the decision is not required.

6. No extensions of time will be allowed for appellants or the Forest Service.

In addition, paragraph (b) of 36 CFR 211.18, the current applicable appeal procedure, is being amended to exclude appeals of decisions arising from recovery and rehabilitation activities resulting from natural catastrophes under those rules. This is a corollary technical amendment necessary to avoid conflict and inconsistency between this interim rule and the existing administrative appeal process.

Public Comment

The Department of Agriculture is making the interim rule effective upon publication. This rule establishes agency policy and procedures on appeal of decisions concerning recovery and rehabilitation of National Forest System lands and resources affected by natural catastrophes, such as forest fires. Good cause exists for issuance of this policy and procedures effective upon publication because some associated activities are already prepared, and the delay that could be caused by appeal of these sales would result in unacceptable loss of raw material needed by the Nation. This rule contains the same procedures as those set forth at 36 CFR 211.17 governing appeal of decisions to reoffer returned or defaulted timber sales, which was promulgated as a final rule on April 22, 1988 (53 FR 13263). Those provisions were developed as a result of public comment on an interim rule published January 28, 1988 (53 FR 2490). While the circumstances driving the need for the two rules is quite different, the agency intends that the appeal process attendant to each be essentially the same.

Regulatory Impact

This interim rule has been reviewed under USDA procedures implementing Executive Order 12291 on Federal Regulations. It has been determined that this is not a major rule. The rule itself will not substantially increase prices or costs for consumers, industry, or State or local governments, nor adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete in foreign markets.

Because of the need to implement these procedures immediately to facilitate orderly recovery and rehabilitation efforts, time has not permitted advance review by the Office of Management and Budget. However, as required by E.O. 12291, notice of this rule is being given to the Director of the Office of Management and Budget upon publication in the **Federal Register**.

This rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*), and it has been determined that this action will not have a significant adverse economic impact on a substantial number of small entities.

Environmental Impact

The interim rule establishes an administrative process to decide appeals. The process itself will have no significant effect on the human environment, individually or cumulatively. Although individual actions which may precipitate appeals under the rule require conformance with agency policy and regulations promulgated pursuant to the National Environmental Policy Act, this interim rule is categorically excluded from documentation in an environmental assessment or an environmental impact statement (40 CFR 1508.4).

List of Subjects in 36 CFR Part 211

Administrative practice and procedure, Intergovernmental relations (Federal/State cooperation), National forests.

Therefore, for the reasons set forth in the preamble, Subpart B of Part 211 of

chapter II of Title 36 of the Code of Federal Regulations is hereby amended as follows:

PART 211—[AMENDED]

1. The authority citation for Part 211 continues to read as follows:

Authority: 30 Stat. 35, as amended, sec. 1, 33 Stat. 628 (16 U.S.C. 551, 472).

Subpart B—[Amended]

2. Add a new § 211.16 to read as follows:

§ 211.16 Appeal of resource recovery and rehabilitation decisions resulting from natural catastrophes.

(a) *Purpose.* These rules provide an expedited and streamlined administrative appeal process for decisions arising from recovery and rehabilitation efforts on National Forest System lands and resources damaged in natural catastrophes.

(b) *Matters subject to appeal.* The procedures established in this section apply only to initial written decisions concerning resource removal, recovery, and rehabilitation activities resulting from natural catastrophes, such as forest fires, insect and disease epidemics, floods, winds, and earthquakes, that result from documentation required by the National Environmental Policy Act and its implementing regulations, policies, and procedures. Notice of the decisions appealable under this section and made after the effective date of this regulation shall be published in a local newspaper of general circulation immediately following the documentation referenced above. Subsequent implementing decisions, such as advertising timber salvage sales and/or awarding contracts, are not appealable under this section or 36 CFR 211.18.

(c) *Who may appeal.* The process set forth in this section is available to any individual or organization wishing to appeal a decision arising from resource removal, recovery, and rehabilitation activities resulting from natural catastrophe.

(d) *Who may comment.* Any person or organization interested in an appeal of a decision under this subpart may submit written comments to the Reviewing Officer for inclusion in the record.

(e) *Levels of appeal.* One level of administrative appeal is available.

(1) Appeals of decisions subject to the procedures of this section made by a District Ranger shall be filed with the Forest Supervisor.

(2) Appeals of decisions subject to the procedures of this section made by a Forest Supervisor shall be filed with the Regional Forester.

(f) *Filing procedures.* (1) To appeal a decision under this section, an appellant must file a written notice of appeal with the Reviewing Officer. If an appellant wishes to request a stay of implementation of the decision, the request must accompany the notice of appeal and be made in accordance with paragraph (i) of this section. The appellant must simultaneously provide a copy of the notice of appeal and any stay request to the Forest officer making the initial decision.

(2) All notices of appeal must be filed within 30 days of publication of the notice of decision.

(g) *Extensions of time.* There shall be no extension of the time periods specified in this section for either an appellant or the Forest Service.

(h) *Content of notice of appeal.* Parties appealing a decision under this section must include the following information in the written notice of appeal:

(1) The specific activity being appealed;

(2) The date notice of the decision was published;

(3) The Forest Officer who made the decision;

(4) How the appellant is affected by the decision; and

(5) The relief desired.

(i) *Stays.* (1) To request a stay, the appellant must:

(i) File a written request with the Reviewing Officer at the time the appeal is filed, simultaneously providing a copy to the Forest officer who made the initial decision in question.

(ii) Provide a written justification of the need for a stay, which includes a description of the specific activities to be stayed, and specific reasons why the stay should be granted, including:

(A) Harmful site-specific impacts or effects on resources in the area affected by the activity; and

(B) How the cited effects and impacts would prevent a meaningful decision on the merits.

(2) The Reviewing Officer shall rule on a stay request no later than 10 calendar days from receipt.

(i) If a stay is granted, the stay shall specify the activities to be stopped, duration of the stay, and reasons for granting the stay.

(ii) If a stay is denied in whole or in part, the decision shall specify the reasons for the denial.

(iii) A copy of the stay decision shall be sent to the appellant and the Forest Officer who made the initial decision.

(iv) A Reviewing Officer's decision on a stay is not subject to further appeal or review.

(j) *Review procedures.* (1) The Reviewing Officer shall determine if the notice of appeal has been timely filed. In the event of question, legible postmarks will be considered evidence of timely filing. Where postmarks are illegible, the Reviewing Officer shall rule on the timely receipt of the notice of appeal. If the appeal is untimely, the Reviewing Officer will immediately dismiss the appeal and notify the Forest Officer making the initial decision and the appellant.

(2) Upon receipt of a copy of the notice of appeal, the Forest Officer making the decision shall assemble the relevant decision documents and pertinent records and transmit them to the Reviewing Officer within 15 calendar days.

(3) In transmitting the decision documentation to the Reviewing Officer, the Forest Officer shall indicate how and specifically where the appellant's issues are addressed. Where time permits, the Forest Officer may also respond briefly to issues raised in the notice of appeal. A copy of the transmittal letter shall be provided to the appellant(s).

(4) The record on which the Reviewing Officer shall conduct a review consists of the notice of appeal, any other written comments received, the official documentation prepared by the Forest Officer making the initial decision, and any related correspondence, including additional information requested by the Reviewing Officer.

(5) The review record is available for public inspection.

(k) *Requests for additional information.* At any time during the appeal, the Reviewing Officer may request additional information from an appellant, the Forest Officer making the initial decision, or anyone who has submitted written comments. In addition, the Reviewing Officer may discuss issues related to the appeal with the Forest Officer making the initial decision, appellants, or affected parties.

(l) *Decision.* (1) The Reviewing Officer shall issue a final decision on the appeal, in writing, within 90 days of the Reviewing Officer's receipt of the notice of appeal, with a copy to anyone submitting comments.

(2) The Reviewing Officer's decision shall either affirm or reverse the original decision in whole or in part and include

the reason(s) for the decision. The Reviewing Officer's decision may include instructions for further action by the Forest Officer making the initial decision.

(3) The Reviewing Officer's decision is the final administrative decision of the Department of Agriculture and that decision is not subject to further review under this section or any other appeal regulation.

(m) *Dismissal.* (1) A Reviewing Officer shall dismiss an appeal without decision on the merits when:

(i) The appeal is not received within the time specified in paragraph (f) of this section;

(ii) The requested relief cannot be granted under existing facts, law or regulation;

(iii) The notice of appeal does not meet the requirements of paragraph (h) of this section;

(iv) The appellant withdraws the appeal; or

(v) The Forest Officer making the initial decision withdraws that decision.

(2) A Reviewing Officer's decision to dismiss is not subject to further appeal or review.

(3) A Reviewing Officer shall give written notice of a dismissal to the appellant and Forest Officer whose initial decision or appeal decision is being appealed.

(n) *Continuance.* Provisions of 36 CFR 211.18 will remain in effect for appeals of decisions concerning activities that result from natural catastrophes filed prior to May 13, 1988.

3. Amend § 211.18 by adding a new paragraph (b)(15) to read as follows:

§ 211.18 Appeal of decisions of Forest Officers.

* * * * *

(b) *Matters excluded from appeal under this section.* * * *

(15) Initial decisions arising from recovery and rehabilitation activities resulting from natural catastrophes appealable under § 211.16 of this subpart and subsequent implementing decisions, such as advertising timber salvage sales and/or awarding contracts made pursuant to such decisions.

* * * * *

Date: May 6, 1988.

Peter Myers,

Acting Secretary, Department of Agriculture.

[FR Doc. 88-10606 Filed 5-12-88; 8:45 am]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3376-1]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: On January 7, 1985, the Minnesota Pollution Control Agency (MPCA) submitted revised rules, including a Consolidated Permit Rule (CPR), as proposed revisions to the Minnesota State Implementation Plan (SIP). MPCA's submission is intended to satisfy the requirements of 40 CFR 51.160 through 51.164 [1] for a general New Source Review (NSR) program, as well as the Federal requirements for a lead (Pb) NSR program. In addition, on October 28, 1985, the MPCA submitted to USEPA a Memorandum of Agreement (MOA), and on October 1, 1986, and January 14, 1987, it submitted a commitment concerning stack height requirements.

MPCA's submittals include: 6 MCAR sections 4.0002 Parts A through C, which contain Definitions, Abbreviations, and Applicability of Standards; the CPR, which consists of subparts 6 MCAR sections 4.4001 through 4.4021, 6 MCAR sections 4.4301 through 4.4305, and 6 MCAR sections 4.4311 through 4.4321; and an MOA entitled Appendix A. USEPA has reviewed these submittals and is, with one exception, approving them as meeting the requirements of 40 CFR 51.160 through 51.164. The one exception involves certain small sources for which there are Standards of Performance in 40 CFR Part 60, but which are exempted from new source review under Minnesota's CPR. USEPA is disapproving this rule for these small sources.

Minnesota did not submit these regulations to meet the requirements of either Section 111, Part C, or Part D of the Clean Air Act (Act), and USEPA is not rulemaking on them as such. USEPA is approving these submittals as satisfying the one remaining deficiency in the Minnesota Pb Plan by meeting the Pb NSR requirements. Therefore, USEPA is also approving Minnesota's Pb plan as meeting the requirements of section 110(a) of the Act.

EFFECTIVE DATE: This final rulemaking becomes effective on June 13, 1988.

ADDRESSES: Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Anne E. Tenner, at (312) 886-6034, before visiting the Region V Office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604

Minnesota Pollution Control Agency, Division of Air Quality, 520 Lafayette Road, St. Paul, Minnesota 55155.

A copy of today's revision to the Minnesota SIP is available for inspection at: U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner, (312) 886-6034.

SUPPLEMENTARY INFORMATION: On January 7, 1985, the MPCA submitted to USEPA a proposed revision to the Minnesota SIP in order to satisfy the requirements of 40 CFR 51.160 through 51.164 for a general NSR program, as well as the Federal requirements for a Pb NSR program. The CPR rule submission included provisions intended to replace the previously approved NSR rules in the Minnesota SIP. On October 28, 1985, the MPCA submitted to USEPA a MOA which satisfies certain deficiencies. On October 1, 1986, and January 14, 1987, Minnesota committed to use USEPA's July 8, 1985 (50 FR 27892), stack height regulations in all SIP matters, which would include reviewing its construction permits. This satisfies the requirements of 40 CFR 51.164.

The January 7, 1985, submittal contains the following rules:

1. 6 MCAR section 4.0002 Definitions, Abbreviations, Applicability of Standards, and Circumvention (formerly APC 2)
2. 6 MCAR sections 4.4001 through 4.4021 Air Permit Rules (formerly APC 3)
3. 6 MCAR sections 4.4301 through 4.4305 Supplements to Air Permit Rules
4. 6 MCAR sections 4.4311 through 4.4321 Indirect Source Air Permits (formerly APC 19).

The October 28, 1985, submittal contained Appendix A, which is the

[1] On November 7, 1986 (51 FR 40655), USEPA rewrote and recodified 40 CFR Part 51 (1986), including the NSR requirements in § 51.18. The NSR requirements to which USEPA is comparing Minnesota's program are those which were codified at 40 CFR 51.18 (a) through (h) and (l) and are now codified as 40 CFR 51.160 through 51.164.

MOA between USEPA and the MPCA on implementing the NSR plan. This is an amended and signed version of the draft Appendix E MOA, submitted with the remainder of the plan on January 7, 1985.

In today's rulemaking action, USEPA is approving, with one exception, this revision to the Minnesota SIP, as requested by the State of Minnesota. Each rule and the exception are discussed in detail below. However, USEPA wishes to clarify that this final rulemaking action only pertains to the approvability of this SIP revision with respect to the general NSR requirements of 40 CFR 51.160 through 51.164, and the Pb NSR requirements.[2]

USEPA is not rulemaking on this submittal with respect to the requirements of Part D of the Act, which contains additional new source permitting requirements that apply in designated nonattainment areas. For this reason, the section 110(a)(2)(i) growth prohibition for major sources that is currently in effect in areas designated as primary nonattainment areas at 40 CFR 81.324 will not be affected by this rulemaking action. Additionally, USEPA is not approving the rules with respect to those portions of Minnesota's submittal which relate to Prevention of Significant Deterioration (PSD) permitting requirements as required in Part C of the Act,[3] New Source Performance Standards (NSPS) as required by section 111 of the Act,[4] and permit provisions applicable to other media (water, solid waste).

Finally, USEPA is not at this time rulemaking on 6 MCAR section 4.0002 Part D, Opacity Standard Adjustment.

If the State of Minnesota submits a SIP revision to satisfy the permitting requirements in Part C and/or Part D of the Act, the definitions and exemptions approved here today must be re-evaluated for approvability under those parts. For example, the definition of "fugitive emissions" in Rule 6 MCAR section 4.0002 A.13 is less stringent than the Federal requirements for sources subject to Part C or D of the Act. Additionally, MPCA has not demonstrated that the exemptions provided for in Rule 6 MCAR 4.4303 P1 are in conformance with Parts C or D of the Act. Finally, the definition of "modification" has been changed from that which USEPA previously approved in Minnesota's NSPS definitions. The definition of "modification" is discussed further below.

I. Definitions, Abbreviations, Applicability of Standards

Rule 6 MCAR section 4.40002 (formerly APC 2) includes sections on Definitions, Abbreviations, Applicability of Standards, Opacity Standard Adjustment and Circumvention. USEPA will rulemake on Minnesota's provisions for setting alternative opacity limits (6 MCAR section 4.0002 Part D) in a future **Federal Register** notice.

A. Definitions

The revision contains new and/or revised definitions that differ from those in APC 2, the similar rule in the current SIP, which USEPA approved in the May 6, 1982, **Federal Register** (47 FR 19520). Minor changes were made to the definitions for "new facility," "owner or operator," and "reconstruction." These revised definitions are generally consistent with the definitions which USEPA has previously approved in APC 2. These revised definitions are also consistent with the requirements of 40 CFR 51.160 through 51.164. Therefore, USEPA is approving them.

Minnesota has also revised and clarified the definition of "New Source Performance Standard" by directly referencing the Federal NSPS established under section 111 of the Clean Air Act. USEPA finds this revised definition acceptable and is approving it, but only as it relates to Minnesota's general NSR program. (As stated above, USEPA is not rulemaking on Minnesota's rules as they relate to the section 111 NSPS program.) The definition of "modification" has been revised at section 4.40002 (A)(15) to read as follows:

"Modification" means a physical change or a change in the operation of an emission facility that is not allowed under a permit, stipulation agreement, or an applicable air pollution control rule, and that results in an increase in the emission of an air pollutant.

This revision differs from the definition of "modification" found in APC 2(c)(5)(aa), which USEPA approved as part of the Minnesota NSPS SIP on May 6, 1982, in that it exempts from the definition of "modification" any physical or operational changes if they are provided for by stipulation agreement, an applicable air pollution control rule, or a permit. It thereby exempts such changes from the State's new source rule.

The current SIP definition of "modification," at APC 2(c)(5), however, only applies to NSPS sources listed in APC 2(c) and not to the NSR program for general sources covered by today's regulations. There presently is no other definition of "modification" in the Minnesota SIP to which the new definition can be compared. Moreover, there is no USEPA requirement for a SIP definition of "modification." USEPA is approving Minnesota's new definition for general sources, because (1) there is no other definition of "modification" in the SIP for general sources and (2) its approval will not jeopardize the attainment and maintenance of the NAAQS. The USEPA' final approval of Minnesota's NSR program only applies to a limited range of sources. It does not apply to new major sources or major modifications of existing sources in nonattainment areas, new PSD sources or major modifications of PSD sources, or NSPS requirements for new sources or major modifications of existing sources. Further, USEPA notes that Appendix A, as discussed later, commits Minnesota to use the definition of "major modification," as defined at 40 CFR 51.18(j)(1)(v),[5] in determining whether anticipated construction at a source requires notification of the public and opportunity for public comment.

It should be noted that USEPA's NSPS regulations do not exempt physical or operational changes from the definition of "modification," just because they are provided for by permits, agreements, or State rules. Therefore, USEPA cannot approve the revised definition for purposes of the State's regulations for implementing the Federal NSPS and is not rulemaking on it, nor on the remainder of the State's submittals, for this purpose. USEPA notes that Minnesota has been delegated the Federal NSPS program and is implementing USEPA's rules at 40 CFR Part 60. Therefore, Minnesota's definition of "modification" at section 4.40002 should have no effect on its implementation of 40 CFR Part 60.

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[2] On July 6, 1984 (49 FR 27507), USEPA approved all other elements of Minnesota's Pb plan. USEPA is approving Minnesota's NSR Pb plan, will satisfy the one remaining element of Minnesota's Pb plan.

[3] On September 20, 1977, March 26, 1979, and October 15, 1980, USEPA delegated to Minnesota the PSD program. Minnesota is implementing this program using USEPA regulations found at 40 CFR 52.21.

[4] On March 29, 1984, USEPA delegated to Minnesota the NSPS program. Minnesota is implementing this program using USEPA regulations found at 40 CFR Part 60.

However, in addition to meeting the emission limits and other requirements of Part 60 on which USEPA is not rulemaking, NSPS sources must also meet the requirements of Minnesota's general NSR plan. USEPA is rulemaking on Minnesota's general NSR plan today as it applies to sources covered by a NSPS.

Similarly, sources in nonattainment areas and PSD sources must also meet the requirements of Minnesota's general NSR plan. Although USEPA is not rulemaking on Minnesota's submittal in relationship to the requirements of Part C or D of the Act, USEPA is rulemaking today on Minnesota's general NSR plan as it applies to sources which are also subject to the PSD and/or Part D requirements.

[5] Title 40 CFR 51.18(j)(1)(v) (1986) is currently codified at 40 CFR 51.165(a)(1)(v) (1987).

USEPA periodically reviews all delegated NSPS programs, including Minnesota's, and will at the time of Minnesota's review determine whether Minnesota is properly implementing its delegation.

The following new terms have been added to revised Rule 6 MCAR section 4.0002:

1. "Fugitive Emissions" mean pollutant discharges to the atmosphere that do not pass through a stack, chimney or other functionally equivalent opening, at which a measurement of the emissions can be made using a reference method other than (40 CFR Part 60, Appendix A) Method 9.
2. "Reference Method" means the procedure for performance test in the Code of Federal Regulations, Title 40, Part 60, Appendix A (1982).
3. "Emission source" means a single source whereby an emission is caused to occur.
4. "Total emission facility" means an assemblage of all emission sources on adjacent property that are under common ownership or control and that exist for a common function.
5. "Potential emissions" means the emissions from an emission facility, after control equipment has been applied, when the facility is operating at maximum design capacity and maximum hours of operation or as limited by enforceable permit conditions, whichever results in fewer emissions.

USEPA finds these definitions acceptable.

USEPA has reviewed all the revised and new definitions discussed above, not only with respect to whether the definitions meet the Federal NSR requirements, but also with respect to their impact on the federally approved Total Suspended Particulates (TSP) and Sulfur Dioxide (SO_2) SIPs in Minnesota. These revisions are acceptable. Therefore, USEPA is approving the definitions as set forth at 6 MCAR section 4.0002(A) for the purposes of Minnesota's general NSR program.

B. Abbreviations, Applicability of Standards, and Circumvention

USEPA has reviewed 6 MCAR section 4.0002(B), Abbreviations; 6 MCAR section 4.0002(C) Applicability of Standards of Performance; and 6 MCAR section 4.0002(E), Circumvention. Parts B and E contain requirements similar to those previously approved in APC 2 (b) and (f), respectively, and USEPA is approving them. Part C has been changed and simplified from APC 2(c). USEPA finds it approvable and is approving Part C as well.

C. Opacity Standard Adjustments

Part D of Rule 6 MCAR section 4.0002 allows an emission facility to apply for an alternative opacity limit. USEPA will rulemake on this provision in future Federal Register notices.

II. Consolidated Permit Rule and Air Emission Facility Permits

The Consolidated Permit Rule is comprised of the following: Rule 6 MCAR sections 4.4001 through 4.4021, Permit Rule; Rule 6 MCAR sections 4.4301 through 4.4305, Supplement to Permit Rule; and Rule 6 MCAR sections 4.4311 through 4.4321, Indirect Source Air Permits. In addition, the MPCA submitted an MOA to USEPA on October 28, 1985. The rules submitted by MPCA are intended to replace the previously approved rules, APC 2 and APC 3. The State took several provisions from APC 3 (the State's former general NSR rule for air pollution sources), which are common to all other environmental media permit programs, and included them in a new multi-media CPR Rule.

Rule 6 MCAR section 4.4001 through 4.4021, Permit Rule

Rule 6 MCAR section 4.4001 through 4.4021 establishes MPCA's standard permitting procedures. The review procedures will enable MPCA to determine whether a proposed new or modified source will cause a violation of a SIP control strategy or interfere with attainment or maintenance of the NAAQS. Rule 6 MCAR section 4.4015 requires each permit to contain conditions necessary to achieve compliance with all applicable State and Federal rules. Rule 6 MCAR section 4.4014 B authorizes MPCA to deny a permit if the proposed source will not comply with all applicable State or Federal rules administered by MPCA. All SIP emission rules and the NAAQS are considered by the State to be rules administered by the MPCA.

Rule 6 MCAR sections 4.4301 through 4.4305, Supplements to Air Permit Rules

USEPA reviewed the provisions of this CPR rule to assure that the appropriate sizes and types of air pollution sources will be subject to review by MPCA, as required by 40 CFR 51.160 through 51.164. Section 4.4303 requires all air emission facilities to obtain a permit except for certain small sources. Exempted sources are those that emit less than specified *de minimus* levels for all criteria pollutants. For instance, 6 MCAR section 4.4303 B.1 and 2 exempt such sources with less than 25 tons per year of emissions (except for lead which is less than 0.5 tons per year), natural gas sources which are smaller than 50 million British Thermal Units (BTU) per hour, and wood sources which are smaller than 5 million BTUs per hour. These exemptions are approvable for all sources.[6] However, 6 MCAR section 4.4303 B.3 exempts certain NSPS sources from applying for a permit which may require a NAAQS review under sections 110(a)(2)(D) and 110(a)(4) of the Act. For instance, the NSPS for Nonmetalic Mineral Processing Plants exempts fixed sand and gravel operations with capacities of less than 25 tons per hour (40 CFR 60.670(c)(1)), while the Minnesota regulation exempts operations that produce less than 150,000 tons of product per year. Thus, a 70 tons per hour facility operating 2080 hours per year would be exempted under Minnesota's regulation. Additionally, the NSPS for Metal Coil Surface Coating does not exempt any facility constructed after January 5, 1981, regardless of size (40 CFR 60.460), while Minnesota's regulation exempts facilities that use less than 10,000 gallons of solvent-borne coatings per year. Because Minnesota's regulation may exempt certain NSPS sources from a NAAQS review, USEPA is disapproving Minnesota's CPR rule for those sources subject to an NSPS requirement (40 CFR Part 60), and otherwise exempted from review under 6 MCAR section 4.4303 B.3. For these sources, APC 3, as approved in the September 22, 1972, Federal Register (37 FR 19810), will continue to apply. (None of the exemptions in 6 MCAR section 4.4303 B.3 apply to Pb sources. Therefore, USEPA's final, limited disapproval does not affect its final approval of Minnesota's NSR plan for Pb discussed below.) For all other sources, USEPA is approving Minnesota's CPR, including 6 MCAR section 4.4303.

Lead NSR Rules

USEPA's criteria for approving Pb NSR programs are found in two documents. One is an April 8, 1980, memorandum from Richard G. Rhoads, then Director, Control Programs Development Division, to the Directors of the Regional Air and Hazardous Materials Divisions. The other is section

[6] With respect to particulate matter, the 25 tons per year exemption was intended to apply to TSP, which was the indicator at the time of the State's submittal of its CPR. USEPA revised the particulate matter standard on July 1, 1987 (52 FR 24634), and eliminated the TSP ambient air quality standard. The revised standard is expressed in terms of particulate matter with a nominal diameter of 10 microns or less (PM_{10}) and establishes a 15 ton/year cut-off for NSR purposes. As part of Minnesota's PM_{10} plan, it must submit a revised NSR plan which requires review of all sources of PM_{10} which emit more than 15 tons per year. Although USEPA is approving Minnesota's general NSR plan at this time, Minnesota's obligation to submit a NSR plan for PM_{10}, in conformance with requirements for implementation of the PM_{10} standard, remains.

4.5.3 of USEPA's Pb guidance document entitled "Updated Information on Approval and Promulgation of Pb Implementation Plans," dated July 1983.

Rule 6 MCAR section 4.4303 B.1.c exempts from review new or modified Pb sources that have the potential to emit less than 0.5 tons per year. This rule is consistent with USEPA's April 8, 1980, policy memorandum which requires review of all Pb point sources which have the potential to emit Pb in excess of 5 tons per year. This rule is also consistent with USEPA's policy on Pb plans which requires review of any modification to a source with actual emissions in excess of 5 tons per year of Pb, if the modification would result in a net increase of 0.6 or more tons of Pb per year of potential emissions. Since Rule 6 MCAR section 4.4303 of the permit rule subjects all Pb sources emitting 0.5 tons per year of Pb or more to State review, this rule is approvable as it pertains to new Pb sources and modifications to existing Pb sources.

The rules contain provisions which require all new or modified Pb sources above 0.5 tons per year to be reviewed against the ambient air quality standards.

The NAAQS for Pb has been approved for Minnesota as part of the SIP. Furthermore, Rule 6 MCAR section 4.4014 B requires the Agency to deny a permit if the proposed source would not comply with this Federal requirement, which is administered by the State.

On July 6, 1984 (49 FR 27507), USEPA approved all other elements of Minnesota's Pb plan. Approval of Minnesota's NSR Pb plan satisfies the one remaining element needed in Minnesota's Pb plan. Therefore, USEPA is also approving Minnesota's complete Pb plan as meeting all the requirements of the Act.

Rule 6 MCAR Sections 4.4311 Through 4.4321, Indirect Source Air Permits

Although there are no current Federal requirements that a State submit an indirect source review program, the State of Minnesota did submit such a program. This will replace the previous indirect source review program in Minnesota (codified at 40 CFR 52.1225 (a) and (b)—February 25, 1974, 39 FR 7282). USEPA has reviewed the indirect source rule and finds that it does not eliminate any requirement upon which the State depended to demonstrate attainment or maintenance of any NAAQS. USEPA is, therefore, approving this rule.

Memorandum of Agreement Between USEPA and MPCA

Appendix A, the MOA between Minnesota and USEPA, consists of an agreement signed by the USEPA on July 8, 1985, and by Minnesota on July 24, 1985. This MOA between the MPCA and USEPA satisfies certain remaining deficiencies for the NSR permitting requirements, as described below.

Section 4.4002 I. exempts many air emission sources from public notice and comment provisions. Such exemption violates the requirements of 40 CFR 51.161. To address this deficiency, the State and USEPA executed a MOA which requires the MPCA to give notice and provide for a public comment period in accordance with 40 CFR 51.161. Title 40 CFR 51.161 requires that public comment procedures apply to all sources, both major and minor, that affect the attainment and maintenance of the air quality standards. The MOA provides that the public notice and comment requirements of 40 CFR 51.161 will be met in cases with the following types of permits:

1. A permit for a "major stationary source" and for a "major modification" as defined and applied by 40 CFR 51.18(j)(1) (iv), (v), (vi), and (x);[7]

2. A permit for an emission facility with an actual Pb emission rate of 0.6 tons or more per year; or

3. A permit for a facility, building, structure or installation in accordance with 40 CFR 51.18(a) (recodified at 40 CFR 51.160(a)) which must be reviewed to assure that the source will not potentially violate a control strategy or interfere with attainment or maintenance of a national ambient air quality standard.

The MOA provides an appropriate mechanism to satisfy the notice requirements for both a general source permitting program and a Pb NSR program. Therefore, USEPA is approving the MOA as part of the Minnesota SIP.

Stack Height Requirements

Section 123 of the Act limits credit in attainment demonstrations for stack height in excess of that which exceeds good engineering practice. On July 8, 1985, USEPA promulgated regulations implementing these provisions (50 FR 27892).[8] These regulations require that State and local agencies conform with Section 123 when implementing the SIP generally, including reviewing construction permits. See 40 CFR 51.118 and 51.164. In October 1, 1986, and January 14, 1987, letters, Minnesota committed to implement its SIP program using USEPA's July 8, 1985, regulations rather than develop its own regulations.

Public Comment

On February 17, 1987 (52 FR 4785), USEPA proposed to approve Minnesota's Consolidated Permit Rule 6 MCAR sec. 4.0002. One public comment was received by the Agency from the National Resources Defense Council (NRDC) which stated:

> We object to the proposed approval of Minnesota's commitments to implement its SIP in accordance with USEPA's July 1985 § 123 rules (SIC). Our comments to USEPA on the illegality of those rules and subsequent "guidance" and our petition for reconsideration of these rules are hereby incorporated by reference as our comments on the instant proposal.

USEPA published its final stack height regulations on July 8, 1985 (50 CFR 27982). In that rulemaking, USEPA responded to NRDC's comments on the proposed regulations (49 FR 44878, November 9, 1984), and such responses are hereby incorporated by reference. USEPA's proposed stack height rules are irrelevant because Minnesota's commitment is based on USEPA's July 8, 1985, adopted rule and on the stack height rules which USEPA proposed on November 9, 1984, which NRDC commented on.

NRDC filed a petition for review of the July 8, 1985, rules under Section 307 of the Act on August 5, 1985. *NRDC*. In its petition for review, NRDC raised

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[7] 40 CFR 51.18(j)(1) (iv), (v), (vi), and (x) was recodified on November 7, 1986, to 40 CFR 51.165(a)(1) (iv), (v), (vi), and (x). See Footnote 1 and 5.

[8] Certain provisions of these rules were overturned in *NRDC* v. *Thomas* (D.C. Cir. No. 85–1488 et al. (January 22, 1988)). Petitions for rehearing of its opinion have been filed with the D.C. Circuit, and are pending disposition by the court. The provisions potentially subject to remand are grandfathering stack height credits for sources who raise their stacks prior to October 1, 1983, up to the height permitted by good engineering practice formula height (40 CFR 51.100(kk)(2)), dispersion credit for sources originally designed and constructed with merged or multi-flue stacks, (40 CFR 51.100(hh)(2)(ii)(A)), and grandfathering credit for the refined (H+1.5L) formula height for sources unable to show reliance on the original (2.5H) formula (40 CFR 51.100(ii)(2)).

Although USEPA today generally approves Minnesota's new source review plan on the grounds that it satisfies the applicable attainment area requirements of 40 CFR Part 51, USEPA also today provides notice that Minnesota's commitment to use USEPA's July 8, 1985, stack height rules in its new source review plan is subject to review and possible revision as a result of *NRDC*. If USEPA's response to *NRDC* modifies the applicable July 8, 1985, provision(s), USEPA will notify the State of Minnesota that its commitment must be changed to comport with USEPA's modified requirements. USEPA's approval of Minnesota's new source review plan today is intended to avoid delay in the establishment of a federally enforceable new source review plan for lead while awaiting resolution of the *NRDC* litigation.

essentially the same issues as in its comments on USEPA's guidance and in its petition for reconsideration. USEPA's, therefore, hereby incorporates by reference the briefs it filed in the above case for the purpose of responding to NRDC's comments on USEPA's guidance and NRDC's petition for reconsideration in reference to Minnesota's proposed CPR.

As was noted in Footnote 8, portions of USEPA's stack height rules were remanded to the Agency in *NRDC*. Although USEPA today generally approves Minnesota's new source review plan on the grounds that it satisfies the applicable attainment area requirements of 40 CFR Part 51, USEPA also today provides notice that Minnesota's commitment to use USEPA's July 8, 1985, stack height rules in its new source review plan is subject to review and possible revision as a result of *NRDC*. If USEPA's response to the *NRDC* remand modifies the applicable July 8, 1985, provision(s), USEPA will notify the State of Minnesota that its commitment must be changed to comport with USEPA's modified requirements. USEPA's approval of Minnesota's new source review plan today is intended to avoid delay in the establishment of a federally enforceable new source review plan for lead while awaiting resolution of the *NRDC* remand.

Conclusion

In conclusion, USEPA is approving 6 MCAR section 4.0002, except that it is not acting today on section 4.0002(D), Opacity Standard Adjustment. USEPA is approving the MPCA's Consolidated Permit Rule as meeting the new source permitting requirements of 40 CFR 51.160 through 51.164, including the MOA between the MPCA and USEPA, except as applicable to sources subject to an NSPS requirement and exempted from review by 6 MCAR section 4.4303 B.3. USEPA is disapproving the CPR for these sources, and for them SIP Rule APC 3 will continue to apply. USEPA has determined that the submitted NSR rules will meet the Pb NSR requirements and satisfy the one remaining deficiency in the Minnesota Pb Plan. USEPA is finally approving this one remaining element in Minnesota's Pb plan and approving Minnesota's Pb plan as meeting all the requirements of the Act. Finally, Minnesota did not submit these regulations to meet the requirements of either Section 111, Part C, or Part D of the Act, and USEPA is not rulemaking on them as such.

USEPA has yet to approve a Part D NSR plan, *inter alia*, for Minnesota, and, therefore, the section 110(a)(2)(1) growth restrictions have been in place in Minnesota's primary nonattainment areas since July 1, 1979. Because USEPA is not acting on (and could not approve) Minnesota's CPR in relationship to Part D, these restrictions remain in place.

Under Executive Order 12291, this action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by Reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

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

Dated: April 28, 1988.

Lee M. Thomas.

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart Y—Minnesota

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1220 is amended by adding paragraph (c)(24) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(24) On January 7, 1985, the State of Minnesota submitted a consolidated permit rule (CPR) to satisfy the requirements of 40 CFR 51.160 through 51.164 for a general new source review (NSR) program, including lead. On October 25, 1985, the State submitted a Memorandum of Agreement (MOA) which remedied certain deficiencies (40 CFR 52.1225(d)). On October 1, 1986, and January 14, 1987, the State committed to implement its NSR program using USEPA's July 8, 1985 (50 FR 27892), regulations for implementing the stack height requirements of Section 123 of the Clean Air Act (40 CFR 52.1225(e)). USEPA is approving the above for general NSR purposes for all sources, except it is disapproving them for those few sources subject to an NSPS requirement (40 CFR Part 60) and exempted from review under 6 MCAR section 4.4303 B.3. For these sources, NSR Rule APC 3 (40 CFR 52.1220(c)(5)), will continue to apply. Additionally, USEPA is taking no action on the CPR in relationship to the requirements of Section 111, Part C, and Part D of the Clean Air Act.

(i) Incorporation by Reference.

(A) Within Title 6 Environment, Minnesota Code of Administrative Rules, Part 4 Pollution Control Agency (6 MCAR 4), Rule 6 MCAR 4 section 4.0002, Parts A, B, C, and E—Definitions, Abbreviations, Applicability of Standards, and Circumvention (formerly APC 2) Proposed and Published in Volume 8 of the State of Minnesota STATE REGISTER (8 S.R.) on October 17, 1983, at 8 S.R. 682 and adopted as modified on April 16, 1984, at 8 S.R. 2275.

(B) Rules 6 MCAR section 4.4001 through section 4.4021—Permits (formerly APC 3)—Proposed and Published on December 19, 1983, at 8 S.R. 1419 (text of rule starting at 8 S.R. 1420) and adopted as modified on April 16, 1984, at 8 S.R. 2278.

(C) Rules 6 MCAR section 4.4301 through section 4.4305—Air Emission Facility Permits—Proposed and Published on December 19, 1983, at 8 S.R. 1419 (text of rule starting at 8 S.R. 1470) and adopted as proposed on April 16, 1984, at 8 S.R. 2276.

(D) Rules 6 MCAR section 4.4311 through section 4.4321—Indirect Source Permits (formerly APC 19)—Proposed and Published on December 19, 1983, at 8 S.R. 1419 (text of rule starting at 8 S.R. 1472) and adopted as modified on April 16, 1984, at 8 S.R. 2277.

* * * * *

3. Section 52.1225 is amended by removing and reserving paragraphs (a) and (b) and adding paragraphs (c), (d), and (e) to read as follows:

§ 52.1225 Review of new sources and modifications.

(a)–(b) [Reserved]

(c) Minnesota's Consolidated Permit Rules (CPR) (40 CFR 52.1220(c)(24)), are disapproved for those sources to which an NSPS requirement applies (40 CFR Part 60) and which are also exempted from review under 6 MCAR section 4.4303 B.3. These are being disapproved because they do not meet the requirements of sections 110(a)(2)(D) and 110(a)(4) of the Clean Air Act (Act). For these sources, NSR Rule APC 3 (40 CFR 52.1220(c)(5)), will continue to apply.

(d) The USEPA and the State of Minnesota signed a Memorandum of Agreement (MOA) on July 8, 1985, and July 24, 1985, respectively, for implementing Minnesota's CPR (40 CFR 52.1220(c)(24)). The MOA provides that Minnesota will meet the public notice and comment requirements of 40 CFR 51.161 in cases with the following types of permits:

(1) A permit for a "major stationary source" and for a "major modification" as defined and applied by 40 CFR 51.165(a)(1) (iv), (v), (vi), and (x).

(2) A permit for an emission facility with an actual Pb emission rate of 0.6 tons or more per year; or

(3) A permit for a facility, building, structure or installation in accordance with 40 CFR 51.160(a) which must be reviewed to assure that the source will not potentially violate a control strategy or interfere with attainment or maintenance of a national ambient air quality standard.

(e) The State of Minnesota has committed to conform to the Stack Height Regulations, as set forth in 40 CFR Part 51. In a January 14, 1987, letter to David Kee, USEPA; Thomas J. Kalitowski, Executive Director, Minnesota Pollution Control Agency, stated:

> Minnesota does not currently have a stack height rule, nor do we intend to adopt such a rule. Instead, we will conform with the Stack Height Regulations as set forth in the July 8, 1985, **Federal Register** in issuing permits for new or modified sources. In cases where that rule is not clear, we will contact USEPA Region V and conform to the current federal interpretation of the item in question.

[FR Doc. 88-10215 Filed 5-12-88; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Parts 60 and 61

[FRL-3379-3]

Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to the State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: This notice announces an extension of previously issued delegations of authority for the implementation and enforcement of the federal Standards of Performance for New Stationary Sources (commonly known as New Source Performance Standards or NSPS), 40 CFR Part 60, and the federal National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61. The action which involved EPA and the state of Iowa added six (6) NSPS and one (1) NESHAP categories to the delegations of authority and modified two (2) previously-delegated NSPS categories. The NSPS delegation now includes all categories except for grain elevators (Subpart DD) for which federal standards have been promulgated by the EPA through June 4, 1987. The NESHAP delegation now includes all categories promulgated through March 19, 1987, except for those covering radon (Subparts B and W), radionuclides (Subparts H, I, and K), asbestos renovation and demolition (under Subpart M), and two inorganic arsenic source categories (Subparts N and O).

EFFECTIVE DATE: March 16, 1988.

ADDRESSES: All requests, reports, applications, submittals and such other communications required to be submitted under 40 CFR Part 60 or Part 61, including notifications required to be submitted under Subpart A of the regulations, for affected facilities or activities in Iowa should be sent to Chief, Air Quality and Solid Waste Protection Bureau, Iowa Department of Natural Resources (IDNR), Henry A. Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319. A copy of all notices required by Subpart A also must be sent to Director, Air and Toxics Division, U.S. EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Whitmore, Chief, Air Compliance Section, Air Branch, U.S. EPA, Region VII, at the above address or by calling 913/236-2896 (FTS: 757-2896).

SUPPLEMENTARY INFORMATION: Sections 111(c) and 112(d) of the Clean Air Act allow the Administrator of the EPA to delegate to any state government authority to implement and enforce the standards promulgated by the agency under 40 CFR Part 60 and Part 61, respectively. EPA retains concurrent authority to implement and enforce the delegated standards. The delegation shifts the primary responsibility for implementation and enforcement of the standards from EPA to the state government.

On August 20, 1984, EPA and the state of Iowa entered into a delegation of authority agreement whereby Iowa automatically receives authority to implement and enforce federal NSPS and NESHAP standards upon the adoption of the standards by the state government. (See 50 FR 933.) Prior to August 20, 1984, EPA delegated to the state of Iowa authority to implement and enforce the standards for numerous categories in various delegation and extension of authority actions. The action described below does not affect these previous delegation or extension of authority actions.

On January 19, 1988, Iowa revised its rules to adopt, by reference, the standards for six (6) additional NSPS and one (1) additional NESHAP regulations promulgated by EPA. Iowa also revised two previously-adopted NSPS categories to match the amended federal regulations. The adoption action and regulation changes became effective on March 16, 1988. The IDNR informed EPA of the adoption action in a letter dated January 22, 1988.

EPA subsequently acknowledged the adoption and the corresponding delegation of authority in a letter to IDNR on April 5, 1988. The delegation occurred under the terms of the above-mentioned August 20, 1984, automatic delegation of authority agreement.

EPA hereby notifies interested individuals that, effective March 16, 1988, EPA delegates the authorization to implement and enforce the federally-established standards for the following additional or amended categories to the state of Iowa.

NSPS Adoptions

Subpart Na—Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983;

Subpart KKK—Equipment Leaks of VOC from Onshore Natural Gas Processing Plants;

Subpart LLL—Onshore Natural Gas Processing; SO_2 Emissions;

Subpart OOO—Nonmetallic Mineral Processing Plants;

Subpart Db—Industrial-Commercial-Institutional Steam Generating Units; and

Subpart Kb—Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.

NSPS Amendments

Subpart K—Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.

Subpart Ka—Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.

NESHAP Adoption

Subpart P—Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities. Effective immediately, all reports, correspondence, and such other communications that are required to be submitted under the NSPS or NESHAP regulation for facilities or activities in Iowa affected by the amended delegations of authority should be sent to the Iowa Department of Natural Resources at the above address, except as noted below. A copy of each notification required to be submitted under Subpart A of 40 CFR Part 60 or 61 also must be sent to the Director, Air and Toxics Division, at the above address. Each document and letter mentioned in this notice is available for public inspection at the EPA regional office. This notice is issued under the authority of sections 111 and 112 of the Clear Air Act, as amended (42 U.S.C. 7411 and 7412).

Dated: April 15, 1988.

William Rice,

Acting Regional Administrator.

[FR Doc. 88-10721 Filed 5-12-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[General Docket No. 80-741; FCC-124]

World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit (Space-WARC), Second Session, Geneva 1988

AGENCY: Federal Communications Commission.

ACTION: Second report and order.

SUMMARY: The *Second Report and Order* contains Commission recommendations for United States proposals to the World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of Space Services Utilizing It (Space-WARC) convening in August 1988. These recommendations will be forwarded to the Department of State for coordination with those of the National Telecommunications and Information Administration (NTIA). The Department of State will, in turn, forward the final U.S. proposals to the International Telecommunication Union (ITU).

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

FOR FURTHER INFORMATION CONTACT: Thomas S. Tycz, Common Carrier Bureau, Domestic Facilities Division, (202) 634-1860; Steven D. Selwyn (Broadcasting Issues), Mass Media Bureau, (202) 254-3394.

SUPPLEMENTARY INFORMATION: This is a summary of the the Commission's *Second Report and Order* in General Docket No. 80-741, FCC 88-124, adopted March 24, 1988 and released March 30, 1988.

The full text of this document 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 contractor, International Transcription Service, (202) 857-3800, 1200 M Street NW., Suite 140, Washington, DC 20037.

Summary of the Second Report and Order

The World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of Space Services Utilizing It (Space-WARC) is being conducted in two sessions. The First Session of the Space-WARC was held in 1985 (WARC-ORB-85). It resulted in the adoption of the Final Acts incorporation the Region 2 Broadcasting Satellite Service (BSS) Plan into the international Radio Regulations and a Report to the Second Session that concerned planning of the Fixed-Satellite Service in certain frequency bands and several Broadcasting Satellite Service issues. The Second Session of the Conference will be held in Geneva in 1988 (WARC-ORB-88) and will attempt to conclude the work of the Space-WARC. The agenda for WARC-ORB-88 is comprised primarily of issues relating to the Fixed-Satellite Service (FSS) and the Broadcasting Satellite Service (BSS). This *Second Report and Order* presents recommendations for U.S. policy positions and proposals concerning the various agenda issues.

The primary FSS issues concern planning methods for designated portions of the 6/4 GHz, 14/11-12 GHz and 30/20 GHz bands. WARC-ORB-85 adopted basic principles and methods for a dual planning approach comprised of: (1) An *a priori* allotment plan for the expansion frequency bands, and (2) improved regulatory procedures, possibly including a multilateral planning meeting (MPM) mechanism, for the currently operational frequency bands. The Conference objective of these planning methods is to guarantee in practice equitable access to the geostationary-satellite orbit and spectrum. WARC-ORB-88 is to establish the allotment plan and associated regulatory procedures and to establish improved regulatory procedures, possibly with an MPM mechanism. This *Second Report and Order* includes proposals on both FSS planning methods.

With respect to an allotment plan, the Commission recommends that it be based on the concept of predetermined arcs and has developed a set of associated procedures to implement the plan. These procedures include the definition of an allotment, the status of existing systems, the modification or cancellation of an allotment and the formation of subregional systems. The Commission has also recommended the selection of 6725-7026 MHz as the band for the uplink portion of the plan at 6/4 GHz. The Commission stated that proposals for technical parameters as well as methods to determine systems affected by a plan modification will require further study by the U.S. delegation to the Conference.

The second component of the planning approach for the FSS is improved regulatory procedures to be applied to specific FSS bands that are currently used for U.S. domestic fixed-satellite services. The Commission recommends that the U.S. should not propose to include a formal multilateral planning meeting (MPM) mechanism in the Article 11 coordination process, as had been proposed at the First Session of Space-WARC in 1985. Rather, the Commission recommends that the U.S. propose the following modifications to the current procedures to ease the coordination process:

(a) Clarifying the advance publication and detailed coordination procedures in Article 11 to specify that all potentially affected administrations are to cooperate in mutually resolving any difficulties that may arise in accessing the geostationary-satellite orbit; and

(b) Increasing the threshold value of delta T/T in Appendix 29, which is used to identify affected administrations with whom coordination is required, from 4% to 6%. This would reduce the number of required coordination cases for FSS systems and allow systems to be coordinated in a more efficient and timely manner.

The Commission also recommends that the U.S. make several proposals regarding simplified regulatory procedures for other space services in the frequency bands not subject to allotment or improved procedures planning in order to address isolated

problems in using the current procedures.

First, the staff recommends that the Radio Regulations be modified so that the coordination and notification of satellite systems under Articles 11 and 13 can be done on a network, rather than a frequency assignment, basis. This change would reduce costs and procedural complexity without diminishing interference protection when additional earth stations are planned for a satellite system after that system has been coordinated.

Second, the staff recommends that Article 14 of the Radio Regulations be modified to ensure timely completion of coordination under those procedures and also to avoid application of duplicative coordination procedures under both Articles 11 and 14.

Third, the staff recommends certain minor modifications of Appendices 28 and 29 of the Radio Regulations concerning interference criteria.

The Commission also makes recommendations regarding Broadcasting-Satellite Service (BSS) issues. Recommended U.S. proposals are offered with respect to U.S. Region 3 feeder link requirements, technical parameters for planning purposes, and adoption of procedures for long-term use for implementing interim BSS systems. The Commission declines to recommend formal proposals at this time with respect to possible frequency allocations for Satellite Sound Broadcasting or High Definition Television but recommends further study on these issues.

Ordering Clauses

Pursuant to sections 4(i) and 303 of the Communications Act of 1934, as amended, this *Second Report and Order* is adopted and it is ordered that the *Second Report and Order* and the attached recommended United States of America Proposals be transmitted to the Department of State. It is further ordered that this *Second Report and Order* be transmitted to the Chairman of the United States Delegation to the Conference for incorporation into the positions of the delegations.

It is further ordered that this proceeding is terminated.

List of Subjects in 47 CFR Part 1

Inquiries.

Federal Communications Commission.

H. Walker Feaster III,

Secretary.

[FR Doc. 88-10757 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-144; FCC 88-152]

Broadcast Services; Reconsideration of Rule Amendments Affecting Grandfathered Short-Spaced FM Stations and Class A FM Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule; memorandum opinion and order on reconsideration.

SUMMARY: The Commission denied a petition for reconsideration of its action that amended the rule governing modification and relocation of grandfathered short-spaced FM broadcast stations. The Commission determined that it would be inappropriate to amend the rule affecting all such stations solely to provide relief for one particular station with unique circumstances. Also, the Commission granted a petition for reconsideration of its action that established an exception to the minimum power requirements for FM broadcast stations. The Commission further amended its rules to allow Class A stations to use that exception. In the original action, Class A stations had been unnecessarily excluded.

EFFECTIVE DATE: May 13, 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 the Commission's *Memorandum Opinion and Order*, MM Docket 86-144, which was adopted on April 19, 1988 and released on April 29, 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. Also, the complete text of this decision may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street NW, Suite 140, Washington, DC 20037.

Summary of the Memorandum Opinion and Order

1. The Commission has before it two petitions for reconsideration of the *Second Report and Order* ("*Second Report*") (52 FR 37786, October 9, 1987) in this proceeding. One petition, filed by Brown Broadcasting Service, Inc. on November 5, 1987, requests that the Commission reconsider and modify its action that amended § 73.213 of the rules, which governs relocations and modifications of grandfathered short-spaced FM stations. The other petition, filed by Eric R. Hilding on November 6, 1987, requests that the Commission reconsider and modify its action that amended § 73.211 of the rules, which sets forth power and antenna height requirements for each of the six classes of FM stations. No comments were filed in response to either petition.

2. *Background.* The Commission initiated this proceeding with a *Notice of Proposed Rule Making* ("*Notice*") (51 FR 15927, April 29, 1986), that proposed minor adjustment to certain rules that were affected by the Commission's actions in BC Docket No. 80-90, (48 FR 29486, June 27, 1983; 49 FR 10260, March 20, 1984), but were not given detailed consideration in that proceeding. In January 1987, the Commission adopted a *First Report and Order* (52 FR 8259, March 17, 1987) resolving two of the issues in the *Notice*. In September 1987, the Commission adopted the Second Report which, among other things, set forth a definitive method for classifying FM stations according to their effective radiated power (ERP) and antenna height above average terrain (HAAT), and amended rules to limit relocations and modifications of grandfathered short-spaced FM stations, allowing only those that would not increase the potential for interference.

3. *The Brown Petition.* Brown Broadcasting Service, Inc. ("Brown") is the licensee of station WBRU, Channel 238B, Providence, Rhode Island. WBRU is a grandfathered short-spaced station, and thus is subject to § 73.213 of the Commission's rules. Brown claims that WBRU would be adversely affected by the Commission's revision of that rule.

4. Brown states it is in the middle of an extended process to obtain a new tower site. At the new site, Brown believes that WRBU would be able to operate with 50,000 watts effective radiated power. Brown fears that newly amended § 73.213 will prevent WBRU from moving to this new site because, in effect, the amended rule limits each grandfathered short-spaced station to the predicted coverage (in the direction of other grandfathered short-spaced stations) which that station actually had on the effective date of the *Second Report* (November 9, 1987). On this date, WBRU was operating with a lower power (20,000 watts) at what it considers to be a temporary site. (WBRU has been operating at this site for more than 10 years.) Brown does not want WBRU's coverage to be limited in the future to that provided by the lower power at the temporary site. As a remedy, Brown requests that the

Commission's action that amended § 73.213 be modified to permit any grandfathered short-spaced station to be authorized for facilities that would produce predicted coverage equivalent to either: (1) The maximum predicted coverage that could have been authorized under the old rule; or alternatively, (2) the maximum predicted coverage from a site that is not short-spaced.

5. *Discussion.* Prior to the *Second Report,* § 73.213 allowed licensees to routinely modify or relocate grandfathered short-spaced stations, even if the potential for interference were increased as a result. In the *Second Report* the Commission affirmed its contention that licensees of grandfathered short-spaced stations have had sufficient time (22 years) to relocate and optimize their facilities under the relatively liberal provisions of the old rule. The Commission found that continuing to allow relocations and modifications that increase the risk of interference is not in the public interest and is counter to the objective of promoting efficiency in the use of the spectrum.

6. Brown did not present any evidence to demonstrate that any grandfathered short-spaced station other than WBRU has or anticipates a similar problem; that is, operation at an interim location on the effective date of our action. No comments were filed by other grandfathered short-spaced stations in support of Brown's petition. The Commission is not aware of any grandfathered short-spaced station other than WBRU that would be significantly affected by our action in the *Second Report.*

7. Tailoring § 73.213, which affects all grandfathered short-spaced stations, to fit circumstances peculiar to one particular grandfathered short-spaced station would not be good public policy. Because Brown's situation with regard to the site for WBRU appears to be an individual problem, any relief that may be necessary would be more appropriately considered in the context of a request for a waiver of § 73.213, rather than through any further amendment of that rule. The Commission does not here evaluate or rule on the merits of any future relocation of WBRU. Rather, the Commission's decision in this *Memorandum Opinion and Order* is based primarily on the inappropriateness of amending a rule affecting an entire group of licensees solely in reponse to the concerns of one licensee in that group.

8. *The Hilding Petition.* Eric R. Hilding ("Hilding"), in his petition, states that § 73.211, as amended by the *Second Report,* excludes Class A FM stations from "the benefit of certain reference distance considerations", and claims that this exclusion pervents Class A FM stations from utilizing relatively high (and therefore desirable) antenna locations. For relief, Hilding requests that the Commission expressly permit any Class A station, regardless of its HAAT, to operate with less than 100 watts, provided that the resulting reference distance equals or exceeds that of a Class A station operating with minimum facilities. The minimum facilities for a Class A FM station are considered to be 100 watts ERP with an antenna HAAT of 30 meters. This combination produces a reference distance of 6 kilometers.

9. *Discussion.* Section 73.211 does not preclude a Class A FM station from using any desired antenna site, regardless of the elevation or the resulting antenna HAAT. The rules permit operation of a Class A FM broadcast station with an antenna HAAT. However, with an antenna HAAT greater than the Class A reference HAAT (100 meters), the station's ERP must be lower than the 3,000 watt class maximum such that the resulting reference distance does not exceed 24 kilometers.

10. Hilding does raise a good point, however. Section 73.211 as it now stands does treat Class A stations differently than stations of the other classes in this respect—Class A stations at very high antenna sites must provide the full maximum Class A coverage, whereas Class B1, B, C2, C1 and C stations need only provide more coverage than the full maximum coverage of the *next lower class.* Before the *Second Report,* all FM stations at very high antenna sites were required to provide the full maximum coverage for their class. However, the Commission found it necessary to allow stations the option to provide less than full coverage in order to facilitate classification of FM stations and to provide a continuous range of permissible facilities. Class A stations were excluded because there is no lower class to establish a minimum coverage requirement for them.

11. The Commission finds that Hilding's suggestion to use Class A minimum facilities as the lower boundary for Class A coverage is reasonable and appropriate, and amends § 73.211 to permit any Class A station to have an ERP less than 100 watts, provided that the reference distance equals or exceeds 6 kilometers. The Commission is reorganizing and republishing the entire § 73.211 to avoid confusion that may have resulted from amendment of that section by a recent Order pertaining to Oversight of Radio and TV Rules (52 FR 47567, December 15, 1987). In that order, certain language already contained in § 73.210 was unnecessarily duplicated in § 73.211 as new paragraphs (a)(1) and (a)(2), and the remaining paragraphs were redesignated. The Commission is removing the redudant language, and restoring the remaining paragraphs to their former designations. The Commission is also restoring the former section heading to avoid confusion with § 73.210.

12. The rule amendment 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 it will not increase or decrease burden hours imposed on the public.

13. Because the rule amendment adopted herein is a substantive rule which grants an exemption and relieves a restriction, the Commission is designating that it shall become effective immediately upon publication in the **Federal Register** (5 U.S.C. 553(d)). Applications pending or received on or after September 25, 1987 (the release date of the *Second Report*) may be processed in accordance with the newly amended rule.

14. Accordingly, *It is ordered,* That the Petition for Reconsideration filed by Brown Broadcasting Service, Inc. *is denied,* and That the Petition for Reconsideration filed by Eric R. Hilding *is granted.*

15. *It is further ordered* That Part 73 of the Commission's Rules and Regulations *is amended* as set forth below, effective upon publication in the **Federal Register**. Authority for this action is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

H. Walker Feaster, III,

Acting Secretary.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR Part 73 is amended as follows:

PART 73—[AMENDED]

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

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

2. 47 CFR 73.211 is revised in its entirety to read as follows:

§ 73.211 Power and antenna height requirements.

(a) *Minimum requirements.* (1) Except as provided in paragraphs (a)(3) and (b)(2) of this section, the minimum effective radiated power (ERP) for:

Class A stations must equal 0.1 kW (−10.0 dBk);

Class B1 stations must exceed 3 kW (4.8 dBk);

Class B stations must exceed 25 kW (14.0 dBk);

Class C2 stations must exceed 3 kW (4.8 dBk);

Class C1 stations must exceed 50 kW (17.0 dBk);

Class C stations must equal 100 kW (20.0 dBk).

(2) Class C stations must have an antenna height above average terrain (HAAT) of at least 300 meters (984 feet). No minimum HAAT is specified for Classes A, B1, B, C2, or C1 stations.

(3) Stations of any class except Class A may have an ERP less than that specified in paragraph (a)(1) of this section, provided that the reference distance, determined in accordance with paragraph (b)(1)(i) of this section, exceeds the distance to the class contour for the next lower class. Class A stations may have an ERP less than 100 watts provided that the reference distance, determined in accordance with paragraph (b)(1)(i) of this section, equals or exceeds 6 kilometers.

(b) *Maximum limits.* (1) The maximum ERP in any direction, reference HAAT, and distance to this class contour for the various classes of stations are listed below:

Station class	Maximum ERP	Reference HAAT in meters (ft.)	Class contour distance in kilometers
A	3kW (4.8 dBk)	100 (328)	24
B1	25kW (14.0 dBk)	100 (328)	39
B	50kW (17.0 dBk)	150 (492)	52
C2	50kW (17.0 dBk)	150 (492)	52
C1	100kW (20.0 dBk)	299 (981)	72
C	100kW (20.0 dBk)	600 (1968)	92

(i) The reference distance of a station is obtained by finding the predicted distance to the 1mV/m contour using Figure 1 of § 73.333 and then rounding to the nearest kilometer. Antenna HAAT is determined using the procedure in § 73.313. If the HAAT so determined is less than 30 meters (100 feet), a HAAT of 30 meters must be used when finding the predicted distance to the 1 mV/m contour.

(ii) If a station's ERP is equal to the maximum for its class, its antenna HAAT must not exceed the reference HAAT, regardless of the reference distance. For example, a Class A station operating with 3 kW ERP may have an antenna HAAT of 100 meters, but not 101 meters, even though the reference distance is 24 km in both cases.

(iii) Except as provided in paragraph (b)(3) of this section, no station will be authorized in Zone I or I–A with an ERP equal to 50 kW and a HAAT exceeding 150 meters. No station will be authorized in Zone II with an ERP equal to 100 kW and a HAAT exceeding 600 meters.

(2) If a station has an antenna HAAT greater than the reference HAAT for its class, its ERP must be lower than the class maximum such that the reference distance does not exceed the class contour distance. If the antenna HAAT is so great that the station's ERP must be lower than the minimum ERP for its class (specified in paragraphs (a)(1) and (a)(3) of this section), that lower ERP will become the minimum for that station.

(3) In Puerto Rico and the Virgin Islands:

(i) Class B stations may use antenna heights up to 600 meters (1968 feet) above average terrain with effective radiated powers up to 25.5 kW. For antenna heights above 600 meters (1968) feet), the power must be reduced so that the station's 1 mV/m contour (located pursuant to Figure 1 of § 73.333) will extend no farther from the station's transmitter than with the facilities of 25.5 kW and an antenna height of 600 meters (1968 feet). For powers above 25.5 kW (up to 50 kW) no antenna height will be authorized which results in greater coverage by the 1 mV/m contour (located pursuant to Figure 1 of § 73.333) than that obtained with the facilities of 25.5 kW ERP and an antenna height of 600 meters (1968 feet).

(ii) Class A stations may use antenna heights up to 335 meters (1100 feet) above average terrain with effective radiated powers up to 3 kW. For antenna heights above 335 meters (1100 feet), the power must be reduced so that the station's 1 mV/m contour (located pursuant to Figure 1 of § 73.333) will extend no farther from the stations transmitter than with the facilities of 3 kW ERP and an antenna height of 335 meters (1100 feet).

(iii) Class B1 stations may use antenna heights up to 335 meters (1100 feet) above average terrain with effective radiated powers up to 5 kW. For antenna heights above 335 meters (1100 feet), the power must be reduced so that the station's 1 mV/m contour (located pursuant to Figure 1 of § 73.333) will extend no farther from the station's transmitter than with the facilities of 5 kW and an antenna height of 335 meters (1100 feet). For powers above 5 kW (up to 25.0 kW) no antenna height will be authorized which results in greater coverage by the 1 mV/m contour than that obtained with the facilities of 5 kW ERP and an antenna height of 335 meters (1100 feet).

(c) *Existing stations.* Stations authorized prior to March 1, 1984 that do not conform to the requirements of this section may continue to operate as authorized. Stations operating with facilities in excess of those specified in paragraph (b) of this section may not increase their effective radiated powers or extend their 1 mV/m field strength contour beyond the location permitted by their present authorizations. The provisions of this section will not apply to applications to increase facilities for those stations operating with less than the minimum power specified in paragraph (a) of this section.

[FR Doc. 88–10759 Filed 5–12–88; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–216; RM–5466]

Radio Broadcasting Services; Booneville, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 284C2 for Channel 221A at Booneville, Arkansas, and modifies the Class A license of Station KBSS(FM), accordingly, in response to a petition

filed on behalf of Booneville Broadcasting Company. A counterproposal filed on behalf of Red, White and Blue Communications, Inc., licensee of Station KAJJ–FM, Greenwood, Arkansas, was withdrawn. With this action, the proceeding is terminated.

EFFECTIVE DATE: June 23, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–216, adopted April 14, 1988, and released May 9, 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 under Arkansas by removing Channel 221A and adding Channel 284C2 at Booneville.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88–10760 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–392; RM–5890]

Radio Broadcasting Services; Fort Myers, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 237C1 for Channel 237A at Fort Myers, Florida, and modifies the Class A license for Station WSOR(FM) to specify the new channel at the request of the licensee Riverside Baptist Church of Fort Myers, Inc. The transmitter site for Channel 237C1 is 18.3 miles west of Fort Myers at coordinates 26–40–30 and 82–10–00. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 23, 1988.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (203) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–392, adopted April 13, 1988, and released May 9, 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, in the entry for Fort Myers, Florida, Channel 237C1 is added, and Channel 237A is removed.

Federal Communications Commission

Steve Kaminer,

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

[FR Doc. 88–10761 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–377; RM–5783]

Radio Broadcasting Services; Kekaha, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 277A to Kekaha, Hawaii, as a first FM channel at the request of Timothy D. Martz. With this action, this proceeding is terminated.

DATES: *Effective* June 20, 1988. The window period for filing applications will open on June 21, 1988, and close on July 21, 1988.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–377, adopted April 5, 1988, and released May 4, 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), is amended by adding Kekaha, Hawaii, Channel 277A.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88–10675 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–404; RM–5814]

Radio Broadcasting Services; McCall, ID

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allotts Channel 252A to McCall, Idaho, as a third FM service, at the request of Mary C. Rhoads. With this action, this proceeding is terminated.

DATES: Effective June 23, 1988. The window period for filing applications will open on June 24, 1988, and close on July 24, 1988.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–404, adopted April 13, 1988, and released May 9, 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 of the Rules is amended for McCall, Idaho, by adding Channel 252A.

Federal Communications Commission

Steve Kaminer,

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

[FR Doc. 88–10762 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–37; RM–5595]

Radio Broadcasting Services; Brownsburg, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 270A to Brownsburg, Indiana, as that community's first local FM service, in response to a petition filed by Bruce Quinn. With this action, the proceeding is terminated.

DATES: Effective June 23, 1988; The window period for filing applications on Channel 270A at Brownsburg, Indiana, will open on June 24, 1988, and close on July 24, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530, regarding the allocation. 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. 87–37, adopted April 13, 1988, and released May 9, 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 adding Brownsburg, Channel 270A, under Indiana.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88–10763 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–364; RM–5683]

Radio Broadcasting Services; Wabash, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 290A to Wabash, Indiana, as that community's second local FM service, in response to a petition filed on behalf of Conaway Communications Corporation. With this action, the proceeding is terminated.

DATES: *Effective* June 23, 1988. The window period for filing applications on Channel 290A at Wabash, Indiana, will open on June 24, 1988, and close on July 24, 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, (202) 632–0394.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–364, adopted April 13, 1988, and released May 9, 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 amending the entry for Wabash, Indiana, to add Channel 290A.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88–10764 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–361; RM–5852]

Radio Broadcasting Services; Dennysville, ME

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates FM Channel 275A to Dennysville, Maine, as that community's first FM broadcast service, in response to a petition filed by Timothy D. Martz. Petitioner filed comments in response to the *Notice.* Concurrence of the Canadian government has been obtained for the allotment at Dennysville. The coordinates used for the allocation of Channel 275A at Dennysville are 44–54–13 and 67–13–45. With this action, this proceeding is terminated.

DATES: *Effective* June 20, 1988. The window period for filing applications will open on June 21, 1988, and close on July 21, 1988.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–361, adopted April 6, 1988, and released May 6, 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. In § 73.202(b), the Table of FM Allotments under Maine is amended by adding Channel 275A at Dennysville.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88-10765 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-381; RM-5934]

Radio Broadcasting Services; Slaton, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 224C1 for Channel 225A at Slaton, Texas, and modifies the license of Station KJAK(FM) to specify the higher class adjacent channel, at the request of Williams Broadcast Group. The channel substitution can be made at the petitioner's current transmitter site (33-29-38 and 101-44-01). With this action, this proceeding is terminated.

EFFECTIVE DATE: June 23, 1988.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-381, adopted April 13, 1988, and released May 9, 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 under Texas, by removing Channel 225A and adding Channel 224C1 for Slaton.

Steve Kaminer,

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

[FR Doc. 88-10766 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-348; RM-5708]

Radio Broadcasting Services; Woodville, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 234C2 to Woodville, Texas, as that community's first local FM service, as requested by Trinity Valley Broadcasting Company. A site restriction of 23.5 kilometers (14.6 miles) north of the city is required. The restricted site coordinates are 30-59-14 and 94-25-29. With this action, this proceeding is terminated.

DATES: *Effective* June 23, 1988; The window period for filing applications will open on June 24, 1988, and close on July 24, 1988.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-348, adopted April 13, 1988, and released May 9, 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 under Texas by adding Channel 234C2 to Woodville.

Steve Kaminer,

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

[FR Doc. 88-10767 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-337; RM-5788]

Radio Broadcasting Services; Augusta, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document upgrades the facilities for Station WZNY(FM), Augusta, Georgia, from a Class C1 to a Class C facility on Channel 289, and modifies the station's license accordingly, at the request of the licensee, Sunny Communications, Inc. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 20, 1988.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-337, adopted April 5, 1988, and released May 4, 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, in the entry for Augusta, Georgia, Channel 289C1 is removed and Channel 289C is added.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88-10680 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-300; RM-5704]

Radio Broadcasting Services; Coeur d' Alene, ID

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 276C2 for Channel 276A at Coeur d' Alene, Idaho, and modifies the license for Station KCDA(FM) at the request of the licensee, Idaho Broadcasting Company, Inc., to provide for a wide coverage area station. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 20, 1988.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-300, adopted April 5, 1988, and released May 4, 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 under Idaho by adding Channel 276C2 and removing Channel 276A at Coeur d' Alene.

Federal Communications Commission.

Steve Kaminer,,

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

[FR Doc. 88-10678 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-394; RM-5963]

Radio Broadcasting Services; Lancaster, NH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Maurice B. Polayes, allocates Channel 272A to Lancaster, New Hampshire, as the community's first local FM service. Channel 272A can be allocated to Lancaster in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.3 kilometers (2.2 miles) northeast to avoid a short-spacing to Station WCVR-FM, Channel 272A, Randolph, Vermont. Canadian concurrence has been received. With this action, this proceeding is terminated.

DATES: Effective June 17, 1988. The window period for filing applications will open on June 20, 1988, and close on July 20, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-394, adopted April 5, 1988, and released May 3, 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 contractor, 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 continued to read as follows:

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

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for New Hampshire is amended by adding an entry for Lancaster, Channel 272A.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88-10686 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-100; RM-5621; FCC 88-98]

Radio Broadcasting Services; Record Retention Periods for Public File Materials

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this document, the Commission amends §§ 73.3526(e)(2) and 73.3527(e)(2) of its Rules to shorten the record retention periods for public file materials. This action is taken as a result of the Commission's determination that the periods were unnecessarily lengthy and imposed excessive administrative burdens on broadcast licensees.

EFFECTIVE DATE: May 23, 1988.

FOR FURTHER INFORMATION CONTACT: Arthur D. Scrutchins, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-100, adopted March 8, 1988, and released April 7, 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 and television broadcasting.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

Part 73 of Title 47 of the CFR is amended as follows:

PART 73—RADIO BROADCAST SERVICE

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

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

2. Section 73.3526 is amended by revising paragraph (e)(2) introductory text and (e)(2)(i) as follows:

§ 73.3526 Local public inspection file of commercial stations.

* * * * *

(e) * * *

(1) * * *

(2) The permittee or licensee shall maintain such a file so long as an

authorization to operate the station is outstanding, and shall permit public inspection of the material as long as it is retained by the licensee even though the request for inspection is made after the conclusion of the required retention period specified in this paragraph. However, material which is voluntarily retained after the required retention time may be kept in a form and place convenient to the licensee and shall be made available to the inquiring party, in good faith after written request, at a time and place convenient to both the party and the licensee.

Applications and related material placed in the file shall be retained for a period beginning with the date that they are tendered for filing and ending with the expiration of one license term (five (5) years for television licensees or seven (7) years for radio licensees) or until the grant of the first renewal application of the television or radio broadcast license in question, whichever is later, with two exceptions:

(i) Engineering material pertaining to a former mode of operation need not be retained longer than 3 years after a station commences operation under a new or modified mode; and

* * * * * .

3. Section 73.3527 is amended by revising paragraph (e)(2) introductory text and (e)(2)(i) as follows:

§ 73.3527 Local public inspection file of noncommercial educational stations.

* * * * *

(e) * * *

(1) * * *

(2) The permittee or licensee shall maintain such a file so long as an authorization to operate the station is outstanding, and shall permit public inspection of the material as long as it is retained by the licensee even though the request for inspection is made after the conclusion of the required retention period specified in this paragraph. However, material which is voluntarily retained after the required retention time may be kept in a form and place convenient to the licensee and shall be made available to the inquiring party, in good faith after written request, at a time and place convenient to both the party and the licensee.

Applications and related material placed in the file shall be retained for a period beginning with the date that they are tendered for filing and ending with the expiration of one license term (five (5) years for television licensees or seven (7) years for radio licensees) or until the grant of the first renewal application of the television or radio broadcast license in question, whichever is later, with two exceptions:

(i) Engineering material pertaining to a former mode of operation need not be retained longer than 3 years after a station commences operation under a new or modified mode; and

* * * * *

[FR Doc. 88-10679 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-341; RM-5779]

Radio Broadcasting Services; Wichita Falls, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 292C2 for Channel 292A at Wichita Falls, Texas, and modifies the license of Station KTLT(FM) to specify the higher class co-channel, at the request of Wichita Falls Communications. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 20, 1988.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-341, adopted April 4, 1988, and released May 4, 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 under Texas, by removing Channel 292A and adding Channel 292C2 for Wichita Falls.

Steve Kaminer,

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

[FR Doc. 88-10677 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-292; RM-5771]

Radio Broadcasting Services; Buffalo, WY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 225C for Channel 224A at Buffalo, Wyoming, and modifies the license of Station KLGT(FM) to specify the higher class adjacent channel, at the request of Communications Systems III. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 9, 1988.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-292, adopted March 25, 1988, and released April 25, 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 under Wyoming, by removing Channel 224A and adding Channel 225C for Buffalo.

Steve Kaminer,

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

[FR Doc. 88-10676 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-436; RM-6024]

Radio Broadcasting Services; Eagle Nest and Angel Fire, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Francis O'Connell d/b/a Moreno Valley Broadcasting, Inc., allocates Channel 256C2 to Angel Fire, New Mexico, as the community's first local FM service. Channel 256C2 can be allocated to Angel Fire in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates are North Latitude 36–23–00 and West Longitude 105–18–00. The document also denies Moreno Valley Broadcasting's request that Channel 256C2 be allocated to Eagle Nest-Angel Fire, New Mexico, on a hyphenated basis. With this action, this proceeding is terminated.

DATES: Effective June 20, 1988. The window period for filing applications will open on June 21, 1988, and close on July 21, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–436, adopted April 7, 1988, and released May 4, 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 contractor, 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 FM Table of Allotments for New Mexico is amended by adding the following entry, Angel Fire, Channel 256C2.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88–10674 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 87–499; RM–6053]

Radio Broadcasting Services; Henderson, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Tia A. Soliday, allocates Channel 264A to Henderson, New York, as the community's first local FM service. Channel 264A can be allocated to Henderson in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for this allotment are North Latitude 43–50–49 and West Longitude 76–10–56. Canadian concurrence has been received since Henderson is located within 320 kilometers of the U.S.-Canadian border. With this action, this proceeding is terminated.

DATES: *Effective* June 17, 1988. The window period for filing applications will open on June 20, 1988, and close on July 20, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–499, adopted April 6, 1988, and released May 3, 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 contractor, 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 FM Table of Allotments for New York is amended by adding Henderson, Channel 264A.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88–10672 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[Gen. Docket No. 86–285; MM Docket No. 86–286]

Low Power Television and Television Translator Filing Window From June 15, 1988 Through June 24, 1988

AGENCY: Federal Communications Commission (FCC).

ACTION: Notice of filing window.

SUMMARY: This action gives notice of an application filing window for the tendering of applications for new construction permits and for major changes in existing facilities for low power television and television translator stations. This notice sets forth filing procedures including when and where to file and the applicable application form to be used, and information concerning application filing fees. This item is related to Commission actions in Gen. Docket 86–285, 2 FCC Rcd 947 (1987), and MM Docket 86–286 (1987).

EFFECTIVE DATE: June 15, 1988 through June 24, 1988.

FOR FURTHER INFORMATION CONTACT: Keith A. Larson or Molly Fitzgerald, Low Power Television Branch, Mass Media Bureau (202) 632–3894.

SUPPLEMENTARY INFORMATION: Released May 6, 1988.

Commencing on June 15, 1988, and continuing to and including June 24, 1988, the Commission will permit the filing of applications for new construction permits and for major changes in existing facilities for low power television and television translator stations at the below specified locations only.

No more than five (5) applications for new low power television or television translator stations may be tendered for filing by any applicant, or by any individual or entity having an interest of one percent (1%) or greater in any applicant(s) filing in the June 15–24, 1988 window. This restriction does not apply to major change applications.

All applications must be "complete and sufficient" when tendered for filing, in accordance with § 73.3564 of the Commission's rules. As noted below, a fee of $375.00 must accompany each application. Further, applicants filing during this window period *MUST* use the February 1988 edition of FCC Form 346. See 53 FR 15225 (April 28, 1988). All applications filed on obsolete editions will be returned as defective and unacceptable for filing. FCC Form 346 can be obtained from the FCC's Operations Support Division, Services

and Supply Branch, Room B–10, 1919 M Street NW., Washington, DC 20554, telephone number (202) 632–7272.

In this window application filing process, the Commission will utilize the facilities of a Treasury Department lockbox bank. Window application filings can be made, either by mail or by person, at the following locations *ONLY*:

If mailed—Federal Communications Commission, Low Power Television Window Filing, P.O. Box 371995M, Pittsburgh, PA 15250–7995.

If hand-delivered—Federal Communications Commission, Low Power Television Window Filing, Strip Commerce Center, 28th and Liberty Avenue, Pittsburgh, PA 15222.

Hand-carried or couriered applications can be delivered daily at the Strip Commerce Center location during normal business hours (8:30 a.m. to 5:00 p.m.). Detailed instructions to get to this location are included in this Public Notice as Attachment I. Submissions tendered after close of business (5:00 p.m.) on Friday, June 24th, 1988, will not be accepted. Mailed applications must be *actually received* no later than June 24th. *Window application filing WILL NOT be accepted at the offices of the Federal Communications Commission in Washington, DC.*

An original and two copies of the application and all required exhibits must be filed. To facilitate the initial processing of these applications, all applicants are requested to enclose in a single envelope the original and duplicate copies of the application, with each duplicate copy clearly denoted as such by the applicant. Where more than one new station or major change application is being filed, separate envelopes enclosing the individual application (*i.e.*, an original and two copies) can be mailed in a single package. Receipts will not be provided by the lockbox bank facility. However, for mailed window application filings, a "return copy" of the application can be furnished *provided* the applicant clearly identifies the "return copy" and attaches to it a stamped, self-addressed envelope. For hand-carried or couriered applications delivered to the Strip Commerce Center location, bank personnel, if requested in person, will date stamp as received a proffered copy of the application and return it to the requestor.

Generally, applicants seeking to construct a new low power television or television translator station or to make a major change in the facilities of an existing low power television or television translator station are required to pay and submit a fee with the filing of the application. A *separate* fee payment of $375.00, attached to each original application, must be submitted for *each* new station or major change application filed during this window; a single fee payment for multiple applications will *not* be accepted. Payment of the required fee can be made by check, bank draft or money order payable to the Federal Communications Commission.

Applications submitted with insufficient payments or without any payments will be dismissed and returned, along with the insufficient payment, to the applicant without processing. See § 1.1107 of the Commission's rules. Following the fee review process, applications that are found to be patently defective, not "complete and sufficient," or filed on an obsolete edition of FCC Form 346 will be rejected and returned to the applicant.

Governmental entities are exempt from the $375.00 fee. As defined by § 1.1112(f) of the Commission's rules, governmental entities include "any possession, state, city, county, town, village, municipal corporation or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their communities or programs." Also exempted from this fee are noncommercial educational FM and full service television broadcast station licensees seeking to make major changes in the facilities of their existing low power television or television translator stations or to construct new low power television or television translator stations, provided those stations operate or will be operated on a noncommercial educational basis. To avail itself of any fee exemption an applicant must indicate its eligibility by checking the appropriate box on page 1 of FCC Form 346 (February 1988 edition).

Applicants are advised that on April 21, 1988, the Commission adopted a *Policy Statement* deciding that terrain shielding will be given limited consideration in the evaluation of television translator and low power television applications. FCC 88–160, released April 25, 1988. In the *Policy Statement* the Commission described the limitations on its consideration of requests for waiver of its low power television service application acceptance requirements concerning interference protection standards and provided guidance for the submission of these waiver requests.

For further information concerning the filing window, contact Keith A. Larson or Molly Fitzgerald, Low Power Television Branch, Mass Media Bureau at telephone number (202) 632–3894.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

Attachment I—Directions to Strip Commerce Center

From Greater Pittsburgh International Airport and Interstate 79:

Proceed east on Parkway (Interstate 279) towards downtown Pittsburgh.
Go through the Fort Pitt tunnels and across the Fort Pitt bridge to Liberty Avenue.
Take Liberty Avenue to 28th Street (28 blocks).
Turn right on 28th Street and follow FCC signs to parking lot.
Enter building at designated area and follow signs.

From Pennsylvania Turnpike:

Take Exit 6 (Monroeville) to Parkway (Interstate 376). Go west on Parkway to the Grant Street Exit (Exit 3).
Proceed on Grant Street to Liberty Avenue (Approximately 6–7 blocks).
Bear right on to Liberty Avenue.
Take Liberty Avenue to 28th Street.
Turn right on 28th Street and follow FCC signs to parking lot.
Enter building at designated area and follow signs.

[FR Doc. 88–10682 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 76

[MM Docket No. 84–1296; FCC 88–128]

Cable Television; Amendment to Implement the Provisions of the Cable Communications Policy Act of 1984

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The U.S. Court of Appeals for the District of Columbia Circuit decision in *American Civil Liberties Union* v. *FCC* remanded to the Commission the signal availability standard in the effective competition test for a reasoned explanation of the chosen standard or the development of a new standard. This *Second Report and Order* revises the signal availability standard in response to the court's concerns and in light of the record developed in this proceeding. In this regard, the *Second Report and Order* modifies these rules with respect to the measures of signal availability, the degree of signal coverage, and the waiver standards.

EFFECTIVE DATE: June 20, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Judith Herman, Mass Media Bureau, (202) 632–6302.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second Report and Order* in MM Docket No. 84–1296, adopted March 24, 1988, and released April 29, 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 contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of the Second Report and Order

1. The Cable Communications Policy Act of 1984 (Cable Act) requires the Commission to define the circumstances and conditions under which franchising authorities are to regulate the rates charged by cable operators for "basic cable service." Specifically, section 623 of the Cable Act instructs the Commission to "prescribe and make effective regulations which authorize a franchising authority to regulate rates for the provision of basic cable service in circumstances in which a cable system is not subject to effective competition." In the *Report and Order* in this proceeding (50 FR 18637 (1985)), the Commission determined that effective competition for a cable system would exist where any three "off-the-air" broadcast signals were available in the cable community. The Commission also ruled that a broadcast signal would be deemed available in either of the following circumstances: (1) The signal places a predicted Grade B contour over any portion of the cable community; or, (2) the signal is "significantly viewed."

2. Upon review, the U.S. Court of Appeals for the District of Columbia Circuit concluded that, for the most part, the rules adopted by the Commission are reasonable and consistent with the Cable Act. The court did, however, find several portions of the *Report and Order* to be arbitrary or inconsistent with the Cable Act and remanded these to the Commission for further action. One of these is the effective competition test used in determining whether local authorities will be permitted to regulate rates for basic cable service. The court remanded to the Commission, for a reasoned explanation of the chosen standard or the development of a new standard, the issue of how much of a community had to be covered by a broadcast signal for that signal to be considered available for purposes of meeting the effective competition test. The court found unacceptable the Commission's decision to count every signal that covers any portion of the cable community and also indicated that there are potential difficulties with the use of significant viewing determinations that are made on a county basis as part of the standard. In addition, it noted with concern the substantial barrier the current waiver system may place on franchising authorities.

3. In the *Further Notice of Proposed Rule Making (Further Notice)* the Commission proposed alternative solutions to the court's concerns with respect to the measures of signal availability, the degree of signal coverage, and the waiver standards. The Commission specifically proposed to use its Grade B contour and a modified version of the significant viewing test that would use data for the cable community as the measures of signal availability; to establish that a cable system faces effective competition if at least 75 percent of the cable community is covered by three or more off-the-air signals; and, to modify the field strength measurement requirements and use other factors, such as cable penetration, in the waiver procedure to decrease the burden placed on both franchising authorities and cable operators.

4. Cable interests commenting in this proceeding favored continuing to measure signal availability using the Grade B contour and significant viewing determined on a county-wide basis. Franchising authorities opposed these measures of signal availability. They argued that the Grade B contour does not accurately reflect signal availability because it does not include terrain features. They stated, further, that while making significant viewing determinations on a community basis would accurately reflect viewing habits in the cable community, the data necessary to make such determinations are expensive to obtain. In light of the court's concern and the information provided in the record, the Commission decided to continue using the Grade B contour and the significant viewing concept as the measures of signal availability for determining whether a cable system faces effective competition. However, the Commission altered the basis upon which significant viewing is assessed to specify that such determinations are to use viewership data for the cable system rather than the county in which that cable system is located. The Commission found that this change will significantly increase the accuracy of the effective competition test.

5. Cable interests commenting in this proceeding favored limiting the degree of coverage required of the Grade B contour in order to meet the effective competition test. They supported the 75 percent proposal, although they argue that it is reasonable to assume that Grade B signals reaching any portion of a community are probably available for adequate viewing by most residents in that community. Franchising authorities favored a 100 percent coverage coverage measure, arguing that the 75 percent coverage requirement is insufficient to ensure that the cable system is subject to effective competition and is difficult to administer. The Commission modified its coverage standard to provide that a cable system will be deemed to face effective competition if 100 percent of the geographic area of the cable community has access to three or more off-the-air signals. It will not be necessary that the same three signals cover 100 percent of the community. The Commission found this standard to be preferable to the 75 percent approach in that it will be easier to adminster and will provide additional assurance of signal availability consistent with the court's concerns.

6. The parties commenting in this proceeding offered a variety of proposals to reduce the burden of the engineering studies. The Commission decided to permit the substitution of cluster measurements for the mobile runs requirement in the field strength measurements for purposes of demonstrating the availability of a signal for purposes of cable rate regulation determination. It noted that although this method may not provide as high degree of accuracy of the method specified in § 73.686(c) of the rules, it nonetheless will provide adequate information for judging waiver requests. The Commission also modified its policy concerning the responsibility for the cost of engineering studies of signal availability to provide that the cost of an engineering study to refute the predicted availability of Grade B service will fall on the party that loses in the waiver proceeding. Any party intending to obtain a study must first inform the other party and provide it opportunity to negotiate a resolution. Parties not taking this first step will be assigned full responsibility for the study. Finally, these new rules will become effective six months after the release of the *Second Report and Order* so that there

will be sufficient time for preparation of any special studies prior to the implementation of these revised rules.

7. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that the adopted rules will have a significant impact on a substantial number of small entities because the rule changes herein will increase the number of cable systems that could be subject to rate regulation by franchising authorities, relative to the number of cable systems affected by our existing standard.

8. The rules adopted herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new or modified requirements on the public. Implementation of these new/modified requirements and burdens will be subject to approval by the Office of Management and Budget pursuant to that Act.

9. Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and § 1.106 of the Commission's Rules, *It is Ordered That* Part 76 be amended, as shown below, effective June 20, 1988.

List of Subjects in 47 CFR Part 76

Cable television.

H. Walker Feaster, III,

Acting Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 76—[AMENDED]

1. The authority citation for Part 76 continues to read as follows:

Authority: 47 U.S.C. 152, 153, 154, 301, 303, 307–309.

2. Section 76.33 is revised to read as follows:

§ 76.33 Standards for rate regulation.

(a) Effective October 29, 1988, a franchising authority may regulate the rates of a cable system subject to the following conditions (cable systems that were subject to rate regulation prior to this date will remain subject to that regulation pending demonstation that they may not be regulated pursuant to this section):

(1) Only basic cable service as defined in § 76.5(ii) may be regulated;

(2) Only cable systems that are not subject to effective competition may be rate regulated. A cable system will be determined to be subject to effective competition whenever 100 percent of the cable community receives service from at least three unduplicated broadcast television signals. It is not necessary that the same three signals provide service to the entire community. Signals shall be counted on the basis of their predicted Grade B contour (as defined in § 73.683 of the rules) or whether they are significantly viewed within the cable community, as defined in § 76.54(b) and (c) of the rules. A signal that is significantly viewed shall be considered to be available to 100 percent of the cable community. A translator station authorized to serve the cable community is to be counted in the same manner as a full-service station, except that its coverage area shall be based on its protected contour as specified in § 74.707 of the rules, provided that the translator is not used to retransmit a station already providing a Grade B contour or significantly viewed signal within the cable community.

(3) The Commission may grant waivers of this standard where the filing party demonstrates with engineering studies in accordance with § 73.686 of the Commission's rules or by other showings what such Grade B level signals are (or are not) in fact available within the community. In performing the engineering studies noted above, cluster measurements, as provided in § 73.686(b)(2)(viii), may be taken in place of mobile runs as provided in § 73.686(b)(2)(v). Responsibility for the cost of engineering studies undertaken to refute the predicted availability of Grade B service will fall on the party that loses in the waiver proceeding. Any party intending to obtain this study must first inform the other party and provide it an opportunity to negotiate a resolution. Parties not taking this first step will be assigned full responsibility for the study costs.

(4) A cable system, once determined to be subject to effective competition after the effective date of this section, shall not be subject to regulation for one year after any change in market conditions which would cause it be determined not be to subject to effective competition.

(b) In establishing any rate for the provision of basic cable service by cable systems subject to paragraph (a) of this section, the franchising authority shall:

(1) Give formal notice to the public;

(2) Provide an opportunity for interested parties to make their views known, at least through written submissions; and,

(3) Make a formal statement (including summary explanation) when a decision on a rate matter is made.

(c) Any party may petition the Commission for relief of the provisions in this section in accordance with the provisions and procedures set forth in § 76.7 for petitions for special relief.

3. Section 76.54, paragraph (c) is revised to read as follows:

§ 76.54 Significantly viewed signals; method to be followed for special showings.

* * * * *

(c) Notice of a survey to be made pursuant to paragraph (b) of this section shall be served on all licensees of permittees of television broadcast stations within whose predicted Grade B contour the cable community or communities are located, in whole or in part, and on all other system community units, franchisees, and franchise applicants in the cable community or communities at least thirty (30) days prior to the initial survey period. Furthermore, if a survey is undertaken pursuant to the provisions of § 76.33(a)(2) of the rules, notice shall also be served on the franchising authority. Such notice shall include the name of the survey organization and a description of the procedures to be used. Objections to survey organizations or procedures shall be served on the party sponsoring the survey within twenty (20) days after receipt of such notice.

* * * * *

[FR Doc. 88–10832 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 80

[PR Docket No. 87–275; FCC 88–99]

Maritime Services

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The amended rules designate VHF marine channel 13 in lieu of channel 16 as the bridge-to-bridge channel on the Great Lakes. These rules resulted from informal coordination between the Canadian and U.S. Coast Guards and will relieve the increasing congestion on channel 16 which is currently being used for bridge-to-bridge communications.

DATE: These rules will not become effective until concurrence is obtained from Canada and the Chief, Private Radio Bureau issues and publishes an order in the **Federal Register** specifying the effective date.

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

FOR FURTHER INFORMATION CONTACT: Jim Shaffer (202) 632–7197 or Maureen Cesaitis (202) 632–7175, Federal

Communications Commission, Private Radio Bureau, Washington, DC 20554.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted March 8, 1988 and released April 1, 1988. The complete text of the Commission decision including the rule amendments 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 report including the rule amendments may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

1. The Vessel Bridge-to-Bridge Radiotelephone Act requires that the Commission designate a specific frequency to be used in U.S. waters by approaching vessels to communicate their intentions to one another. VHF marine channel 13 has been designated for this purpose. However, the Great Lakes were exempted from the terms of the Bridge-to-Bridge Act because under the Great Lakes Radio Agreement, channel 16, the distress, safety and calling channel, is used for bridge-to-bridge communications. Increasing congestion on channel 16 prompted the Canadian Coast Guard and the U.S. Coast Guard to discuss designating channel 13 as the bridge-to-bridge frequency. As a result of these negotiations, the Commission and the Canadian Department of Communications prepared companion proposals. This Report and Order adopts channel 13 as the bridge-to-bridge frequency in the Great Lakes for the United States. The vessels transiting the St. Lawrence Seaway, however, would continue to use certain assigned frequencies required by Joint Regulations of the St. Lawrence Seaway Authority and the St. Lawrence Seaway Development Corporation for bridge-to-bridge communications. After concurrence from Canada, the Chief, Private Radio Bureau shall issue an order under delegated authority to specify the effective date of the new rules.

2. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that the amended rules will not have a significant impact on a substantial number of small entities. The only vessels affected by the rule change are those subject to the Great Lakes Radio Agreement.

3. The rule amendments contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose no new information collection and record keeping requirement.

4. This Report and Order is issued under the authority of 47 U.S.C. 154(i) and 303(r). The authority citation for Part 80 continues to read as follows: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 4726, 12 UST 2377, unless otherwise noted.

5. A copy of this Report and Order will be served on the Chief Counsel for Advocacy of the Small Business Administration.

6. It is ordered, that Party 80 is amended as set forth at the end of this document.

7. It is further ordered that after concurrence from Canada, the Chief, Private Radio Bureau acting under delegated authority shall issue an order establishing an effective date of the adopted rules.

8. It is further ordered that this proceeding is terminated.

List of Subjects in 47 CFR Part 80

Bridge-to-bridge, Canada, Great Lakes.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

Part 80 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 80—STATIONS IN THE MARITIME SERVICES

1. The authority citation for Part 80 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 U.S.T. 3450, 3 U.S.T. 4726, 12 U.S.T. 2377, unless otherwise noted.

2. Section 80.308 is revised to read as follows:

§ 80.308 Watch required by the Great Lakes Radio Agreement.

(a) Each ship of the United States that is equipped with a radiotelephone station for compliance with the Great Lakes Radio Agreement must when underway keep a watch on:

(1) 156.800 MHz on board a vessel 20 meters (65 feet) and over in length, a vessel engaged in towing (See § 80.951(b)), or a vessel carrying more than 6 passengers for hire. This watch must be maintained whenever the station is not being used for authorized traffic. However, a watch on 156.800 MHz need not be maintained by a vessel maintaining a watch on the bridge-to-bridge frequency 156.650 MHz *and* participating in a Vessel Traffic Services (VTS) system and maintaining a watch on the specified VTS frequency.

(2) 156.650 MHz on board a vessel 38 meters (124 feet) and over in length, a vessel engaged in towing (See § 80.951(b)), or a vessel carrying more than six passengers for hire. This watch must be maintained continuously and effectively. Sequential monitoring is not sufficient. Portable VHF equipment may be used to meet this requirement. Vessels are exempted from this requirement while transiting the St. Lawrence Seaway and complying with the Joint Regulations of the St. Lawrence Seaway Authority and St. Lawrence Seaway Development Corporation between the lower exit of St. Lambert Lock at Montreal and Crossover Island, New York and in the Welland Canal and approaches between Calling in Point No. 15 and No. 16.

(b) The watch must be maintained by the master, or person designated by the master, who may perform other duties provided they do not interfere with the effectiveness of the watch.

3. In § 80.373, footnote 6 of paragraph (f) is revised to delete the description of frequency usage in the Great Lakes, to read as follows:

§ 80.373 Private communications frequencies.

* * * * *

(f) * * *

[6] On the Great Lakes, in addition to bridge-to-bridge communications, 156.650 MHz is available for vessel control purposes in established vessel traffic systems. 156.650 MHz is not available for use in the Mississippi River from South Pass Lighted Whistle Buoy "2" and Southwest Pass entrance Midchannel Lighted Whistle Buoy to mile 242.4 above Head of Passes near Baton Rouge. Additionally it is not available for use in the Mississippi River-Gulf Outlet, the Mississippi River-Gulf Outlet Canal, and the Inner Harbor Navigational Canal, except to aid the transition from these areas.

* * * * *

4. In § 80.956, paragraph (b)(1) is amended by removing the words "Channel 13–156.650 MHz", (b)(2) and (3) are redesignated as (b)(3) and (4), a new paragraph (b)(2) is added (see below), to read as follows:

§ 80.956 Required frequencies and uses.

* * * * *

(b) * * *

(2) The navigational bridge-to-bridge frequency, 156.650 MHz (channel 13).

* * * * *

[FR Doc. 88-10758 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking by Koito Mfg. Co., Ltd., of Japan, for an amendment to Motor Vehicle Safety Standard No. 108 to replace the current requirement to minimize internal reflections from an interior center high-mounted stop lamp with a quantified specification of the amount of permissible light. The agency has concluded that, weighed against the benefit of a quantitative measurement, no safety need is shown for its adoption. Such a requirement and its associated test procedure would add to a manufacturer's costs without promoting a corresponding increase in safety.

FOR FURTHER INFORMATION CONTACT: Kevin Cavey, Office of Vehicle Safety Standards, NHTSA (202-366-5271).

SUPPLEMENTARY INFORMATION: Koito Mfg. Co. of Japan has submitted a petition for rulemaking to amend Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment.* With reference to the center high-mounted stop lamp on passenger cars, paragraph S4.3.1.8 of Standard No. 108 requires, when the lamp is mounted in the interior, for means to be provided "to minimize reflections from the light of the lamp upon the rear window glazing that might be visible to the driver when viewed directly, or indirectly in the rearview mirror." Koito's petition requested an amendment that would delete the words "minimize reflections" and substitute "limit reflections to 35 nt max" (a nt, or nit, being a unit of luminance equal to one candela per square meter). In Koito's view, the present requirement is not a quantitative one. As a result, the company claims to be experiencing difficulty in designing and evaluating interior-mounted lamps.

In accordance with agency procedures, NHTSA has conducted a technical review to determine whether there is a reasonable possibility that the requested amendment would be issued at the conclusion of a rulemaking proceeding. The petitioner has neither presented convincing quantitative data in support of the value it has chosen, nor provided any indication that reflections in current vehicles, if they exist at all, exceed 35 nt. Although the current requirement is not a quantitative one, its intent is clear, and manufacturers have met it by providing a shroud that is flush with, or within a millimeter of, the rear window. The agency has received no complaints about reflected light, and has instituted no compliance proceedings with respect to enforcement of the requirement. Thus, even though the requirement is not quantitative, Koito should have no difficulty in complying with it by providing the same type of shroud other manufacturers have. Further, to add a quantitative requirement would necessitate the addition of a test procedure to verify it, at an unknown cost.

Balancing the need for a quantitative value for minimal reflections and corresponding costs required to verify compliance against the lack of a showing that the current requirement does not meet the need for safety, the agency has concluded that the requested amendment would not be issued at the conclusion of a rulemaking proceeding, and is denying Koito's petition.

(15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on May 10, 1988.

Barry Felrice,

Associate Administrator for Rulemaking.

FR Doc. 88-10728 Filed 5-12-88; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 53, No. 93
Friday, May 13, 1988

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

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Commodity Credit Corporation

7 CFR Part 780

Appeal Regulations

AGENCY: Agricultural Stabilization and Conservation Service and Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend 7 CFR Part 780, Appeal Regulations, to: (1) delete obsolete references, (2) clarify the administrative appeal procedure set forth in this Part; (3) delete restrictions with respect to the reviewability of certain State Agricultural Stabilization Conservation ("ASC") Committee determinations; (4) specify the persons to whom these regulations apply; and (5) state that these regulations are applicable to only individual determinations made with respect to specific persons.

DATE: Comments must be received on or before June 13, 1988 in order to be assured of consideration.

ADDRESSES: Send comments on this proposed rule to Director, Appeals Staff, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013. All written submissions made pursuant to this rule will be available for further inspection in Room 2741 South Building, USDA, between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: H. E. Maynard, Director, Appeals Staff, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC Telephone: (202) 447-5533.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under United States Department of Agriculture (USDA) procedures implementing Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified as "not major." It has been determined that this notice will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases 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 in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since Agricultural Stabilization and Conservation Service (ASCS) nor the the Commodity Credit Corporation (CCC) is required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

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

Background

Section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590h(b)), provides for the establishment of "local and State committees" to be used in carrying out the provisions of that act. These local committees are commonly referred to as county committees. County and State committees have been used extensively in the past to implement various other programs that are conducted by CCC and the Department of Agriculture, including the price support and production adjustment programs of the CCC. The method for selecting these committees and their general duties are set forth at 7 CFR Part 7.

A major function of county and State committees is to serve as a reviewing authority with respect to the implementation and administration of the various conservation, price support, and production adjustment programs. Included in this function is the participation of county and State committees in the administrative appeal process that is made available to persons who believe that an erroneous determination concerning their participation in such a program has been made. The administrative appeal process is set forth at 7 CFR Part 780. These regulations provide that if a person is dissatisfied with the initial determination by either the county or State committee or the Deputy Administrator, State and County Operations (the "Deputy Administrator"), Agricultural Stabilization and Conservation Service ("ASCS") that such person may request that the determination be reconsidered by the authority which issued the initial determination. If the person is dissatisfied with this subsequent determination, an appeal may be filed with the next highest reviewing authority, with the final level of appeal being to the Deputy Administrator. Throughout this appeal procedure the person pursuing the appeal may request that an informal hearing be held. If such a hearing is deemed to be appropriate, the county or State committee or the Deputy Administrator will convene a hearing in which the appellant is provided the opportunity to present relevant facts and evidence.

This proposed rule would make several amendments to 7 CFR Part 780 for clarity and to delete obsolete references. In addition, the proposed rule would provide that any person who is not a program participate but receives a payment or other benefit that is made under a program administered by the county or State committee or the Deputy Administrator, such as an assignee, is subject to these regulations. This proposed rule also would make editorial changes to all sections of 7 CFR Part 780. The following is a summary of the major amendments which would be made by this proposed rule.

Section 780.1 would be amended to delete references to obsolete programs and provide that these regulations would be applicable to all programs that are administered by county and State committees and the Deputy Administrator, except as otherwise may be provided in individual program requirements. This section would also

be amended to state that this part is applicable to: (1) Persons denied participation in applicable programs, (2) persons participating in such programs; and (3) persons who are not participating in such programs but who receive payments or other benefits under one of these programs. Finally, this section would be amended to state more clearly that this administrative appeal procedure is available only with respect to individual determinations involving a person meeting the previously stated criteria Appeals are not available with respect to general program requirements that apply to all program participants. For example, appeals are not available concerning the level at which loans and purchases are established or the type of conservation uses that are suitable for use on acreage that is required to be removed from production in order for a person to be eligible for program benefits.

Section 780.2 would be amended to conform to the amendments to Section 780.1 concerning persons who receive program payments or other benefits and to remove unnecessary definitions.

Section 780.11 currently provides that nine specified determinations which are made by a State committee are not appealable to the Deputy Administrator. This proposed rule would delete this limitation but provide that certifications by a technician of Soil Conservation Service or the Forest Service or determinations, of a technical nature by any Federal agency, other than a determination made by ASCS, shall be binding on the reviewing authority. The proposed rule also provides that State committee determinations with respect to program payment yields or crop acreage bases are not appealable to the Deputy Administrator. Producers have been permitted to appeal State committee deteminations with respect to bases and yields to the Deputy Administrator since the enactment of the Food Security Act of 1985 (the Act). During the 12-month period ending in April 1987 approximately 425 appeals concerning program payment yields or crop acreage bases were filed with the Deputy Administrator. The vast majority of the appeals addressed the provisions of the Act or the regulations implementing the Act.

List of Subjects in 7 CFR Part 780

Administrative practice and procedure, Appeals.

Accordingly, this proposed rule would revise 7 CFR Part 780 to read as follows:

PART 780—APPEAL REGULATIONS

Sec.

Authority: Sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended, 62 Stat. 1070, as amended, 1072 (15 U.S.C. 714b and 714c); section 8 of the Soil Conservation and Domestic Allotment Act, as amended, 49 Stat. 1149 as amended (16 U.S.C. 590h).

§ 780.1 Basis, purpose and applicability.

(a) The regulations set forth in this Part are applicable to all programs administered by the county and State Agricultural Stabilization Conservation committees ("county committee" and "State committee," respectively) and The Deputy Administrator, State and County Operations ("Deputy Administrator") of the Agricultural Stabilization and Conservation Service ("ASCS"), except as otherwise may be provided in individual program requirements. These regulations prescribe the rules and procedure that must be followed by a person who seeks reconsideration or review of a determination made with respect to:

(1) Denial of participation in such a program;

(2) Compliance with program requirements; and

(3) The making of payments or other program benefits to a person who is not a participant in such a program.

(b) Reconsideration and review under this Part is limited to only individual determinations made with respect to those persons meeting the requirements of paragraph (a) of this section. Accordingly, there is no review under this Part with respect to general program requirements that are applicable to all program participants.

§ 780.2 Definitions.

(a) "Participant" means any person whose right to participate in, or receive payments or other benefits in accordance with, any of the programs to which these regulations apply who is affected by a determination of the county committee, State committee, State committee or Deputy Administrator.

(b) "Reviewing authority" means the county committee, State committee, or Deputy Administrator, as is appropriate.

(c) "State committee" means in Puerto Rico and the Virgin Islands, insofar as is practical, the Director of the Caribbean Area ASCS office.

§ 780.3 Request for reconsideration.

Any participant who believes that a proper determination has not been made in accordance with applicable program regulations or that all of the facts were considered with respect to any such determination initially made by the county committee, State committee, or Deputy Administrator, may obtain a reconsideration of such determination and an informal hearing therewith by filing a request for reconsideration with the reviewing authority which initially made such determination.

§ 780.4 Appeal to the State committee.

Any participant who believes that a proper determination has not been made by the county committee upon its reconsideration of an initial determination may obtain a review of such determination by the State committee and an informal hearing in connection therewith by filing an appeal with the State committee.

§ 780.5 Appeal to Deputy Administrator.

Except as provided in § 780.11, any participant who believes that a proper determination has not been made by the State committee may obtain a review by the Deputy Administrator of such determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator.

§ 780.6 Time limitations for filing requests for reconsideration or appeals.

(a) A request for reconsideration or appeal by a participant from any determination shall be filed within 15 days after written notice of the determination is mailed to or otherwise made available to the participant. A request for reconsideration or appeal shall be considered to have been "filed" when personally delivered to the appropriate office or when post-marked.

(b) Whenever the final date for filing a request for reconsideration or appeal prescribed in paragraph (a) of this section falls on a Saturday, Sunday, legal holiday, or other day on which the appropriate office is not open for the transaction of business during normal working hours, the time for filing shall be extended to the close of business on the next working day.

(c) A request for reconsideration or appeal may be accepted and acted upon even though it is not filed within the time prescribed in paragraph (a) or (b) of this section if, in the judgment of the reviewing authority with whom such request is made, the circumstances warrant such action.

§ 780.7 Form of request for reconsideration or appeal.

Each request for reconsideration or appeal shall be in writing and signed by the participant or by an authorized representative of the participant. Each request for reconsideration or appeal shall be supported by a written statement of facts, which may be submitted with or as a part of the request for reconsideration or appeal, or at any time prior to the hearing. The participant may request an informal hearing or may request a determination to be made by the reviewing authority without a hearing on the basis of the written statement submitted and other information available to the reviewing authority. If a request for an informal hearing is not made by the participant, the reviewing authority shall make its determination on the basis of the material that was made available in making the prior determination and the material submitted by the participant.

§ 780.8 Nature of informal hearing.

(a) The hearing shall be held at the time and place designated by the reviewing authority.

(b) The hearing shall be conducted by the reviewing authority, or a representative of the reviewing authority, in the manner deemed most likely to obtain the facts relevant to the matter in issue. The participant shall be advised of the issues involved. The reviewing authority may confine the presentation of facts and evidence to pertinent matters and may exclude irrelevant, immaterial, or unduly repetitious evidence, information, or questions.

(c) The participant, or an authorized representative of the participant, shall be given a full opportunity to present facts and information relevant to the matter in issue and may present oral or documentary evidence. At its discretion, the reviewing authority may request or permit persons other than those appearing on behalf of the participant to present information or evidence at such hearing and, in such event, may permit the participant to question such persons.

(d) The reviwing authority shall have prepared a written record containing a clear, concise statement of the facts as asserted by the participant and material facts found by the reviewing authority. The names of interested persons appearing at the hearing shall be included. A verbatim transcript may be made if:

(1) The participant requests at a reasonable period prior to the time the hearing begins that the reviewing authority provide for such a transcript and agrees to pay the expense thereof, or

(2) The reviewing authority determines that such a transcript is appropriate.

(e) If, at the time scheduled for the hearing, the participant is absent and no appearance is made on behalf of the participant, the reviewing authority shall, after a reasonable time conclude the hearing, or may, in its discretion, accept information and evidence submitted by other persons present at the hearing.

§ 780.10 Reopening of hearing.

The reviewing authority may, upon its own motion or upon request of the participant, reopen any hearing for any reason it deems appropriate unless the matter has been appealed to or considered by a higher reviewing authority.

§ 780.11 Requests for reconsideration and appeals requiring special handling.

Notwithstanding any other provision at this Part, determinations:

(a) Made under a conservation program involving a finding or certification by a technician of the Soil Conservation Service, or Forest Service, or determinations of a technical nature by any Federal agency, other than a determination made by ASCS, shall be binding on the reviewing authority, and

(b) Made by a State committee with respect to program payment yields or crop acreage bases are not appealable.

§ 780.12 Delegation of authority.

Nothing contained in these regulations in this part shall preclude the Administrator, ASCS (Executive Vice President, CCC) or a designee from determining at any time any question arising under the programs to which the regulations in this part apply or from reversing or modifying any determination made by a State or county committee or the Deputy Administrator.

§ 780.13 OMB Control numbers assigned pursuant to the paperwork reduction act.

The information collection requirements contained in these regulations (7 CFR Part 780) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35.

Signed in Washington, DC this 5th day of May 1988.

Milton Hertz,

Administrator, Agricultural Stabilization and Conservation Service, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 88-10698 Filed 5-12-88; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Parts 911, 915, 918, 921, 922, 923, 924 and 982

Expenses and Assessment Rates for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish assessment rates under Marketing Order Nos. 911, 915, 918, 921, 922, 923, 924, and 982 for the 1988–89 fiscal year established for each order. Each marketing order requires that the assessment rate for a particular fiscal year shall apply to all assessable commodities handled from the beginning of such year. An annual budget of expenses is prepared by each administrative committee and submitted to the U.S. Department of Agriculture for approval. The members of administrative committees are handlers and producers of the regulated commodities. They are familiar with the committees' needs and with the cost for goods, services, and personnel in their local areas and are thus in a position to formulate appropriate budgets. The assessment rate recommended by each committee is derived by dividing anticipated expenses by expected shipments of the commodity. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committees' expected expenses. Funds to administer these programs are derived from assessments on handlers.

DATE: Comments must be received by May 23, 1988.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, F&V, AMS, USDA, P.O. Box 96456, Room 2085–S, Washington, DC 20090–6456. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Jacquelyn R. Schlatter, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456; telephone: (202) 447–5120.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Order Nos. 911 (7 CFR Part 911) regulating the handling of limes grown in Florida; 915 (7 CFR Part 915) regulating the handling of avocados grown in South Florida; 918 (7 CFR Part 918) regulating the handling of fresh peaches grown in Georgia; 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington; 922 (7 CFR Part 922) regulating the handling of apricots grown in designated counties in Washington; 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington; 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon; and 982 (7 CFR Part 982) regulating the handling of filberts/hazelnuts grown in Oregon and Washington. These orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

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

There are approximately 26 handlers of Florida limes, 34 handlers of Florida avocados, 18 handlers of Georgia peaches, 85 handlers of Washington peaches, 60 handlers of Washington apricots, 65 handlers of Washington cherries, 40 handlers of Washington-Oregon prunes, and 30 handlers of Washington-Oregon filberts/hazelnuts subject to regulations under their respective orders, and approximately 260 Florida lime producers, 300 Florida avocado producers, 180 Georgia peach producers, 400 Washington peach producers, 200 Washington apricot producers, 1,200 Washington cherry producers, 350 Washington-Oregon prune producers, and 1,000 Washington-Oregon filbert/hazelnut producers in their respective production areas. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having average gross annual revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of these handlers and producers may be classified as small entities.

Each marketing order requires that the assessment rate for a particular fiscal year shall apply to all assessable commodities handled from the beginning of such year. An annual budget of expenses is prepared by each administrative committee and submitted to the U.S. Department of Agriculture for approval. The members of administrative committees are handlers and producers of the regulated commodities. They are familiar with the committees' needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by each committee is derived by dividing anticipated expenses by expected shipments of the commodity. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committees' expected expenses. Recommended budgets and rates of assessment are usually acted upon by the committees shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the committees will have funds to pay their expenses.

The Florida Lime Administrative Committee (Committee) met on April 13, 1988, and unanimously recommended 1988–89 marketing order expenditures of $233,500 and an assessment rate of $0.15 per bushel of fresh limes shipped under M.O. 911. In comparison, 1987–88 fiscal year budgeted expenditures were $259,000 and the assessment rate was $0.15 per bushel. Major expenditure categories in the 1988–89 budget are $108,000 for program administration, $25,000 for market development, and $100,500 for research. Assessment income for 1988–89 is expected to total $210,000, based on shipments of 1,400,000 bushels of limes. Interest income will amount to approximately $7,000. Committee reserve funds will be available to cover the aniticipated $16,500 deficit for 1988–89.

The Avocado Administrative Committee (Committee) met on April 13, 1988, and unanimously recommended 1988–89 marketing order expenditures of $193,500 and an assessement rate of $0.11 per bushel of fresh avocados. In comparison, 1987–88 fiscal year budgeted expendures were $200,000 and the assessment rate was $.011 per bushel. Major expenditure categories in the 1988–89 budget are $107,300 for program administration, $25,000 for market development, and $61,200 for research. Assessment income for 1988–89 is expected to total $132,000, based on shipments of 1,200,000 bushels of avocados. Interest income will amount to approximately $5,000. Committee reserve funds will be available to cover the anticipated $56,500 deficit for 1988–89.

The Georgia Peach Industry Committee met on April 7, 1988, and unanimously recommended 1988–89 marketing order expenditures of $14,306.08 and an assessment rate of $0.005 per bushel of fresh peaches. Assessment income for 1988–89 is expected to total $6,695 based on shipments of 1,339,000 bushels of peaches. Interest income will amount to approximately $5,020.08. Committee reserves and other available funds will be available to cover the anticipated $2,600 deficit for 1988–89.

The Stone Fruit Executive Marketing Committee met on April 14, 1988, and unanimously recommended 1988–89 marketing order expenditures for Marketing Order Nos. 921, 922, 923, and 924.

For Washington peaches, expenditures of $18,378 and an assessment rate of $2.25 per ton of peaches under M.O. 921 were recommended. In comparison, 1987–88 budgeted expenditures were $25,136 and the assessment rate was $2.00 per ton. Assessment income for 1988–89 is estimated at $25,875 based on a crop estimate of 11,500 tons of peaches.

For Washington apricots, expenditures of $6,970 and an assessment rate of $2.25 per ton of apricots under M.O. 922 were recommended. In comparison, 1987–88 budgeted expenditures were $5,802 and the assessment rate was $1.25 per ton. Assessment income for 1988–89 is

estimated at $7,875 based on a crop estimate of 3,500 tons of apricots.

For Washington sweet cherries, expenditures of $97,210 and an assessment rate of $2.50 per ton of sweet cherries under M.O. 923 were recommended. In comparison, 1987–88 budgeted expenditures were $85,100 and the assessment rate was $2.00 per ton. Assessment income for 1988–89 is estimated at $112,500 based on a crop estimate of 45,000 tons of cherries.

For Washington-Oregon prunes, expenditures of $17,342 and an assessment rate of $2.25 per ton of prunes under M.O. 924 were recommended. In comparison, 1987–88 budgeted expenditures were $29,462 and the assessment rate was $3.00 per ton. Assessment income for 1988–89 is estimated at $20,250 based on a crop of 9,000 tons of prunes.

The Filbert/Hazelnut Marketing Board (Board) conducted a telephone vote on April 22, 1988, and unanimously recommended 1988–89 marketing order expenditures of $424,100 and an assessment rate of $14.00 per ton of filberts/hazelnuts. In comparison, 1987–88 marketing year budgeted expenditures were $386,590 and the assessment rate was $14.00 per ton. Major expenditure categories in the 1988–89 budget are $63,400 for administration, $245,000 for promotion, and $100,000 for the emergency reserve fund. Assessment income for 1988–89 is expected to total $280,000 based on a crop estimate of 20,000 tons of filberts/hazelnuts. Interest and incidental income is estimated at $31,000. The Board may expend operational reserve funds of $113,100 to meet budgeted expenses. Additional reserve funds may be used to meet any deficit in assessment income.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing orders. Therefore, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found and determined that a comment period of less than 30 days is appropriate because the budgets and assessment rate approvals for these programs need to be expedited. The committees need to have sufficient funds to pay their expenses, which are incurred on a continuous basis.

List of Subjects in 7 CFR Parts 911, 915, 918, 921, 922, 923, 924, and 982

Apricots, Avocados, Cherries, Filberts, Florida, Georgia, Hazelnuts, Limes, Marketing agreements and orders, Oregon, Peaches, Prunes, Washington.

For the reasons set forth in the preamble, it is proposed that new §§ 911.227, 915.227, 918.225, 921.227, 922.227, 923.228, 924.228, and 982.333 be added as follows:

1. The authority citation for 7 CFR Parts 911, 915, 918, 921, 922, 923, 924, and 982 continues to read as follows:

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

2. New §§ 911.227, 915.227, 918.225, 921.227, 922.227, 923.228, 924.228, and 982.333 are added to read as follows:

PART 911—LIMES GROWN IN FLORIDA

§ 911.227 Expenses and assessment rate.

Expenses of $233,500 by the Florida Lime Administrative Committee are authorized, and an assessment of $0.15 per bushel of assessable limes is established for the fiscal year ending March 31, 1989. Unexpended funds may be carried over as a reserve.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

§ 915.227 Expenses and assessment rate.

Expenses of $193,500 by the Avocado Administrative Committee are authorized, and an assessment rate of $0.11 per bushel of assessable avocados is established for the fiscal year ending March 31, 1989. Unexpended funds may be carried over as a reserve.

PART 918—FRESH PEACHES GROWN IN GEORGIA

§ 918.225 Expenses and assessment rate.

Expenses of $14,306.08 by the Industry Committee are authorized, and an assessment rate of $0.005 per bushel of peaches is established for the fiscal period ending February 28, 1989. Unexpended funds may be carried over as a reserve.

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

§ 921.227 Expenses and assessment rate.

Expenses of $18,378 by the Washington Fresh Peach Marketing Committee are authorized, and an assessment rate of $2.25 per ton of assessable peaches is established for the fiscal year ending March 31, 1989. Unexpended funds may be carried over as a reserve.

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

§ 922.227 Expenses and assessment rate.

Expenses of $6,970 by the Washington Apricot Marketing Committee are authorized, and an assessment rate of $2.25 per ton is established for the fiscal year ending March 31, 1989. Unexpended funds may be carried over as a reserve.

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

§ 923.228 Expenses and assessment rate.

Expenses of $97,210 by the Washington Cherry Marketing Committee are authorized, and an assessment rate of $2.50 per ton of assessable cherries is established for the fiscal year ending March 31, 1989. Unexpended funds may be carried over as a reserve.

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND UMATILLA COUNTY, OREGON

§ 924.228 Expenses and assessment rate.

Expenses of $17,342 by the Washington-Oregon Fresh Prune Marketing Committee are authorized, and an assessment rate of $2.25 per ton of assessable prunes is established for the fiscal year ending March 31, 1989. Unexpended funds may be carried over as a reserve.

PART 982—FILBERTS/HAZELNUTS GROWN IN OREGON AND WASHINGTON

§ 982.333 Expenses and assessment rate.

Expenses of $424,100 by the Filbert/Hazelnut Marketing Board are authorized, and an assessment rate payable by each handler in accordance with § 982.61 is fixed at $0.07 per pound of assessable filbert/hazelnuts for the 1988–89 marketing year ending June 30, 1989. Unexpended funds may be carried over as a reserve.

Dated: May 10, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88–10796 Filed 5–12–88; 8:45 am]

BILLING CODE 3410–02–M

Food Safety and Inspection Service

9 CFR Parts 325, 327, and 381

[Docket No. 86-031P]

Prohibition on Movement of Product Prior to Reinspection

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FIS) is proposing to amend the Federal meat and poultry products inspection regulations by removing current provisions that permit the transportation of imported products prior to reinspection by FSIS. Instead, FSIS is proposing to require that imported product be reinspected by FSIS at the port of first arrival. In addition, FSIS is proposing to eliminate the official import seal and current sealing requirements for imported product which is transported before reinspection. These actions will enable FSIS to maintain control over and to ensure reinspection of all meat and poultry products entering the United States.

DATE: Comments must be received on or before: July 12, 1988.

ADDRESS: Written comments should be sent to: Policy Office, Attn: Linda Carey, FSIS Hearing Clerk, Room 3171 South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments, as provided by the Poultry Products Inspection Act, should be directed to Patricia Stolfa at (202) 447-3473. (See also "Comments" under Supplementary Information).

FOR FURTHER INFORMATION CONTACT: Mark Manis, Director, Import Inspection Division, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC, 20250, (202) 447-2953.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator has determined that this proposed rule is not a "major rule" within the scope of E.O. 12291. It will not 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) have 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.

During calendar year 1985, FSIS conducted reinspection on over 2.4 billion pounds of imported products. Reinspection of imported products, which is directed by the Agency's Automated Import Information System (AIIS), checks the effectiveness of foreign inspection systems in assuring that only wholesome, not adulterated, and properly marked, labeled and packaged product enters the United States, and assuring that such products meet the same inspection, sanitary, quality, species verification, and residue standards that are applied to domestic producers and their products.

Information retrieved from the AIIS for the period January 1, 1985, through December 31, 1985, shows that over 2.4 billion pounds of product were offered for reinspection. Of that amount, 25.9 percent (641,331,144 pounds) was product coming from Canada, almost always via land, and no more than the remaining 74.1 percent (1,837,312,092) pounds) was product arriving via water. For calendar year 1986, these figures remain fairly constant with approximately 25.7 percent of product arriving from Canada and no more than 74.3 percent arriving over water.

An analysis of data maintained by the Bureau of the Census, which indicates in which Customs Service (Customs) districts product is unloaded and in which districts it is presented for reinspection, provides representative information concerning amounts of product that could be affected by this change. The data maintained by the Census Bureau is supplied by Customs which, in turn, receives the information from importers.

For the period May 1, 1985, to April 30, 1986, the total amount unloaded and presented for reinspection within districts of unloading *1,500,434,894* pounds (*80.5* percent of all waterborne meat and poultry imports). This amount of product is traveling only a short distance or not at all and would not be affected by the proposed change. The total amount of product moved after unloading in one district and presented for reinspection in another district was *361,473,786* pounds (*19.5* percent of all waterborne meat and pountry imports and 7 percent of total imports). This is the amount of product that, in 1985, could have been subject to the change proposed herein.

This proposal will have no affect on the volume of imported product. The proposal is expected to affect only the point at which product is reinspected. Therefore, there will be no overall loss of business associated with the reinspection of imported meat and poultry products. The business redistribution that could be generated by the proposed rule would be restricted to an affect on the 7 percent of total imports that are now presented for reinspection in a district other than the one in which they are unloaded. It is unlikely that even this affect will occur, since adjustments can be made in the waterborne destination, in which case there would be no change in the location of reinspection. Other adjustments to minimize this impact can be made by the importing industry (see the next section). In any case, there will be no overall loss of business as a result of this proposed rule, and significant benefits will accrue to the effectiveness and efficiency of import inspection.

Effect on Small Entities

The Administrator, FSIS, has made an initial determination that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The determination is based on several factors.

FSIS has undertaken an informal survey of the affected industry to determine the impact of the proposed rule. Information gathered shows that reinspection of waterborne product takes place in facilities that provide general storage and distribution services for various products. Storage, distribution and reinspection of meat and poultry products represent less than 30 percent of any firm's activities in the majority of cases, and in many cases less than 10 percent. FSIS found that the 30 percent or less of the firm's activity involving meat and poultry products is impacted by several factors. These factors include proximity of the firm's establishment to the end user, port of call patterns of shipping carriers, varying port charges and facilities, cost and availability of transport for redistribution, cost and availability of labor, firm maintenance costs, insurance, etc. Experience indicates that all of these factors are operating to some degree at all times and are more significant in their economic impacts on firms than the availability of FSIS personnel.

Following announcement in January 1987 of FSIS's plans to implement the recommendations of the OIG import audit, the Administrator of FSIS discussed the change outlined in this proposed rule with import industry officials. He explained the change and requested information concerning

impacts of the change. Industry officials have not provided any data.

Some industry officials have taken various actions to comply with the proposal and thus minimize its effects. For example, a new facility has just been completed in California to handle the product that was transported overland to other ports for reinspection; another port is making considerable efforts to have ships unload product for reinspection at its docks; and several companies have diversified their activities to include a greater proportion of non-meat and poultry products. FSIS is also aware that practices, such as delaying payment of various fees, including certain handling costs in overall charges, and modernizing storage and handling facilities, are part of the industry strategy to minimize any impact of this proposed rule and, more generally, to increase business.

As noted above, although the Agency knows that the proposed rule could affect the distribution of the business associated with no more than 7 percent of total meat and poultry import reinspection, it cannot predict how much of this 7 percent will be redistributed. Not only can adjustments be made by shippers, but the import industry itself has open to it many options that would minimize the impact of the proposed rule. Further, the Agency has no reason to believe that this proposal would have a disproportionate effect on smaller firms.

This information supports the Agency determination that the proposed rule would not have a significant economic impact on a substantial number of small entities.

Comments

Interested persons are invited to submit written comments concerning this proposal. Written comments should be sent in duplicate to the Policy Office. Please include the docket number that appears in the heading of this document. Any person desiring an opportunity for oral presentation of views should make such request to Ms. Stolfa so that arrangements can be made for such views to be presented. A transcript will be made of all views orally presented. All comments submitted in response to the proposal will be available for public inspection in the Policy Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Currently, §§ 327.7 and 381.200 of the Federal meat and poultry products inspection regulations permit imported product to be unloaded at the port of first arrival or, "if arriving by water, from the wharf where unloaded," and then transported, under official seal, to another location where import inspection is to be conducted (9 CFR 327.7 and 381.200). These regulations also provide specific, extensive sealing requirements for any transportation of imported product. Before product that has not been reinspected can be transported, the means of conveyance (car, truck, railcar) must be sealed with an official import seal. The seal must be affixed by either a Program or Customs employee. Sections 327.7 and 381.200 also allow, in lieu of sealing, for colored placards containing a warning notice to be affixed to the product containers by the importer. Labeling product containers or sealing the means of conveyance assures that the identity of the product is maintained until it arrives at its final destination and is presented for reinspection.

There is no practical way FSIS can ensure that such product once introduced to the United States will be presented to USDA for reinspection or ensure compliance with the sealing provisions. Given the volume of imported product (2.1 billion pounds per year) and FSIS's limited resources (90 import inspectors), it is physcially impossible for FSIS personnel to seal each conveyance in which imported products might be transported or to break the seals, if affixed, once product arrives at its intended destination. Customs' regulations permit movement in-bond without further sealing (provided foreign country seals have been affixed), and Customs does not have the resources to provide special handling services regarding imported meat and poultry products. FSIS cannot in fact control the transportation under seal of such product prior to reinspection.

FSIS regulations which permit the movement of product after unloading prior to reinspection were intended only to parallel Customs' regulations (19 CFR 18.11), which permit the movement under bond of most imported goods from the port of first arrival before documents are filed and the duty is assessed. If requested by the importer, meat and poultry products may be transported in Customs' bonded carriers, from the port of unloading (the port where the product is first off-loaded from a vessel, truck or other conveyance onto United States soil) to another Customs' (port) location for declaration and examination by Customs' officers. However, Customs does not routinely monitor such transportation of imported meat and poultry products. In these cases, formal Customs entry for consumption or warehouse, involving the filing of forms and payment of applicable duty, if any, can be accomplished at the "port of destination." (19 CFR 18.11). Therefore, the physical arrival of product in the United States often takes place at one location and entry for Customs' purposes at another.

In April 1985, FSIS import reinspection activities became realigned under International Programs (IP), which is separately managed from the domestic inspection program. At the same time, in response to recommendations by the Department's Office of Inspector General (OIG) for better management and control of imported product, IP limited reinspection of imports to designated import inspection facilities located at various ports.

Restricting the Movement of Imported Product

FSIS is proposing to limit the transportation of imported product prior to reinspection by allowing imported product to be transported only to authorized places of inspection within the port of first arrival. This proposal is supported by OIG's final audit report entitled "Imported Meat Process" (January 14, 1987) which recommended that FSIS "require that foreign meat products entering the United States be inspected by the Import Inspection Division only at the point of first arrival." OIG stated that this action will enable FSIS to maintain control over meat products entering the United States. The report contained a discussion noting the physical and administrative control problems FSIS has had with products that are transported elsewhere before being reinspected. OIG found that neither FSIS nor Customs is able to ensure adequate physical or administrative controls when imported product is transported to and inspected at other than port-of-first-arrival locations. During the course of its audit, OIG cited instances in which product was shipped directly, without official seals or Program or direct Customs' supervision, to intermediary transportation facilities (stripping stations, where cargo is removed from large shipping containers). The product was then transferred to truck trailers or railcars for shipment to inland inspection sites or port facilities located several hundred miles away, again without USDA or Customs personnel present to supervise the transfer or to affix the official seal. As a consequence, FSIS could not be certain that all product entering the country was presented for reinspection.

In response to the report, FSIS stated that its regulations would be revised to

require reinspection of all imported product at its initial port of first arrival into the United States. OIG stated that this action by FSIS would be sufficient to resolve the problem and that it would close out this recommendation once it is implemented.

Recent conversations with Customs Service personnel have confirmed that Customs will continue to permit the product to be transported elsewhere under bond, before it is officially presented for final Customs entry, regardless of its having been reinspected by FSIS at the port of first arrival. Importers will still be able to postpone payment of duty until official entry at a location closer to its final destination.

Therefore, for the reasons discussed in the preamble, FSIS is proposing to amend Parts 325 and 327 of the Federal meat inspection regulations and Part 381 of the poultry products inspection regulations as set forth below.

List of Subjects

9 CFR Part 325

Meat inspection, Transportation.

9 CFR Part 327

Meat inspection, Imported products.

9 CFR Part 381

Poultry products inspection, Imported products, Transportation.

PART 325—TRANSPORTATION

1. The authority citation for Part 325 continues to read as follows:

Authority: 34 Stat. 1260, 81 Stat. 584, as amended (21 U.S.C. 601 *et seq.*); 72 Stat. 862, 92 Stat. 1069, as amended (7 U.S.C. 1901 *et seq.*); 76 Stat. 663 (7 U.S.C. 450 *et. seq.*).

2. Paragraph (b)(2) of § 325.1 would be revised to read as follows:

§ 325.1 Transactions in commerce prohibited without official inspection legend or certificate when required; exceptions; and vehicle sanitation requirements.

* * * * *

(b) (1) * * *

(2) Product imported into the United States may be transported and offered or received for transportation if such product is conveyed in railroad cars, trucks or other means of conveyance, prior to inspection, to an authorized place of inspection, as provided in § 327.6 of this part.

* * * * *

PART 327—IMPORTED PRODUCTS

3. The authority citation for Part 327 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*

4. The title of § 327.7 and paragraph (a)(1) would be revised to read as follows:

§ 327.7 Products for importation, handling, assistance.

(a)(1) No product required by this part to be inspected shall be moved, prior to inspection, from the port of first arrival in the United States, or, if arriving by water, from the wharf where unloaded, except as provided in § 325.1(b)(2).

* * * * *

§ 327.7 [Amended]

5. Paragraphs (a)(2), (a)(3), (b), (c), (f), and (h) of § 327.7 would be removed.

6. Paragraphs (d), (e), and (g) of § 327.7 would be redesignated as paragraphs (b), (c), and (d).

§ 327.22 [Removed and Reserved]

7. Section 327.22 would be removed and reserved.

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

8. The authority citation for Part 381 continues to read as follows:

Authority: 71 Stat. 441, 82 Stat. 791, as amended, 21 U.S.C. 451 *et seq.*; 76 Stat. 663 (7 U.S.C. 450 *et seq.*).

9. The title of § 381.200 would be revised to read as follows.

§ 381.200 Products for importation; handling; facilities and assistance.

* * * * *

§ 381.200 [Amended]

10. Paragraphs (a), (c), (d), (e), (f), and (h) of § 381.200 would be removed.

11. Paragraph (b) of § 381.200 would be redesignated as paragraph (a) and revised to read as follows.

(a) No product required by this subpart to be inspected shall be moved, prior to inspection, from the port of arrival where first unloaded, and if arriving by water, from the wharf where first unloaded at such port, to any place other than the place designated in accordance with this subpart as the place where the same shall be inspected.

* * * * *

12. Paragraph (g) of § 381.200 would be redesignated as paragraph (b).

Done at Washington, DC, on April 22, 1988.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 88-10797 Filed 5-12-88; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Regulation C; Docket No. R-0635]

Home Mortgage Disclosure; Proposed Amendments to Regulation C

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is publishing for public comment a revised Regulation C (Home Mortgage Disclosure). The revised regulation incorporates recent amendments to the Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq.*) contained in section 565 of the Housing and Community Development Act of 1987 (Pub. L. 100-242, section 565, 101 Stat. 1815, 1945). These statutory amendments permanently extend the act and expand its coverage to mortgage banking subsidiaries of bank and savings and loan holding companies, and also to savings and loan service corporations that originate or purchase mortgage loans. Until now, the act's coverage has applied only to depository institutions and their majority-owned subsidiaries.

Other proposed changes to the regulation are based on a zero-based review undertaken in keeping with the Board's Regulatory Improvement Program (which calls for a periodic review of Board regulations). The changes have been made in the interest of facilitating compliance for covered institutions.

While the Board's proposal totally revises the existing regulation, the reporting requirements remain identical in substance for institutions that were covered before the Congress amended the law, with one exception. The exception relates to mortgage banking subsidiaries of depository institutions. These subsidiaries would be required, under the Board's proposal, to itemize loan data by census tract (or by county, in some instances) for property located in metropolitan statistical areas where the subsidiary has offices for taking loan applications from the public. Under current law, the subsidiary is required to itemize loan data only for an MSA where the parent institution has its home or branch offices, and reports data as an aggregate sum for loans on property located in other MSAs.

The Board proposes to retain the HMDA-1 form now used by depository institutions for reporting loan data. In addition, the Board proposes to issue a separate form, HMDA-2, for the use of the newly covered entities. A separate

form is necessary because the statutory amendments require the newly covered entities to exclude FHA loans from their data compilations, whereas depository institutions and their majority-owned subsidiaries will continue to report FHA loan data. Because some of the newly covered entities have expressed interest in making data about their FHA loan originations and purchases publicly available in some fashion, the Board is also publishing for comment on optional form, HMDA–2A, that could be used for this purpose.

DATE: Comments must be received on or before June 20, 1988.

ADDRESSES: Comments should be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, or delivered to the courtyard entrance on 20th Street, between C Street and Constitution Avenue NW., between 8:45 a.m. and 5:15 p.m. weekdays. Comments should include a reference to Docket No. R–0635. Comments may be inspected in Room B–1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Senior Attorney, or Thomas J. Noto, Staff Attorney, Division of Consumer and Community Affairs, at 202–452–2412 or 202–452–3667; for the hearing impaired *only*, contact Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf, at 202–452–3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

(1) Background

The Board's Regulation C (12 CFR Part 203) implements the Home Mortgage Disclosure Act of 1975 (HMDA) (12 U.S.C. 2801 *et seq.*). It requires depository institutions that have over $10 million in assets, and have offices in metropolitan statistical areas (MSAs) or primary metropolitan statistical areas (PMSAs), to disclose annually their originations and purchases of mortgage and home improvement loans. Data must be itemized by census tract (or by county, in some instances) and also by type of loan. A statement covering the data on a calendar year basis must be made available to the public and reported to the institution's Federal supervisory agency by March 31 following the calendar year for which the data are compiled.

When originally passed in 1975, HMDA contained a "sunset" provision under which the act was to expire in 1980. A number of temporary extensions were enacted, and recently, in the Housing and Community Development Act of 1987 (Pub. L. 100–242, section 565, 101 Stat. 1815, 1945), Congress permanently extended HMDA by striking the sunset provision from the act. The statutory amendments were signed into law on February 5, 1988.

In addition to the permanent extension, the amendments in the Housing Act expanded the coverage of HMDA to include mortgage banking subsidiaries of bank holding companies and savings and loan holding companies, as well as savings and loan service corporations. The Board is now proposing amendments to Regulation C to implement these changes.

(2) Effective Date

With regard to the expanded coverage of HMDA, there is some uncertainty as to the legislative intent concerning the year in which service corporations and mortgage banking subsidiaries are to begin collecting data and reporting. While it is clear that the amendments brought these institutions within the coverage of the act in 1987, it is not evident that Congress intended that they should collect and report data for that calendar year.

The Board proposes to require that these institutions collect loan data beginning with calendar year 1988; their first report would be due on March 31, 1989. This approach is consistent with existing Regulations C, which requires institutions that become subject to the regulation within a given calendar year to compile loan data beginning with the following calendar year.

(3) Regulatory Review

The Board's Regulatory Improvement Program calls for periodic review of each of the Board's regulations to determine whether the regulation can be simplified. The Board has conducted such a review of Regulation C and has made a number of changes. The text of the regulation has been revised to improve clarity and readability. Obsolete provisions have been deleted, footnotes have been eliminated, and a detailed appendix regarding state exemptions has been replaced by a brief reference in the regulation. In addition, the instructions to the reporting forms have been significantly reworked and should be easier to follow.

(4) Availability of Aggregated Data

As required by the Home Mortgage Disclosure Act, the Federal Financial Institutions Examination Council (with support from the Federal Reserve Board and the other financial regulators) produces aggregated tables of the loan data received from all reporting institutions in each MSA. In addition, the Examination Council produces tables for each MSA showing lending patterns according to demographic characteristics (such as income level and age of housing stock). These tables, together with data on the individual institutions, are sent to central data depositories in each MSA. The act specifies that the aggregated data and related tables shall be available no later than December 31 following the calendar year to which they relate. Typically, the Examination Council has released these reports by late November or early December.

The conference report accompanying the HMDA amendments indicates Congressional interest in having the HMDA data available at the central data depositories earlier than is now the case. Member agencies of the Examination Council have identified and will implement changes to data processing procedures in order to facilitate the earlier availability of the data.

The Board believes the proposed revision of Regulation C (together with the expanded instructions for the reporting forms) will enhance compliance on the part of financial institutions. By reducing errors that require editing following the submission of reports on March 31, these changes should help ensure that the aggregated data is available earlier.

(5) Proposed Amendments to Regulation C

The comment period on the revised regulation ends on June 20, 1988. Because prompt implementation of the statutory amendments is in the public interest, the Board has set this comment period in place of the 60 days called for in the Board's policy statement on rulemaking (44 FR 3957). The Board believes an abbreviated comment period is necessary to ensure that a final rule is in place as quickly as possible to provide guidance to newly covered entities.

A discussion follows of the changes made to each section of the revised regulation.

Section 203.1 Authority, purpose, and scope.

Several changes would be made. Section 203.1(a) would be revised to reflect the deletion of section 2811 of the statute, the sunset date provision. A reference would be added to reflect the approval of information collection requirements under the Paperwork Reduction Act by the U.S. Office of Management and Budget. A reference to the act has been added to the purpose

statement in § 203.1(b). Editorial changes have been made to § 203.1(c) on scope and § 203.1(d) on central data depositories (including the substitution of "depositories" for "repositories," now that the term "depository institution" is no longer used in the regulation).

Section 203.2 Definitions.

Section 203.2 contains definitions of terms used in the regulation. The definitions of "FHA, FmHA, and VA loans" and "state" contained in current § 203.2 (d) and (g) have not been revised, but are renumbered as § 203.2 (c) and (i) because of other changes to the section. The revisions to other definitions are as follows.

Act. The definition of "act" in § 203.2(a) has been updated.

Branch office. The definition of "branch office" in § 203.2(b) would be revised. What qualifies as a branch office has several consequences for an institution. First, institutions that do not have a home or branch office in an MSA or PMSA are exempt from HMDA. Second, HMDA data must be itemized by census tract for loans on property located in any MSA or PMSA in which the institution has a home or branch office. For loans on property located in other MSAs or PMSAs (or not located in an MSA or PMSA at all), the data may be reported as an aggregate sum, with no geographic itemization. Third, the data must be made available to the public at one branch office (or home office) in each MSA or PMSA where the institution has home or branch offices. Finally, the institution must post notices, such as those made available by the Board, in all branch offices located in MSAs or PMSAs to inform the public of the availability of the HMDA data.

The revised definition takes account of the difference between the branch office structure of the newly covered mortgage banking firms and that of depository institutions such as banks and thrift institutions. While depository institutions must obtain approval from Federal or state regulatory agencies to establish branch offices, mortgage banking firms generally are not required to obtain such approval.

Accordingly, the definition of branch office would differ for the two classes of institutions. The definition in revised § 203.2(b)(1)(i) applies to depository institutions; it remains the same as in the current provision and is based on the approval process. For other covered institutions, the Board proposes to define "branch office" in § 203.2(b)(1)(ii) as an office that receives applications from the public for home purchase or home improvement loans. This latter definition could also apply to mortgage banking subsidiaries of depository institutions, which are independently defined as financial institutions under § 203.2(e)(2).

Federally related mortgage loan. Banks and other depository institutions are subject to HMDA only if they make "federally related mortgage loans." The definition of that term, currently in footnote 1, has been simplified and incorporated in the text of the regulation as § 203.2(d).

Financial institution. The new definition of institutions covered by Regulation C is set forth in § 203.2(e), and replaces the definition of "depository institution" currently contained in § 203.2(c).

The existing term "depository institution" would be changed to "financial institution." This change is designed to avoid the confusion that might arise from the fact that, in ordinary usage, the term depository institution signifies entities such as banks and thrift institutions, not mortgage banking firms and other entities that do not take deposits. The definition would be revised to include both depository institutions and the new class of covered entities: Savings and loan service corporations and mortgage banking subsidiaries of bank holding companies and savings and loan holding companies.

As noted above, depository institutions are subject to HMDA only if they make federally related mortgage loans. The statutory amendment does not require, as a condition of coverage, that the newly covered entities make federally related mortgage loans. The regulatory definition of "financial institution" would parallel the statute, with the "federally related loan" limitation applying only to depository institutions.

The new definition also addresses the coverage of industrial banks. Industrial banks, which are also known by other terms such as industrial loan companies or industrial loan and thrift companies, are not among the types of institutions currently referred to in the definition of "depository institution." In recent years, however, industrial banks have taken on many of the characteristics of commercial and savings banks. Some industrial banks accept time and savings deposits and offer NOW accounts; and they often use other types of savings instruments (such as thrift certificates and investment certificates) that are defined as deposits by the Depository Institutions Act of 1982 and that are eligible for FDIC insurance. Industrial banks may also become members of the Federal Reserve System. Because of these similarities, the Board proposes to revise the definition of "financial institution" to include industrial banks.

The Board also proposes to treat majority-owned subsidiaries of depository institutions as independent financial institutions for purposes of the regulation. Doing so would increase their reporting burden somewhat. Given the revised branch office definition, these subsidiaries would be required to itemize loan data for every MSA in which they have an office for taking loan applications. Treating them as independent entities, however, would produce a consistent rule for all mortgage banking subsidiaries, whether the parent is a holding company or a depository institution. Consequently, the Board proposes to define any subsidiary of a financial institution as a financial institution in its own right, in § 203.2(e)(2). (Under § 203.4(a), a subsidiary could report on a consolidated basis with the parent institution or separately.) The Board requests comment regarding the impact of the increased itemization, including any additional costs.

Home improvement and home purchase loans. The definitions of "home improvement loan" and "home purchase loan," currently in § 203.2 (e) and (f), have been clarified and now appear as § 203.2 (f) and (g). Old footnotes 2 and 3 have been incorporated into the definition of "home improvement loan."

The parenthetical in the first sentence of existing § 203.2(f), regarding the types of dwellings to which the definition applies, has been revised to refer only to those types about which a question might arise. The second sentence, which expressly excludes from the definition temporary financing and the purchase of an interest in a pool of mortgage loans (such as mortgage participation certificates issued by the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or the Farmers Home Administration) has been deleted. The exclusion of these particular arrangements now appears in § 203.4(c), with other excluded categories.

The current and the revised definitions of home purchase loan are limited to loans for the purchase of "residential real property." A home improvement loan, in contrast, is defined in terms of "residential dwelling," raising questions about differences in coverage since "dwelling" may include residential structures such as mobile homes that are not classified as real property in some states. The Board requests comment on whether, in

the final version of the regulation, dwelling units such as mobile or manufactured homes should be covered under either the home improvement or the home purchase loan definition, or both.

Metropolitan statistical area. The term "standard metropolitan statistical area," which is obsolete, has been replaced with the term "metropolitan statistical area" (MSA), defined in § 203.2(h). The meaning is unchanged, and includes primary metropolitan statistical areas (PMSAs).

Section 203.3 Exempt institutions.

Section 203.3 excludes from the coverage of the regulation small institutions, institutions without offices in MSAs, and those that are subject to a similar state law and have been granted an exemption from the Federal law.

The provisions of this section have been reorganized and the language clarified; the substantive rules remain unchanged. Material relating to state law exemptions has been grouped together in § 203.3(b). A new § 203.3(b)(2) has been added to indicate that a state or a financial institution may apply to the Board for an exemption from the regulation based on the existence of a similar state disclosure law. This reference replaces the detailed discussion in current Appendix B (which the Board proposes to delete) about the filing of applications for state exemptions.

Section 203.4 Compilation of loan data.

Section 203.4 specifies loan data that is to be included in or excluded from disclosure statements. It sets forth the requirements for itemization of loan data by census tract or county and by type of loan, and is the basis for the detailed instructions that accompany the reporting forms contained in the revised Appendix A.

The provisions of this section have been revised for clarification. Obsolete material in footnotes 4, 5, 6, and 7 has been deleted, and information that is still relevant has been moved to the instructions for the reporting forms.

A provision has been added in § 203.4(a)(2) to permit mortgage banking subsidiaries of depository institutions to report either separately or on a consolidated basis with their parent institution. Currently, they are required to file a consolidated report under existing § 203.2(c), which defines "depository institution."

Section 203.4(c) lists types of loan to be excluded from the disclosures. The first six, listed in paragraph (c)(1), apply both to depository institutions and to the newly covered entities. Three of them are the exclusions listed in existing § 203.4(c). Two of the three others (temporary financing and the purchase of an interest in a pool of loans) have been moved into revised § 203.4 from the definition of "home purchase loan" in existing § 203.2(f).

The sixth exclusion applicable to all institutions is set forth in § 203.4(c)(1)(vi) and relates to the purchase of loan servicing rights. The purchase of servicing rights in secondary market transactions is a practice common among mortgage bankers. When loans are sold, for example, the buyer may issue securities backed by a pool of loans that it has acquired. The right to service the loans, however, may be retained by the seller/originator of the mortgages. These servicing rights may later be transferred from one institution to another for a purchase price that is usually a small percentage (such as 1 or 2 percent) of the value of the underlying loans.

The act and regulation require institutions to report data on mortgage loans that they purchase. The Board believes that a covered institution's purchase of these servicing rights does not accurately reflect the extent to which an institution has made mortgage credit available in a community. Accordingly, the revised regulation would exclude from the reporting requirement the purchase of servicing rights to mortgage loans.

The final exclusion, contained in § 203.4(c)(2), applies only in the case of mortgage banking subsidiaries and savings and loan service corporations. That section excludes from the reporting requirement loans that are insured under Title I or II of the National Housing Act (that is, FHA-insured home improvement and home purchase loans); it implements new section 304(g) of HMDA, which expressly provides for their exclusion. (Under section 311 of HMDA, data on FHA-insured loans made by these types of lenders is to be collected by the U.S. Department of Housing and Urban Development.) As discussed under Appendix A, the Board proposes to provide an optional form that could be used by these institutions to disclose their FHA lending activity.

Section 203.5 Disclosure and reporting requirements.

Section 203.5 relates to making loan data available at offices of an institution and reporting the data to supervisory agencies. Changes, none of them substantive, have been made to the language and structure of this section to clarify its requirements. As under the existing provisions, disclosure statements for a given calendar year are due by the following March 31.

Section 203.6 Administrative enforcement; sanctions for violations.

Section 203.6 sets forth rules relating to administrative enforcement. Minor changes to the language and structure of this section have been made to clarify its provisions.

Appendix A—Forms and Instructions

Appendix A of the current regulation, which lists supervisory agencies, has been designated as Appendix B in the revised regulation; and the current Appendix C, containing the mortgage disclosure forms, is now Appendix A.

The revised Appendix A contains two reporting forms and accompanying instructions, plus an optional form. Institutions must use the prescribed format of the appropriate form, either HMDA–1 or new HMDA–2, but they are not required to use the form itself. An institution may, for example, choose to produce a computer printout of its disclosure statement instead.

The HMDA–1 reporting form continues to be the prescribed form for use by depository institutions and their majority-owned subsidiaries. The instructions for completing the form have been expanded significantly to facilitate compliance, but the form itself remains basically unchanged except for minor revisions that do not affect the data compilation. Column headings have been changed to read "total dollar amount" instead of "principal amount," but the data to be reported in these columns remains the same. Accordingly, institutions will not have to make changes in their data processing procedures. A signature line has been added, calling for an officer of the reporting institution to certify the accuracy of the report.

A new form HMDA–2 and accompanying instructions have been added for use by the newly covered institutions. This additional form is intended to avoid confusion since these institutions will not report FHA loans. The Board proposes to provide an optional form, HMDA–2A, that may be used by mortgage banking subsidiaries and service corporations that wish to maintain a public record of their FHA lending activity. Use of the form would be entirely optional; it would not be submitted to supervisory agencies, but instead could be made available to the public at the institution's own offices along with the required HMDA data.

Appendix B—Federal Supervisory Agencies

Appendix B of the current regulation contains detailed material relating to applications for state exemptions. The Board proposes deleting it to simplify the regulation. In its place, a reference to the availability of state exemptions has been added to § 203.3.

Current Appendix A, which lists enforcement agencies, has been designated as Appendix B. The Board proposes to amend the appendix by adding provisions to specify that mortgage banking subsidiaries of bank holding companies shall submit HMDA reports to the Federal Reserve System, and that savings and loan service corporations and mortgage banking subsidiaries of savings and loan holding companies shall submit them to the Federal Home Loan Bank System. This reporting arrangement is appropriate in view of the Federal Reserve's general supervisory responsibility for non-bank subsidiaries of bank holding companies. The same is true, for savings and loan service corporations and mortgage banking subsidiaries of savings and loan holding companies, as to the Federal Home Loan Bank System. Absent such specification, the supervisory agency for all of the newly covered instituions would be the Federal Deposit Insurance Corporation.

In addition, the revised appendix differentiates between federal and state savings banks, to reflect that state savings banks are under the FDIC's jurisdiction and federal savings banks under the FHLBB's jurisdiction.

(6) Economic Impact Statement

The Board's Division of Research and Statistics has prepared an economic impact statement on the proposed revisions to Regulation C. A copy of the analysis may be obtained from Publications Services, Board of Governors of the Federal Reserve System, Washington, DC 20551, at 202–452–3245.

List of Subjects in 12 CFR Part 203

Banks, Banking, Consumer protection, Federal Reserve System, Home Mortgage Disclosure, Mortgages, Reporting and recordkeeping requirements.

(7) Text of Proposed Revisions

Pursuant to the Board's authority under section 305(a) of the Home Mortgage Disclosure Act (12 U.S.C. 2804(a)), the Board proposes to revise 12 CFR Part 203 as follows:

PART 203—HOME MORTGAGE DISCLOSURE

Sec.

Authority: 12 U.S.C. 2801–2810.

§ 203.1 Authority, purpose, and scope.

(a) *Authority.* This regulation is issued by the Board of Governors of the Federal Reserve System ("Board") pursuant to the Home Mortgage Disclosure Act of 1975, as amended (12 U.S.C. 2801 *et seq.*). The information collection requirements have been approved by the U.S. Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and have been assigned OMB No. 7100–0090.

(b) *Purpose.* (1) This regulation carries out the purposes of the Home Mortgage Disclosure Act, which is intended to provide the public with loan data that can be used:

(i) To help determine whether financial institutions are serving the housing needs of their communities; and

(ii) To assist public officials in distributing public sector investments so as to attract private investment to areas where it is needed.

(2) Neither the act nor this regulation is intended to encourage unsound lending practices or the allocation of credit.

(c) *Scope.* This regulation requires financial institutions, as defined in § 203.2(e), to disclose loan data at certain of their offices, and to report the data to supervisory agencies.

(d) *Central data depositories.* Loan data is available to the public at central data depositories located in each metropolitan statistical area. The Federal Financial Institutions Examination Council aggregates loan data for all institutions in each metropolitan statistical area, showing lending patterns by location, age of housing stock, income level, and racial characteristics. A listing of central data depositories can be obtained from the U.S. Department of Housing and Urban Development, Washington, DC 20410, or from any of the agencies listed in Appendix B.

§ 203.2 Definitions.

In this regulation:

(a) *Act* means the Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq.*).

(b) *Branch office* means: (1)(i) Any office of a financial institution that is approved as a branch by the Federal or state supervisory agency; or

(ii) For a financial institution not required to obtain approval for a branch office, any office that takes applications from the public for home purchase or home improvement loans.

(2) The term excludes free-standing automated teller machines and other electronic terminals.

(c) *Federal Housing Authority (FHA), Farmers Home Administration (FmHA), or Veterans Administration (VA) loans* means mortgage loans insured under Title II of the National Housing Act of Title V of the Housing Act of 1949 or guaranteed under Chapter 37 of Title 38 of the United States Code.

(d) *Federally related mortgage loan* means any loan (other than temporary financing such as a construction loan) secured by a first lien on a 1-to-4 family dwelling (including a condominium or a cooperative unit) that:

(1) Is made by a federally insured or regulated institution;

(2) Is insured, guaranteed, or supplemented by any Federal agency; or

(3) Will be sold to the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation.

(e) *Financial institution* means: (1)(i) a commercial bank, savings bank, saving and loan association, building and loan association, homestead association (including a cooperative bank), industrial bank, or credit union that makes federally related mortgage loans;

(ii) A savings and loan service corporation that originates or purchases mortgage loans, a mortgage banking subsidiary of a savings and loan holding company, or a mortgage banking subsidiary of a bank holding company; or

(2) A majority-owned subsidiary of any financial institution.

(f) *Home improvement loan* means: (1) Any loan, including a refinancing, that:

(i) Is stated by the borrower (at the time of the loan application) to be for the purpose of repairing, rehabilitating, or remodeling a residential dwelling located in a state; and

(ii) Is classified by the financial institution as a home improvement loan.

(2) In the case of a first-lien home improvement loan, an institution may categorize the loan as a home purchase loan if it normally classifies first-lean loans in this manner.

(g) *Home purchase loan* means any loan, including a refinancing, secured by and made for the purpose of purchasing

residential real property (including condominiums or cooperatives) located in a state.

(h) *Metropolitan statistical area* or *MSA* means either a metropolitan statistical area or a primary metropolitan statistical area, as defined by the U.S. Office of Management and Budget.

(i) *State* means any state of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 203.3 Exempt institutions.

(a) *Exemption based on asset size or location.* (1) A financial institution is exempt from all requirements of this regulation if on the preceding December 31:

(i) Its total assets are $10,000,000 or less; or

(ii) It has neither a home office nor a branch office in an MSA.

(2) An institution that subsequently becomes subject to this regulation shall compile loan data beginning with the calendar year following the year in which it becomes subject to the regulation.

(b) *Exemption based on state law.* (1) A state-chartered financial institution is exempt from the requirements of this regulation if the Board determines that the institution is subject to a state disclosure law that contains requirements substantially similar to those imposed by this regulation and contains adequate provisions for enforcement.

(2) Any state, state-chartered institution, or association of such institutions may apply to the Board for an exemption under this paragraph.

(3) For purposes of data aggregation, an institution that is exempt under this paragraph shall submit the data required by the state disclosure law to its state supervisory agency.

(4) An institution that subsequently loses its state law exemption shall compile loan data in compliance with this regulation beginning with the calendar year following the year for which it last reported loan data under the state disclosure law.

§ 203.4 Compilation of loan data.

(a) *Data to be included.* (1) A financial institution shall compile data on the number and total dollar amount of home purchase and home improvement loans that it originates or purchases at any time during the calendar year, whether or not the loans are subsequently sold. It shall compile the data in the format prescribed in Appendix A of this regulation.

(2) A financial institution defined in § 203.2(e)(2) may report data either on a consolidated basis with its parent institution or as a separate entity.

(b) *Itemization of data.* A financial institution shall set forth the loan data separately for originations and purchases, and shall itemize the data by census tract or county and by type of loan, as prescribed below. It shall use the MSA boundaries, defined by the U.S. Office of Management and Budget, as of January 1 of the calendar year for which the data are compiled, and shall use the census tract maps in the most recent census tract series prepared by the U.S. Bureau of the Census.

(1) *Geographic itemization.* (i) For each MSA in which the institution has a home or branch office, the institution shall itemize the loan data for the MSA by the census tract in which the property purchased or improved is located, except that it shall instead itemize by county if the property is located in an area that has not been assigned census tracts or is located in a county with a population of 30,000 or less. If a census tract number is duplicated within an MSA, the institution shall also identify the tract by county, city, or town name.

(ii) The institution shall list the loan data as an aggregate sum for property located outside an MSA, or located in and MSA where the institution has neither a home nor a branch office.

(2) *Type-of-loan itemization.* The financial institution shall further itemize the loan data within each geographic area by loan category as follows:

(i) FHA, FmHA, and VA home purchase loans on 1-to-4 family dwellings (subject to paragraph (c)(2) of this section);

(ii) Conventional home purchase loans on 1-to-4 family dwellings;

(iii) Home improvement loans on 1-to-4 family dwellings;

(iv) Loans on dwelling for 5 or more families (including both home purchase and home improvement loans); and

(v) Loans, reported in the 1-to-4 family categories, that are made to non-occupant borrowers, but only for loans that are itemized by census tract or country.

(c) *Data to be excluded.* (1) A financial institution shall exclude from its compilation of loan data:

(i) Loans originated or purchased by the financial institution acting in a fiduciary capacity (such as trustee);

(ii) Loans on unimproved land;

(iii) Refinancings in which there is no increase in the outstanding principal, if the institution and the borrower are the same parties on the loan being refinanced as on the existing loan;

(iv) Temporary financing (such as bridge or construction loans);

(v) The purchase of an interest in a pool of mortgage loans (such as mortgage participation certificates); or

(vi) Purchases solely of the right to service loans.

(2) A financial institution defined in § 203.2(e)(1)(ii) shall exclude FHA loans insured under Title I or II of the National Housing Act from its compilation of loan data.

§ 203.5 Disclosure and reporting requirements.

(a) *Time requirements for disclosure statement.* By March 31 following the calendar year for which the data are compiled, a financial institution shall:

(1) Make its loan data disclosure statement available to the public, and shall continue to make it available for five years from that data; and

(2) Send two copies of its statement to the agency specified in Appendix B of this regulation.

(b) *Availability to the public.* (1) A financial institution shall make a complete disclosure statement available at its home office; and

(2) If it has branch offices in other MSAs, shall make a statement available in at least one branch office in each of those MSAs; the statement at a branch office need only contain data relating to property located in the MSA where the branch office is located.

(3) A financial institution shall make its disclosure statement available for inspection or copying during the hours the office is normally open to the public for business. A financial institution that provides photocopying facilities may impose a reasonable charge for this service.

(c) *Notice of availability.* A financial institution shall post a general notice about the availability of its disclosure statement in the lobbies of its home office and any of its branch offices that are located in MSAs. Upon request, it shall promptly provide the location of the institution's offices where the disclosure statement is available.

§ 203.6 Administrative enforcement; sanctions for violations.

(a) *Administrative enforcement.* Compliance with the act and this regulation in enforced by the agencies listed in Appendix B of this regulation.

(b) *Sanctions for violations.* (1) A violation of the act or this regulation is subject to administrative sanctions as provided in section 305(c) of the act.

(2) An error in compiling or disclosing loan data is not a violation of the act or this regulation if the error was

unintentional and resulted from a bona fide mistake despite the maintenance of procedures reasonably adapted to avoid such an error.

Appendix A—Forms and Instructions

Instructions to Depository Institutions and Their Subsidiaries for Completing Form HMDA–1, "Mortgage Loan Disclosure Statement"

Who Must Use This Form

1. A depository institution (and any majority-owned subsidiary of a depository institution) must complete this HMDA–1 form to disclose loan data for the current calendar year if on the preceding December 31 it:

a. Had assets of more than $10 million, and

b. Was located in a metropolitan statistical area (MSA) or a primary metropolitan statistical area (PMSA).

2. Example: If on December 31, 1987, your assets exceeded $10 million, you must compile data for all home purchase and home improvement loans that you originate or purchase during calendar year 1988.

3. Your institution need not complete this form—even though it meets the tests on asset size and location—if it makes no first-lien mortgage loans on 1-to-4 family dwellings during the current calendar year (the year for which the data are compiled).

4. A subsidiary of a depository institution may file a consolidated report with its parent or may file a separate report. (See "Consolidated Reporting" below.)

You must use the format of the HMDA–1 form, but you are not required to use the form itself. For example, you may produce a computer printout of your disclosure statement instead.

Who Must Use Other Forms

1. Mortgage banking subsidiaries of bank holding companies or savings and loan holding companies and savings and loan service corporations must use the form HMDA–2, instead of the HMDA–1.

2. Institutions exempted by the Federal Reserve Board because they are covered by a similar state law on mortgage loan disclosures must use the disclosure form required by their state law.

When and Where Statement is Due

1. You must send two copies of your disclosure statement to the regional office of your federal supervisory agency no later than March 31 following the calendar year for which the loan data are compiled.

2. You also must make your disclosure statement available no later than March 31 for inspection by the public at your home office and, if you have branches in other MSAs, at one branch in each of these MSAs.

Data to Be Shown

1. Show the data on home purchase and home improvement loans that you originated or purchased during the calendar year covered by the statement. Show the data on originations and purchases even if the loans were subsequently sold.

2. Show the number of loans and the total dollar amount of loans for each category on the statement. For home purchase loans that you originate, "total dollar amount" means the original principal amount of the loan. For home purchase loans that you purchase, "total dollar amount" means the unpaid principal balance of the loan at time of purchase. For home improvement loans (both originations and purchases), you may include unpaid finance charges in the "total dollar amount."

3. Round all dollar amounts to the nearest thousand ($500 should be rounded up), and show in terms of thousands.

4. Report data in Part A for loans originated and in Part B for loans purchased. Complete both parts even if you have no loans to report in one of the two parts.

Data to Be Excluded

Do not report the following types of loans:

1. Loans that, although secured by real estate, are made for purposes other than than for home purchase or home improvement (for example, do not report a loan secured by residential real property for purposes of financing education, a vacation, or business operations);

2. Loans made or purchased in a fiduciary capacity (for example by your trust department);

3. Loans on unimproved land;

4. Refinancing of loans you originated if they involve no increase in the outstanding principal (provided the borrowers remain the same);

5. Construction loans and other temporary financing;

6. Purchase of an interest in a pool of mortgage loans such as mortgage participation certificates; or

7. Purchases solely of the right to service loans.

Geographic Itemization (Breakdown of Loan Data for each MSA or PMSA by Census Tract or County and of Loan Data in the Outside-MSA/PMSA Category)

1. *MSA/PMSA.* Use a separate page for compiling loan data on each MSA or PMSA in which you have a home or branch office. (See item 6 below for treatment of loans on property outside such MSAs/PMSAs). You must use the MSA/PMSA boundaries as defined by the U.S. Office of Management and Budget on January 1 of the calendar year for which the loan data are compiled.

2. *Census tract or county.* For loans on property that is located within one of these MSAs or PMSAs, itemize the data by the census tract in which the property is located, except that you must itemize the data by county instead of census tract when the property is located:

a. in an area that is not divided into census tracts on the U.S. Census Bureau's census tract outline maps (see item 4 below); or

b. in a county with a population of 30,000 or less. To determine population, use the Census Bureau's PC80–1–A population series.

3. *Compilation.* Enter the data for all loans made in a given census tract on the same line, listing the number and total dollar amount in the appropriate columns as described in the instructions for "type-of-loan itemization" below. List the census tracts in numerical sequence. Do the same for loans made in a given county.

4. *Census tract maps.* To determine census tract numbers, consult the U.S. Census Bureau's census tract outline maps. You may use the maps of the appropriate MSAs/PMSAs in the Census Bureau's PHC80–2 series for the 1980 census, or use equivalent census data from the Census Bureau (such as GBF/DIME files) or from a private publisher.

5. *Duplicate census tract numbers.* If you have a home or branch office in the New York City PMSA, note that there are duplicate census tract numbers in New York City. There may also be duplicate numbers in other MSAs or PMSAs. When reporting loan data in these cases, you must indicate the county, city, or town name in addition to the tract number.

6. *Outside-MSA/PMSA.* If the loans are for property that is located outside those MSAs or PMSAs in which you have a home or branch office (or outside any MSA or PMSA), report the loan data as an aggregate sum in Section 2 of the form. You do not have to itemize these loans by census tract or county (but you will have to itemize the data by type of loan, as described in the next section).

Type-of-Loan Itemization (Breakdown of Each Geographic Grouping Into Loan Categories—Columns A–E)

Column A: FHA, FmHA, and VA loans on 1-to-4 family dwellings.

1. Report in Column A loans made for the purpose of purchasing residential real property for 1 to 4 families if the loans are secured by either first or junior liens and if they are insured or guaranteed by FHA, FmHA, or VA. Include refinancings (but see item 4 under "Data to be Excluded").

2. Do not include any FHA Title I (home improvement) loans in Column A; these loans are to be entered in Column C.

3. At your option, you may report in Column A any FHA, FmHA, or VA loans that are made for home improvement purposes but are secured by a first lien, if you normally classify first-lien loans as purchase loans.

Column B: Conventional home purchase loans on 1-to-4 family dwellings.

1. Report in Column B conventional loans (all loans other than FHA, FmHA, and VA loans) made for the purpose of purchasing residential real property for 1-to-4 families if the loans are secured by either first or junior liens. Include refinancings (but see item 4 under "Data to be Excluded").

2. At your option, you may report in this column any conventional loans that are made for home improvement purposes but that are secured by a first lien, if you normally classify first-lien loans as purchase loans.

Column C: Home improvement loans on 1-to-4 family dwellings.

1. Report in Column C only loans, including refinancings, that:

a. are to be used for repairing, rehabilitating, or remodeling residential dwellings, and

b. are recorded on your books as home improvement loans.

2. Include home equity loans or lines of credit in Column C only if they meet these two tests. Show the amount as recorded on your books.

3. Include both secured and unsecured loans.

4. You may include unpaid finance charges in the "total dollar amount."

Column D: Loans on multi-family dwellings (5 or more families).

1. Report in Column D loans on dwellings for 5 or more families.

2. Include loans for home purchase and loans for home improvement in the same column.

Column E: Non-occupant loans on 1-to-4 family dwellings.

1. Report in Column E any home purchase and home improvement loans on 1-to-4 family dwellings (listed in columns A, B, and C) that were made to borrowers who indicated at the time of the loan application that they did not intend to use the property as a principal dwelling.

2. Do not complete Column E for loans that you report under Section 2 (Loans on All Property Located Elsewhere), in either Part A (Originations) or Part B (Purchases).

3. In completing Part B, you may assume that a loan purchase does not fall within this non-occupant category, unless your records contain information to the contrary.

Consolidated Reporting

1. If you are the subsidiary of a depository institution, you may merge your loan data into a joint report with your parent or prepare a separate report.

2. Whether you prepare a joint or a separate report, you must give the geographic breakdown for loans on property within MSAs or PMSAs based on the location of the offices at which you take loan applications from the public, rather than based on where your parent has home or branch offices.

3. Example: If your parent has branches in the New York City PMSA but all your loan offices are in Philadelphia, you will itemize data by census tract (or county) only for the Philadelphia PMSA. You will show loan data as an aggregate sum for loans on property located outside the Philadelphia MSA—even if the property is in New York City.

BILLING CODE 6210-01-M

MORTGAGE LOAN DISCLOSURE STATEMENT, FORM HMDA-1
FOR USE BY: • DEPOSITORY INSTITUTIONS
• SUBSIDIARIES OF DEPOSITORY INSTITUTIONS

OMB No. 710-0090
Approval expires June 1990
This report is required by law (12 USC 2801-2810 and 12 CFR 203)

Part A—Originations Report for loans made in 19___

Control Number (agency use only)

Reporting Institution

Name

Address

Enforcement Agency for this Institution

Name

Address

MSA/PMSA (location of property)

Name

Number

Section 1—Loans on Property Located within those MSAs/PMSAs in which Institution has Home or Branch Offices

CENSUS TRACT (in numerical sequence) Where Property Located or COUNTY (name) Where Property Located	Loans on 1-to-4 Family Dwellings						Loans on Multi-family Dwellings for 5 or More Families (home purchases and home improvement)		Non-occupant Loans on 1-to-4 Family Dwellings from columns A, B and C	
	Home Purchase Loans				Home Improvement Loans					
	FHA, FmHA, and VA A		Conventional B		C		D		E	
	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)
MSA/PMSA TOTAL										

Section 2—Loans on All Property Located Elsewhere

Name of Certifying Officer

Name of Person Completing Form

Telephone Number (include Area Code and Extension)

MORTGAGE LOAN DISCLOSURE STATEMENT, FORM HMDA-1
FOR USE BY: • DEPOSITORY INSTITUTIONS
• SUBSIDIARIES OF DEPOSITORY INSTITUTIONS

Part B—Purchases Report for loans made in 19___

Control Number (agency use only)
|_|_|_|_|_|_|_|_|-|_|_|_|_|-|_|_|

Reporting Institution

Name

Address

Enforcement Agency for this Institution

Name

Address

MSA/PMSA (location of property)

Name

Number

Section 1—Loans on Property Located within those MSAs/PMSAs in which Institution has Home or Branch Offices

CENSUS TRACT (in numerical sequence) Where Property Located or COUNTY (name) Where Property Located	Loans on 1-to-4 Family Dwellings: Home Purchase Loans: FHA, FmHA, and VA (A)		Loans on 1-to-4 Family Dwellings: Home Purchase Loans: Conventional (B)		Loans on 1-to-4 Family Dwellings: Home Improvement Loans (C)		Loans on Multi-family Dwellings for 5 or More Families (home purchases and home improvement) (D)		Non-occupant Loans on 1-to-4 Family Dwellings from columns A, B and C (E)	
	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)
MSA/PMSA TOTAL										

Section 2—Loans on All Property Located Elsewhere

Name of Certifying Officer

Name of Person Completing Form

Telephone Number (include Area Code and Extension)

BILLING CODE 6210-01-C

Instructions to Mortgage Banking Subsidiaries of Holding Companies and to Savings and Loans Service Corporations for Completing Form HMDA–2, "Mortgage Loan Disclosure Statement"

Who Must Use This Form

1. Mortgage banking subsidiaries of bank holding companies and of savings and loan holding companies, and savings and loan service corporations that originate or purchase mortgage loans, must complete this HMDA–2 form to disclose loan data for the current calendar year if on the preceding December 31, they:

a. had assets of more than $10 million,

b. were located in the metropolitan statistical area (MSA) or a primary metropolitan statistical area (PMSA).

2. Example: If on December 31, 1987, your assets exceeded $10 million, you must compile data for all home purchase and home improvement loans that you originate or purchase during calendar year 1988.

You must use the format of the HMDA–2 form, but you are not required to use the form itself. For example, you may produce a computer printout of your disclosure statement instead.

Who Must Use Other Forms

1. Depository institutions and their subsidiaries must use the form HMDA–1, instead of the HMDA–2.

2. Institutions exempted by the Federal Reserve Board because they are covered by a similar state law on mortgage loan disclosures must use the disclosure form required by their state law.

When and Where Statement is Due

1. You must send two copies of your disclosure statement to the regional office of your federal supervisory agency no later than March 31 following the calendar year for which the loan data are compiled.

2. You also must make your disclosure statement available no later than March 31 for inspection by the public at your home office and, if you have branches in other MSAs, at one branch in each of these MSAs.

Data to Be Shown

1. Show the data on home purchase and home improvement loans that you originated or purchased during the calendar year covered by the statement. Show the data on loan originations and purchases even if the loans were subsequently sold.

2. Show both the number of loans and the total dollar amount of loans for each category on the statement. For home purchase loans that you originate, "total dollar amount" means the original principal amount of the loan. For home purchase loans that you purchase, "total dollar amount" means the unpaid principal balance of the loan at time of purchase. For home improvement loans (both originations and purchases), you may include unpaid finance charges in the "total dollar amount."

3. Round all dollar amounts to the nearest thousand ($500 should be rounded up), and show in terms of thousands.

4. Report data Part A for loans originated and in Part B for loans purchased. Complete both parts even if you have no loans to report in one of the two parts.

Data To Be Excluded

Do not report the following types of loans:

1. Loans that, although secured by real estate, are made for purposes other than for home purchase or home improvement (for example, do not report a loan secured by residential real property for purposes of financing education, a vacation, or business operations);

2. Loans made or purchased in a fiduciary capacity;

3. Loans on unimproved land;

4. Refinancings of loans you originated if they involve no increase in the outstanding principal (provided the borrowers remain the same);

5. Construction loans and other temporary financing;

6. Purchase of an interest in a pool of mortgage loans such as mortgage participation certificates;

7. Purchases solely of the right to service loans; or

8. FHA home purchase and home improvement loans. At your option, you may record FHA Loans on the form HMDA–2A, "Optional Record for FHA Loans."

Geographic Itemization (Breakdown of Loan Data for Each MSA or PMSA by Census Tract or County and of Loan Data in the Outside-MSA/PMSA Category)

1. *MSA/PMSA.* Use a separate page for compiling loan data on each MSA or PMSA in which you have a home or branch office. (See item 6 below for treatment of loans on property outside such MSAs/PMSAs). You must use the MSA/PMSA boundaries as defined by the U.S. Office of Management and Budget on January 1 of the calendar year for which the loan data are compiled.

2. *Census tract or county.* For loans on property that is located within one of these MSAs or PMSAs, itemize the data by the census tract in which the property is located, except that you must itemize the data by county instead of census tract when the property is located:

a. in an area that is not divided into census tracts on the U.S. Census Bureau's census tract outline maps (see item 4 below); or

b. in a county with a population of 30,000 or less. To determine population, use the Census Bureau's PC80–1–A population series.

3. *Compilation.* Enter the data for all loans made in a given census tract on the same line, listing the number and total dollar amount in the appropriate columns as described in the instructions for "type-of-loan itemization" below. List the census tracts in numerical sequence. Do the same for loans made in a given county.

4. *Census tract maps.* To determine census tract numbers, consult the U.S. Census Bureau's census tract outline maps. You may use the maps of the appropriate MSAs/PMSAs in the Census Bureau's PHC80–2 series for the 1980 census, or use equivalent census data from the Census Bureau (such as GBF/DIME files) or from a private publisher.

5. *Duplicate census tract numbers.* If you have a home or branch office in the New York City PMSA, note that there are duplicate census tract numbers in New York City. There may also be duplicate numbers in other MSAs or PMSAs. When reporting loan data in these cases, you must indicate the county, city, or town name in addition to the tract number.

6. *Outside-MSA/PMSA.* If the loans are for property that is located outside those MSAs or PMSAs in which you have a home or branch office (or outside any MSA or PMSA), report the loan data as an aggregate sum in Section 2 of the form. You do not have to itemize the loans by census tract or county; but you will have to itemize the data by type of loan, as described in the next section.

Type-of-Loan Itemizatin (Breakdown of Each Geographic Grounding Int. Loan Categories—Columns A–E)

Column A: FmHA and VA loans on 1-to-4 family dwellings.

1. Report of Column A loans made for the purpose of purchasing residential real property for 1-to-4 families if the loans are secured by either first or junior liens and if they are insured or guaranted by FmHA or VA. Include refinancings (but see item 4 under "Data to be Excluded").

2. At your option, you may report in Column A any FmHA or VA loans that are made for home improvement purposes but are secured by a first lien, if you normally classify first-lien loans as purchase loans.

3. Do not report FHA loans in Column A. At your option, you may record FHA loans on the form HMDA–2A, "Optional Record of FHA loans."

Column B: Conventional home purchase loans on 1-to-4 family dwellings.

1. Report in Column B conventional loans (all loans other than FmHA and VA loans) made for the purpose of purchasing residential real property for 1 to 4 families if the loans are secured by either first or junior liens. Include refinancing (but see item 4 under "Data to be Excluded").

2. At your option, you may report in this column any conventional loans that are made for home improvement purposes but that are secured by a first lien, if you normally classify first-lien loans as purchase loans.

Column C: Home improvement loans on 1-to-4 family dwellings.

1. Report in Column C only loans, including refinancings, that:

a. are to be used for repairing, rehabilitating, or remodeling residential dwellings, and

b. are recorded on your books as home improvement loans.

2. Include home equity loans or lines of credit in Column C only if they meet these two tests. Show the amount as recorded on your books.

3. Include both secured and unsecured loans.

4. You may include unpaid finance charges in the "total dollar amount."

5. Do not report FHA loans in Column C. At your option, you may report FHA loans on the form HMDA–2A, "Optional Record of FHA Loans."

Column D: Loans on multi-family dwellings (5 or more families).

1. Report in Column D all loans on dwellings for 5 or more families, including both loans for home purchase and loans for home improvement.

2. Do not report FHA loans in Column D. At your option, you may report FHA loans on

the form HMDA–2A, "Optional Record of FHA Loans."

Column E: Non-occupant loans on 1-to-4 family dwellings.

1. Report in Column E any home purchase and home improvement loans on 1-to-4 family dwellings (listed in columns A, B, and C) that were made to borrowers who indicated at the time of the loan application that they did not intend to use the property as a principal dwelling

2. Do not complete Column E for loans that you report under Section 2 (Loans on All Property Located Elsewhere), in either Part A (Originations) or Part B (Purchases).

3. In completing Part B, you may assume that a loan purchase does not fall within this non-occupant category, unless your records contain information to the contrary.

BILLING CODE 6210–01–M

MORTGAGE LOAN DISCLOSURE STATEMENT, FORM HMDA-2

FOR USE BY: • MORTGAGE BANKING SUBSIDIARIES OF HOLDING COMPANIES
• SAVINGS AND LOAN SERVICE CORPORATIONS

Part A—Originations Report for loans made in 19___

OMB No. _____
Approval expires _____
This report is required by law (12 USC 2801-2810 and 12 CFR 203)

Control Number (agency use only)

Reporting Institution

Name

Address

Name of Parent Company

Enforcement Agency for this Institution

Name

Address

MSA/PMSA (location of property)

Name

Number

Section 1—Loans on Property Located within those MSAs/PMSAs in which Institution has Home or Branch Offices

CENSUS TRACT (in numerical sequence) Where Property Located or COUNTY (name) Where Property Located	Loans on 1-to-4 Family Dwellings						Loans on Multi-family Dwellings for 5 or More Families (home purchases and home improvement)		Non-occupant Loans on 1-to-4 Family Dwellings from columns A, B and C	
	Home Purchase Loans				Home Improvement Loans					
	FmHA and VA A		Conventional B		C		D		E	
	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)
MSA/PMSA TOTAL										

Section 2—Loans on All Property Located Elsewhere

Name of Certifying Officer

Name of Person Completing Form

Telephone Number (include Area Code and Extension)

MORTGAGE LOAN DISCLOSURE STATEMENT, FORM HMDA-2

FOR USE BY: • MORTGAGE BANKING SUBSIDIARIES OF HOLDING COMPANIES
• SAVINGS AND LOAN SERVICE CORPORATIONS

Part B—Purchases Report for loans made in 19___

Control Number (agency use only)

Reporting Institution

Name

Address

Name of Parent Company

Enforcement Agency for this Institution

Name

Address

MSA/PMSA (location of property)

Name

Number

Section 1—Loans on Property Located within those MSAs/PMSAs in which Institution has Home or Branch Offices

CENSUS TRACT (in numerical sequence) Where Property Located or COUNTY (name) Where Property Located	Loans on 1-to-4 Family Dwellings						Loans on Multi-family Dwellings for 5 or More Families (home purchases and home improvement)		Non-occupant Loans on 1-to-4 Family Dwellings from columns A, B and C	
	Home Purchase Loans				Home Improvement Loans					
	FmHA and VA A		Conventional B		C		D		E	
	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)	No. of Loans	Total Dollar Amount (thousands)
MSA/PMSA TOTAL										

Section 2—Loans on All Property Located Elsewhere

Name of Certifying Officer

Name of Person Completing Form

Telephone Number (include Area Code and Extension)

BILLING CODE 6210-01-C

Instructions to Mortgage Banking Subsidiaries of Holding Companies and to Savings and Loan Service Corporations for Completing Form HMDA–2A, "Optional Record of FHA Loans"

Who May Use This Form

Mortgage banking subsidiaries of bank or saving and loan holding companies are not required to report data on FHA Title I (home improvement) or FHA Title II (home purchase) loans. At their option, however, they may record FHA loans on form HMDA–2A and make the form available to the public along with their HMDA–2 disclosure statement.

Data to be Shown

1. For loans that you originate, see the instructions that are provided for the form HMDA–2 under "Geographic Itemization." Report the number and total dollar amount of FHA home purchase loans in Column 1 and FHA home improvement loans in Column 2. Include loans on both 1-to-4 family dwellings and multi-family dwellings.

2. For loans that you purchase, see the instructions that are provided for the form HMDA–2 under "Geographic Itemization." Report the number and total dollar amount of FHA home purchase loans in Column 3 and FHA home improvement loans in Column 4. Include loans on both 1-to-4 family dwellings and multi-family dwellings.

BILLING CODE 6210–01–M

OPTIONAL MORTGAGE LOAN DISCLOSURE STATEMENT, FORM HMDA-2A

FOR USE BY: • MORTGAGE BANKING SUBSIDIARIES OF HOLDING COMPANIES
• SAVINGS AND LOAN SERVICE CORPORATIONS

Record of FHA loans made in 19__

Institution

Name

Address

Name of Parent Company

Enforcement Agency for this Institution

Name

Address

MSA/PMSA (Location of property)

Name

Number

Section 1 — Loans on Property Located within those MSAs/PMSAs in which Institution has Home or Branch Offices

CENSUS TRACT (in numerical sequence) Where Property Located or COUNTY (name) Where Property Located	FHA Loans Originated				FHA Loans Purchased			
	Home Purchase Loans 1		Home Improvement Loans 2		Home Purchase Loans 3		Home Improvement Loans 4	
	# of Loans	Total Dollar Amount	# of Loans	Total Dollar Amount	# of Loans	Total Dollar Amount	# of Loans	Total Dollar Amount
MSA/PMSA Total								

Section 2 — Loans on All Property Located Elsewhere

BILLING CODE 6210-01-C

Appendix B—Federal Supervisory Agencies

The following list indicates the federal agency responsible for compliance by classes of institutions. Questions should be directed to the appropriate agency.

National Banks

Comptroller of the Currency, Office of Customer and Community Programs, Washington, DC 20219

State Member Banks and Mortgage Banking Subsidiaries of Bank Holding Companies

Federal Reserve Bank serving the district in which the state member bank or mortgage banking subsidiary is located.

Nonmember Insured Banks (except for Federal Savings Banks)

Federal Deposit Insurance Corporation Regional Director for the region in which the bank is located.

Savings Institutions Insured by the FSLIC, Mortgage Banking Subsidiaries of Savings and Loan Holding Companies, Savings and Loan Service Corporations, and Members of the FHLB System (except for State Savings Banks insured by FDIC)

The Federal Home Loan Bank Board Supervisory Agent in the disrict in which the institution is located.

Credit Unions

Office of Consumer Affairs, National Credit Union Administration, 1776 G Street NW., Washington, DC 20456.

Other Financial Institutions

Federal Deposit Insurance Corporation Regional Director for the region in which the institution is located.

By order of the Board of Governors of the Federal Reserve System, May 9, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-10716 Filed 5-12-88; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88-NM-30-AD]

Airworthiness Directives; McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, and KC-10A (Military) Series Airplanes, Fuselage Numbers 1 Through 400

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to revise an existing airworthiness directive (AD), applicable to McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, and KC-10A (Military) series airplanes, which currently requires a one-time inspection of the inboard and outboard flap vane primary (aft) attach bolts and nuts, and replacement, if necessary. This action would require more detailed repetitive inspections of the attach bolts and nuts, and would provide for an installation that would constitute terminating action for the repetitive inspection requirement of this AD. This proposal is prompted by the inflight loss of portions of the outboard flap vane due to a cracked and corroded nut and missing attach bolt make of H-11 steel. This condition, if not corrected could result in the separation of an inboard or outboard flap vane from the wing.

DATES: Comments must be received no later than July 8, 1988.

ADDRESS: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 88-NM-30-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood, Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1-L00 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the FAA, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Maurice Cook, Aerospace Engineer, Airframe Branch, ANM-121L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California, 90808; telephone (213) 514-6319.

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 mumber 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 (NRRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 88-NM-30-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

On December 16, 1987, FAA issued AD 88-01-05, Amendment 39-5816 (52 FR 48673; December 24, 1987), to require a one-time inspection of the inboard and outboard flap vane primary (aft) attach bolts and nuts, and replacement, if necessary, in accordance with Phase I, Accomplishment Instructions, of McDonnell Douglas DC-10 Alert Service Bulletin No. A57-107, dated June 22, 1987.

That action was prompted by an incident where an operator of a Model DC-10 series airplane lost sections of an outboard flap vane during flight. Investigation revealed that the nut for the primary (aft) bolt attaching the vane to the support at track 2 was severely corroded and split; the primary bolt was not found. The attach bolt and nut were fabricated from high strength steel. Analysis attributed the nut failure to corrosion. Corrosion in the attach bolt and nut assemblies, if not detected and corrected, could lead to loss of the inboard or outboard flaps vanes from the wing.

AD 88-01-05 was issued without public notice, due to its emergency status. Accordingly, long term inspection requirements were not included in the AD since public notice must be provided for such action.

The FAA has reviewed and approved McDonnell Douglas Service Bulletin A57-107, Revision 1, dated June 26, 1987, and Revision 2, dated September 3, 1987, which described procedures for inspection and replacement, if necessary, of corroded, cracked, or broken flap vane primary attach nuts and bolts.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would revise AD 88-01-05 to require repetitive inspections and replacement, if necessary, of these nuts and bolts, in accordance with Phase II of

the service bulletins previously mentioned. In addition, replacement of the bolts with Inconel bolts, and replacement of the nuts with A286 CRES nuts, in accordance with Phase III of the McDonnell Douglas service bulletins, would constitute terminating action for the repetitive inspection requirements of the proposed AD.

It is estimated that 213 airplanes of U.S. registry would be affected by this AD, that it would take approximately 6 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The cost of replacements parts would be $1,800 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $434,520.

The regulations set forth in this notice would be promulgated pursuant to the authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, et seq.), which statute is construed to preempt state law regulating the same subject. Thus in accordance with Executive Order 12612, it is determined that such regulations do not have federalism implications warranting the preparation of a Federalism Assessment.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have significant economic impact, positive or negative, on a substantial number of small entities because few, if any, Model DC–10 series airplane are operated by small entities. A copy of draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By revising AD 88–01–05, Amendment 39–5816 (52 FR 48673; December 24, 1987), as follows:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–10–10, –10F, –15, –30, –30F, –40, and KC–10A (Military) series airplanes, Fuselage Numbers 1 through 400, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent inboard and outboard flap vane separation due to loose, broken or corroded primary (aft) attach bolts or nuts, accomplish the following:

A. Within 15 days after the effective date of Amendment 39–5816 (January 20, 1988), unless accomplished since June 6, 1987, inspect the flap vane primary (aft) attach bolts and nuts in accordance with the Phase I, Accomplishment Instructions, of McDonnell Douglas DC–10 Alert Service Bulletin No. A57–107, dated June 22, 1987.

B. Within 60 days after the effective date of this amendment, unless accomplished since June 6, 1987, and thereafter at intervals not to exceed two years, inspect the flap vane primary (aft) attach bolts and nuts in accordance with the Phase II, Accomplishment Instructions, of McDonnell Douglas DC–10 Alert Service Bulletin No. A57–107, Revision 1, dated June 26, 1987, or Revision 2, dated September 3, 1987.

C. If cracked, broken, or corroded bolts or nuts are found, during the inspections required by paragraphs A., or B., above, before further flight, replace with airworthy bolts and nuts in accordance with Phase I or II, Accomplishment Instructions of McDonnell Douglas DC–10 Alert Service Bulletin No. A57–107, Revision 1, dated June 26, 1987, or Revision 2, dated September 3, 1987.

D. Replacement of primary (aft) inboard and outboard flap vane attach bolts and nuts with Inconel bolts and A286 CRES nuts, in accordance with Phase III, Accomplishment Instructions of McDonnell Douglas DC–10 Alert Service Bulletin No. A57–107, Revision 1, dated June 26, 1987, or Revision 2, dated September 3, 1987, constitutes terminating action for the repetitive inspection requirement of this AD.

E. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1–L00 (54–60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the FAA Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

Issued in Seattle, Washington, on May 3, 1988.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 88–10708 Filed 5–12–88; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 88–AEA–2]

Proposed Establishment of Transition Area, LeRoy, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a transition area at LeRoy, NY, to accommodate a new VOR–A Standard Instrument Approach Procedure to the LeRoy Airport. The proposed establishment of the transition area is to provide additional protected airspace for aircraft departing/arriving under Instrument Flight Rules (IFR).

DATE: Comments must be received on or before June 27, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Glenn A. Bales, Manager, Airspace and Procedures Branch, AEA–530, Federal Aviation Administration, Docket No. 88–AEA–2, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

The official dockets may be examined in the Office of Regional Counsel, Federal Aviation Administration, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building J.F.K. International Airport, Jamaica, New York 11430; Telephone: (718) 917–1230.

FOR FURTHER INFORMATION CONTACT: Glenn A. Bales, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport,

Jamaica, New York 11430; Telephone: (718) 917–1230.

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–AEA–2." 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 the 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 NPRMs

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of Regional Counsel, AEA–7, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs 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 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area at LeRoy, NY, to accommodate a new VOR-A Standard Instrument Approach Procedure that has been developed to the LeRoy Airport. On February 9, 1987, the FAA circularized a notice [Airspace Case No. 86–AEA–019–NR), advising the public of the new VOR-A approach. In terested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. The proposed establishment of the transition area is to provide protected airspace for aircraft arriving and departing under Instrument Flight Rules (IFR).

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6D dated January 2, 1988.

The FAA has determined that this amendment 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 71

Aviation safety, Transition area.

The Proposed Amendment

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

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

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

LeRoy, NY [New]

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the center, lat. 42°58'52"N., long. 77°56'20"W., of the airport; and within 3 miles each side of the Geneseo VORTAC, lat. 42°50'04"N., long. 77°43'59"W., 323° radial, extending from the LeRoy Airport 5 mile radius area to eleven (11) miles southeast of the airport; excluding that portion within the Rochester, NY, Transition Area.

Issued in Jamaica, New York, on April 21, 1988.

John D. Canoles,

Manager, Air Traffic Division.

[FR Doc. 88–10707 Filed 5–12–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 88–AGL–5]

Proposed Transition Area Establishment; Salem, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish the Salem, OH, transition area to accommodate a new VOR–A Standard Instrument Approach Procedure (SIAP) to Salem Airpark, Inc. Airport, Salem, OH. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATE: Comments must be received on or before June 6, 1988.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL–7, Attn: Rules Docket No. 88–AGL–5, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Harold G. Hale, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

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 regualtory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88–AGL–5." 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, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, des Plaines, Illinois, 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 Information Center, APA–430, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 426–8058. 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 § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area airspace near Salem, OH.

The development of this new VOR–A SIAP requires that the FAA designate airspace to ensure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight Rule requirements.

Section 71.181 of Part 71 of the Federal Aviation Regulations was repubished in Handbook 7400.6D dated January 4, 1988.

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 71

Aviation safety, Transition areas.

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Salem, OH [New]

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Salem Airpark, Inc. Airport, Salem, OH, (lat. 40°56'55"N. long. 80°51'38"W.), and within 2 miles each side of the Akron, OH VOR/DME 126 radial, extending from the 6-mile radius area to 7 miles northwest of Salem Airpark, Inc. Airport, excluding that portion within the Youngstown, OH, Alliance, OH, and North Lima, OH transition areas.

Issued in Des Plaines, Illinois, on April 21, 1988.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 88–10706 Filed 5–12–88; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 88–AGL–6]

Proposed Transition Area Alteration; Ft. McCoy, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the existing Ft. McCoy, WI, transition area to accommodate both military and civil aircraft utilizing the existing NDB RWY 29 Standard Instrument Approach Procedure (SIAP) to McCoy Army Airfield, Ft. McCoy, WI.

The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

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

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL–7, Attn: Rules Docket No. 88–AGL–6, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Harold G. Hale, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88–AGL–6." 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, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, 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 Information Center, APA–430, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 426–8058. 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 § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the designated transition area airspace near Ft. McCoy, WI.

The present transition area is being modified to accommodate aircraft utilizing the NDB RWY 29 SIAP. The modification consists of retaining the 11 mile radius and eliminating the existing transition area extension and returning that portion of the airspace to a non-controlled status.

McCoy Army Airfield requested the Federal Aviation Administration (FAA) to review a proposal to include the existing McCoy (CMY) Nondirectional Radio Beacon (NDB) into the National Airspace System (NAS). The intent of the action was to provide a dual use military/civil NDB RWY 29 SIAP to McCoy Army Airfield. This review was accomplished under a separate study to the public. The airspace case number was 87–AGL–149–NR.

The modification of the procedure required the FAA to alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6D dated January 4, 1988.

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 71

Aviation safety, Transition areas.

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Ft. McCoy, WI [Revised]

That airspace extending upward from 700 feet above the surface within an 11 mile radius of the McCoy Army Airfield (Lat. 43°57'36" N., Long. 90°44'12" W.) excluding that portion that overlies the La Crosse, WI, transition area.

Issued in Des Plaines, Illinois, on April 25, 1988.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 88–10709 Filed 5–12–88; 8:45am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50, 51, and 58

[AD–FRL–3379–5]

Proposed Decision Not To Revise the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Public hearing announcement.

SUMMARY: On April 26, 1988, EPA proposed not to revise the national ambient air quality standards for sulfur oxides (sulfur dioxide) (53 FR 14926). In that same notice, EPA also solicited public comment on an alternative of adding a 1-hour primary standard of 0.4 ppm as well as other revisions to the remaining standards if EPA promulgated a 1-hour standard. In accordance with section 307(d)(5) of the Clean Air Act, today's notice is to announce a public hearing to be held in Washington, DC for the purpose of receiving public comment on the proposed decision as well as the alternative. EPA will also take public comment at the hearing on the proposed revisions to the significant harm levels and associated episode contingency plan guidance (40 CFR Part 51), the Pollutant Standards Index for SO_2 (40 CFR Part 58), and certain monitoring and reporting requirements (40 CFR Part 58) that were also announced on April 26, 1988 (53 FR 14926).

DATE: The hearing will be on June 10, 1988 beginning at 9:30 a.m.

ADDRESS: The hearing will be held at the Environmental Protection Agency, 401 M Street SW., Education Center Auditorium, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. John H. Haines, Air Quality Management Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Drop 12, Research Triangle Park, NC 27711. Telephone (919) 541–5533 (FTS 629–5533).

SUPPLEMENTARY INFORMATION: Individuals planning to make oral presentations at the hearing should notify John H. Haines, at the above

address, by June 7, 1988. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement before, during, or within 30 days after the hearing. Written statements (duplicate copies preferred) should be addressed to: Central Docket Section (A–130), Environmental Protection Agency, Attn: Docket No. A–84–25, 401 M Street SW., Washington, DC 20460.

A verbatim transcript of the hearing and written statements will be available for inspection (Docket No. A–84–25) between 8: 00 a.m. and 3:00 p.m. on weekdays at the Central Docket Section, Environmental Protection Agency, South Conference Center, Room 4, 401 M Street SW., Washington, DC.

List of Subjects in 40 CFR Part 50

Intergovernmental relations, Air pollution control, Carbon monoxide, Ozone, Sulfur oxides, Particulate matter, Nitrogen dioxide, Lead.

Date: May 9, 1988.

Eileen Claussen

Acting Assistant, Administrator for Air and Radiation.

[FR Doc. 88–10723 Filed 5–12–88; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[General Docket No. 88–96]

Amendment of the Commission's Rules Relative to Allocation of the 849–851/894–896 MHz Bands

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to amend the Commission's Rules to permit use of four megahertz of reserve spectrum at 849–851/894–896 MHz for an air-to-ground service interconnected with the Public Switched Telephone Network (PSTN). This action also proposes licensing policies and technical guidelines for the air-to-ground service. The objective of this action is to satisfy demand for a high-quality, public radiotelephone service aboard commercial aircraft.

DATES: Comments are due July 1, 1988. Reply comments are due August 1, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Julius Knapp, telephone (202) 653–8108 or Rodney Small, telephone (202) 653–8116.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Proposed Rule in General Docket 88–96, FCC 88–66, Adopted February 25, 1988, and Released April 27, 1988.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington DC 20037.

The collection of information requirement contained in this proposed rule has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act. Persons wishing to comment on this collection of information requirement should direct their comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Federal Communications Commisson.

Summary of Proposed Rule

1. In the *Report and Order* adopted on July 24, 1986 in General Docket Nos. 84–1231, 84–1233, and 84–1234 (51 FR 37398; 10/22/86), the Commission allocated 28 megahertz of 800/900 MHz land mobile reserve spectrum to various services, but left the 849–851/894–896 MHz bands temporarily unallocated. The Commission stated that the 849–851/894–896 MHz bands would be considered for either a joint Canadian/United States mobile satellite system or a variety of other possible services. The two services specifically mentioned were Basic Exchange Telecommunications Radiotelephone Service (BETRS) and air-to-ground service interconnected with the PSTN.

2. The United States and Canadian Governments have held extensive discussions on possible use of the 849–851/894–896 MHz bands as an adjunct to a joint United States/Canadian mobile satellite system operating at L-band (1545–1558.5/1646.5–1660 MHz). At this time there appears to be little prospect of agreement on use of the four megahertz in a joint system. We remain convinced that a joint United States/Canadian mobile-satellite system can be implemented entirely in the L-band. We therefore conclude that the 849–851/894–896 MHz bands are better allocated for other purposes.

3. We are disinclined to allocate this spectrum for services that have already received an allocation from the land mobile reserve. Specifically, we have already allocated spectrum in the 800/900 MHz region for the cellular service and the private land mobile services, including public safety services. We have taken several actions to ensure that additional requirements for these services are satisfied first by implementing spectrum efficiency in the existing 800/900 MHz allocations rather than through allocation of additional spectrum. Further, we have recently allocated spectrum outside of the land mobile reserve for BETRS.

4. We therefore believe that an air-to-ground interconnected service may be the most appropriate allocation of the remaining four megahertz of reserve spectrum. GTE Airfone, Inc. has operated an experimental air-ground service that seems to demonstrate the technical and economic viability of such a service. Accordingly, we are proposing to allocate the 849–851/894–986 MHz bands for air-to-ground service. We also request comment on whether the public interest would be better served under a more general mobile service allocation. Such an allocation could permit air-to-ground or other types of mobile communications.

5. We are proposing to license two nationwide air-to-ground interconnected systems of two megahertz each. Two systems will foster competition that we believe will provide assurance of quality service at reasonable rates that are responsive to consumer demand. We request comment on whether the service should be regulated as common carriage or private telecommunications. In either case, we believe that the service would not be subject to state entry or rate regulation. We propose to establish only minimal technical standards to ensure that harmful interference is not caused to other services. We are also proposing to permit air-to-ground licensees to offer ancillary services. Finally, we are proposing criteria for selection of licensees.

6. This proceeding suggests a proposal which may significantly impact on small entities. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 603, public comment is requested on the initial regulatory flexibility analysis set out in the Commission's complete decision.

7. The proposals contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose a new or modified information collection requirement on the public. Implementation of any new or modified requirement will be subject to approval by the Office of Management and Budget as prescribed by the Act.

8. This is a non-restricted notice and comment rule making proceeding. *See* § 1.1231 of the Commission's Rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

9. This action is taken pursuant to 47 U.S.C. 154(i), 303(c), 303(f), 303(g), and 303(r).

List of Subjects in 47 CFR Part 2

Table of frequency allocations.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-10690 Filed 5-12-88; 8:45 am]

BILL CODE 6712-01-M

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47 CFR Part 15

[General Docket No. 87-389]

Operation of Radio Frequency Devices Without an Individual License

AGENCY: Federal Communications Commission.

SUMMARY: This action extends the time for filing reply comments to the Notice of Proposed Rule Making (NPRM) in General Docket No. 87-389, Revision of Part 15 of the Commission's Rules regarding the operation of radio frequency devices without an individual license. (Published in the **Federal Register** at 52 FR 47615, December 15, 1987). This action is in response to Motions for Extension of Time filed by the Consumer Electronics Group of the Electronic Industries Association and for other parties. They requested additional time to prepare carefully analyzed and reasoned replies, particularly in light of the late-filed comments by the U.S. Department of Commerce. The Commission is extending for filing reply comments by 30 days.

DATE: Reply comments are due June 8, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John A. Reed, telephone (202) 653-7313.

SUPPLEMENTARY INFORMATION: This action is taken pursuant to authority contained in 47 CFR 0.241(a)(1) and (a)(5).

Order Extending Time to File Reply Comments

Adopted: April 25, 1988.
Released: May 3, 1988.

In the Matter of Revision of Part 15 of the rules regarding the operation of radio frequency devices without an individual license; GEN Docket No. 87-389; RM-5193, RM-5250, and RM-5575.

By the Chief Engineer:

1. A Notice of Proposed Rule Making in the above entitled proceeding, FCC 87-300, was adopted by the Commission on September 17, 1987, and released on October 2, 1987. Comments in this proceeding were due March 7, 1988. Reply comments are due May 9, 1988.

2. Since release of the Notice, the Consumer Electronics Group of the Electronic Industries Association, the American Council of Independent Laboratories, the Door Operator and Remote Controls Manufacturers Association, and the Chamberlain Group, Inc. have filed Motions for Extension of Time for the filing of reply comments with the Commission. These petitions expressed basically the same opinion. Due to the extremely complex technical issues involved in this proceeding, the large number of commenting parties and the late filed comments by the U.S. Department of Commerce/National Telecommunications and Information Administration (DOC/NTIA), 60 days additional time is needed to adequately analyze and reply to the comments filed in this proceeding.

3. In addition to the above four petitions, the Linear Corporation (Linear) has requested that the Commission issue a Further Notice of Proposed Rule Making in the above entitled proceeding. Alternatively, Linear requested that the Commission extend the period for filing reply comments until June 7, 1988.

4. The decision as to whether to release a Further Notice of Proposed Rule Making or a Report and Order cannot be made by the Commission until all of the comments and reply comments have been received and analyzed. Thus, the petition from Linear is premature and must be denied. However, because of the technical nature of this proceeding, our desire to have a fully developed record before us, and, in particular, the late filing by DOC/NTIA, it is believed that the concerns of the commenters can be resolved by extending the reply comment date by 30 days. Accordingly, *it is ordered*, pursuant to the authority contained in 47 CFR 0.241(a)(5), that the period of time for the filing of reply comments *is extended* until June 8, 1988. *It is further ordered*, pursuant to the authority contained in 47 CFR 0.241(a)(1), that the request from Linear to issue a Further Notice of Proposed Rule Making is *denied*.

Thomas P. Stanley,

Chief Engineer.

[FR Doc. 88-10673 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-179, RM-6034]

Radio Broadcasting Services; Eufaula, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Paul H. Reynolds and Virgle Leon Strickland, seeking the allotment of Channel 250A to Eufaula, Alabama, as that community's second local FM service.

DATES: Comments must be filed on or before June 24, 1988, and reply comments on or before July 11, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Paul H. Reynolds, 425 N. College St., Greenville, AL 36037, and Virgle Leon Strickland, P.O. Box 116, Enterprise, AL 36331-0116.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-179, adopted April 4, 1988, and released May 3, 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CF 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88-10685 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-178, RM-6118]

Radio Broadcasting Services; Kremmling, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Grand Lake Broadcasting, Inc., licensee of Station KTLD-FM (Channel 292A), Kremmling, Colorado, seeking the substitution of Channel 292C2 for Channel 292A and modification of its license accordingly, to provide that community with its first wide coverage area RM service.

DATES: Comments must be filed on or before June 24, 1988, and reply comments on or before July 11, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Robert L. Olender, Esq., Baraff, Koerner, Olender & Hochberg, P.C., 2033 M Street NW., Suite 203, Washington, DC 20036.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-178, adopted April 4, 1988, and released May 3, 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88-10687 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-124, RM-6073]

Radio Broadcasting Services; Moss Point, MS & Jackson, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule and order to show cause.

SUMMARY: This document requests comments on a petition filed by Jackson County Broadcasters, Inc., proposing the substitution of FM Channel 285C2 for Channel 285A at Moss Point, Mississippi, and modification of the license of Station WKKY(FM) to reflect the higher class of channel. Channel 285C2 at Moss Point requires a site restriction 23.4 kilometers east of the community. The site restricted coordinates are 30-20-58 and 88-16-00. The substitution at Moss Point requires substitution of FM Channel 233A for Channel 285A at Jackson, Alabama, Station WHOD.

DATES: Comments must be filed on or before June 24, 1988, and reply comments on or before July 11, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: C. Wayne Dowdy, President, Jackson County Broadcasters, Inc., P.O. Box 1789, Pascagoula, Mississippi 39567.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-124, adopted April 21, 1988, and released May 3, 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88-10688 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-189, RM-6284]

Radio Broadcasting Services; Highlands, NC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Mountain-High Broadcasters, Inc. to allocate Channel 283A to Highlands, North Carolina, as the community's first local FM service. Channel 283A can be allocated to Highlands in compliance with the Commission's minimum distance separation requirements with a site restriction of 1 kilometer (0..6 mile) northeast to avoid a short-spacing to Channel 281A at Clayton, Gerogia, which is unoccupied but for which applications are pending. The coordinates for this allotment are North Latitude 35-03-39 and West Longitude 83-11-18.

DATES: Comments must be filed on or before June 27, 1988, and reply comments on or before July 12, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In

addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: William C. Marett, Vice President, Mountain-High Boradcasters, Inc. P.O. Box 1420. Highlands, North Carolina 28741 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88–189, adopted April 6, 1988, and released May 5, 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 contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washignton, DC 20037.

Provisions of the Regulatory Flexibility act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88–10768 Filed 5–12–88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88–187, RM–6215]

Radio Broadcasting Services; Centerville, UT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Radio Property Ventures, licensee of Station KCGL(FM), Channel 289C2, Centerville, Utah, proposing the substitution of Channel 289C1 for Channel 289C2 and modification of its license to specify operation on the higher class co-channel. A site restriction of 14.7 kilometers (9.1 miles) southwest of the city is required.

DATES: Comments must be filed on or before June 27, 1988, and reply comments on or before July 12, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Howard J. Braun, Esquire, Diane L. Mooney, Esquire, Fly, Shuebruk, Gaguine, Boros and Braun, 1211 Connecticut Avenue NW., Washington, DC 20036 (Counsels for petitioner)

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88–127, adopted April 4, 1988, and released May 9, 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that form the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subject in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88–10769 Filed 5–12–88; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88–177, RM–6164]

Radio Broadcasting Services; Ellensburg, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by KXLE, Inc., licensee of Station KXLE–FM, Channel 237A, Ellensburg, Washington, proposing the substitution of Class C2 Channel 237 for Channel 237A at Ellensburg, and modification of the station license accordingly. Concurrence by the Canadian government must be obtained. The coordinates for the proposal are 47–00–00 and 120–31–40.

DATES: Comments must be filed on or before June 24, 1988, and reply comments on or before July 11, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Richard M. Riehl, Esquire, Haley, Bader & Potts, 2000 M Street NW., Suite 600, Washington, DC 20036. (Counsel for petitioner)

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88–177, adopted April 7, 1988, and released May 3, 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible ex parte contact.

For information regarding prior filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Steve Kaminer,

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

[FR Doc. 88-10689 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

48 CFR Parts 1401, 1403, 1415, and 1453

Procurement Ethics

AGENCY: Office of the Secretary, Interior.

ACTION: Proposed rule.

SUMMARY: Conflicts of interest for employees involved, directly or indirectly, in procurement are a serious matter which require a degree of control beyond that for other Department of the Interior employees. Even the appearance of a conflict of interest in a procurement may discourage potential contractors and invite protests or litigation.

Accordingly, we are proposing to strictly prohibit acceptance of any gift, gratuity, favor, entertainment, loan, or anything of monetary value from potential contractors by program and procurement employees who are appointed to perform especially sensitive duties such as evaluating proposals from potential contractors, signing contracts, and monitoring contractor performance; to prohibit acceptance of contractor help in developing specifications except through formal procurement channels; to further restrict contracts with Government employees; and to provide guidance on conflicts of interest for employees who evaluate or render advice on proposals.

DATE: To be considered, comments must be received by July 12, 1988.

ADDRESS: Comments concerning these proposed regulations should be sent to Chief, Division of Acquisition and Assistance, Office of Acquisition and Property Management, U.S. Department of the Interior, Mail Stop 5512, 18th & C Streets NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. William Opdyke on (202) 343-3433.

SUPPLEMENTARY INFORMATION: The proposed additions, deletions and changes are outlined below:

The Department of the Interior Acquisition Regulation would be changed at § 1401.670-2 to include a reference to the limitations in § 1403.101 which is changed to strictly prohibit solicitation or acceptance of any gift, gratuity, favor, entertainment, loan, or anything of monetary value from contractors by contracting officers, contracting officer representatives, or employees who evaluate proposals from potential contractors; to limit acceptance of gifts for the Department; and, to include requirements for notices to be provided affected employees.

Section 1403.602 would be added to restrict the waiver allowed by FAR 3.602 so that exceptions may not be granted to allow the Government to contract with an employee whose duties are directly involved with a particular contract action.

Part 1415 would be changed to add a section 1415.608-70 providing guidance on avoiding conflicts of interest.

Section 1453.215-72 would be added to provide a conflict of interest certificate format for employees who evaluate or render advice on proposals.

Primary Author

The primary author of this rule is Mr. Dale Helms, Office of Acquisition and Property Management, Department of the Interior, telephone (202) 343-3438.

Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act

The Department has determined that this rule is not a major rule under Executive Order 12291 since its primary effects are on the Department's employees and since it merely implements Departmental standards of conduct found in 43 CFR 20.735. Such action is necessary to ensure the integrity of procurement programs within the Department. The Department also certifies that this rule will not have a significant economic effect on a substantial number of small entities or other parties eligible to contract with the Department since it will only affect the Department's employees.

This rule does not contain any new information collection requirements.

List of Subjects in 48 CFR Parts 1401, 1403, 1415, and 1453

Government procurement, Conflicts of interest, Government employees.

Accordingly, 48 CFR Parts 1401, 1403, 1415, and 1453 are proposed to be amended as follows:

Date: April 19, 1988.

Rick Ventura,

Assistant Secretary, Policy, Budget & Administration.

1. The authority citation for 48 CFR Parts 1401, 1403, 1415, and 1453 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c), and 5 U.S.C. 301.

PART 1401—DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION SYSTEM

Subpart 1401.6—Contracting Authority and Responsibilities

2. In section 1401.670-2, paragraph (c) is redesignated as paragraph (d) and a new paragraph (c) is added to read as follows:

1401.670-2 Appointment.

* * * * *

(c) The appointment shall include the notice at 1403.101-70 regarding restrictions on acceptance of gifts and meals.

* * * * *

PART 1403—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Subpart 1403.1—Safeguards

3. Section 1403.101-3 is revised to read as follows:

1403.101-3 Agency regulations.

(a)(1) *Policy.* Department of the Interior regulations governing the conduct and responsibilities of regular and special employees are contained in 43 CFR 20. Authorized exceptions to FAR 3.101-2 are contained in 43 CFR 20.735-7 and 20.735-8. However, with regard to the provisions of 43 CFR 20-735-7, contracting officers, contracting officers' representatives, or employees appointed to evaluate proposals from potential contractors, may not solicit or accept any gift, gratuity, favor, entertainment, loan, or anything of monetary value from a contractor or potential contractor involved in procurements within the employee's responsibility except as authorized by (a)(2) below.

(2) *Exceptions.* Covered employees may:

(i) Accept obvious advertising items that are less than $5.00 in value;

(ii) With prior approval of the head of the contracting activity, attend widely attended public gatherings (including functions where lunch or dinner is served without separate charge) of mutual interest to Government and industry hosted by outside organizations, but not by individual contractors; and,

(iii) Accept, on an occasional basis only, coffee, donuts, and similar refreshments incidental to the performance of duty when the employee is at a contractor's facility.

(b)(1) Notwithstanding the provisions of 43 CFR 20.735-7 employees may not

accept or solicit from any contractor or potential contractor any services which involve the development of specifications, statements of work, evaluation criteria, or formal cost estimates to be used in a procurement unless such services are formally contracted for in accordance with the Federal Acquisition Regulation (FAR), the Department of the Interior Acquisition Regulation (DIAR), and the Federal Information Resources Management Regulation (FIRMR); and until the organizational conflict of interest provisions in FAR Subpart 9.5 have been fully addressed. This does not preclude the issuance of formal Requests for Comment (RFC) by contracting officers.

(2) Automatic Data Processing (ADP) resources shall not be accepted, installed, or utilized by the Department on a no cost, free of charge basis (this includes donated equipment but not public domain software), except as permitted by law. Departmental regulations governing the use of ADP resources on a trial basis are set forth in Part 376, Chapter 4 of the Departmental Manual (376 DM 4).

4. New section 1403.101–70 is added to Subpart 1403.1 to read as follows:

1403.101–70 Notice.

Bureaus shall include a notice similar to the following in all correspondence notifying employees of appointments to serve as contracting officers or contracting officer representatives, or of assignment to evaluate proposals from potential contractors:

Notwithstanding 43 CFR 20.735–7 and except as provided in 1403.101–3(a)(2), the appointee shall not solicit or accept any gift, gratuity, favor, entertainment, loan, or anything of monetary value from a contractor or potential contractor involved in any action for which the employee is responsible under this delegation of authority.

5. A new Subpart 1403.6 and a new section 1403.602 are added to read as follows:

Subpart 1403.6—Contracts With Government Employees or Organizations Owned or Controlled by Them

1403.602 Exceptions.

The head of the contracting activity is authorized to except a contract from the policy in FAR 3.601. However, no exceptions shall be granted where the proposed contractor is owned or controlled by a Government employee or one or more members of the employee's immediate family and the employee or any subordinate is serving as a contracting officer or contracting officer's representative responsible for awarding or administering the proposed contract.

PART 1415—CONTRACTING BY NEGOTIATION

6. New section 1415.608–70 is added to Subpart 1415.6 to read as follows:

1415.608–70 Conflict of interest

(a) Technical evaluators and advisors, including members of proposal evaluation committees, must render impartial, technically sound, and objective assistance and advice to protect the integrity of the evaluation and selection process. 18 U.S.C. 208 prohibits an employee from participating in his or her Government capacity in any matter in which the employee, his or her spouse, minor child, outside business associate, or a person with whom the employee is negotiating for employment, has a financial interest.

(b) Employee Responsibilities and Conduct Regulations of the Department of the Interior are contained in 43 CFR Part 20. Section 20.735–21 prohibits employees from having a direct or indirect financial interest that conflicts substantially or appears to conflict substantially with his or her Government duties and responsibilities. Section 20.735–21 also prohibits employees from engaging in, directly or indirectly, a financial transaction resulting from, or primarily relying on, information obtained through his or her Government employment. In addition, other regulations concerning conflicts of interest involving employees of specific bureaus and offices are contained in 43 CFR 20.735–22(c).

(c) With the exception of contracting personnel, proposal evaluators and advisors are not required to file a Statement of Employment and Financial Interest (DI–212) unless they occupy positions identified in 43 CFR 20.735–30(b). Therefore, each evaluator and advisor must sign and return to the contracting officer a Conflict of Interest Certificate (or a bureau substitute approved by the head of the contracting activity) in the format prescribed in 1453.215–72 before evaluating or advising on a potential contractor's proposal.

(d) During the evaluation process, each evaluator and advisor is reponsible for assuring that there are no financial or employment interests which conflict or give the appearance of conflicting with his or her duty to evaluate proposals impartially and objectively. Examples of situations which may be prohibited or represent a potential conflict of interest include:

(1) Financial interest, including stocks and bonds, in a firm which submits, or is expected to submit, an offer in response to the solicitation;

(2) Outstanding financial commitments to any offeror or potential offeror;

(3) Employment in any capacity, even if otherwise permissible, by an offeror or potential offeror;

(4) Employment within the last 12 months by any offeror or potential offeror;

(5) Any non-vested pension or reemployment rights, or interest in profit sharing or stock bonus plan, arising out of the previous employment by any offeror or potential offeror;

(6) Employment of any member of the immediate family by any offeror or potential offeror; and

(7) Negotiation for outside employment with any offeror or potential offeror.

(e) Each proposal evaluator and advisor shall notify the contracting officer as soon as it becomes known that a potential or actual conflict of interest exists. When there is doubt as to whether a conflict of interest exists, the bureau ethics counselor shall be consulted. The contracting officer, after a thorough examination of the facts, shall refer all potential conflict of interest cases to the bureau ethics counselor for advice. If the bureau ethics counselor determines that there is a violation of a conflict of interest provision, then the contracting officer shall attempt to obtain voluntary resolution of the conflict of interest violation from the employee. If the attempt to obtain voluntary resolution fails, then the bureau ethics counselor shall order a remedial action to eliminate the conflict of interest. Such action may include replacing the evaluator or advisor. Action taken on all conflict of interest situations shall be documented in the contract file by the contracting officer.

PART 1453—FORMS

7. New section 1453.215–72 is added to Subpart 1453.2 to read as follows:

1453.215–72 Conflict of interest certification

The format shown in 1453.303–72 shall be used as a conflict of interest certification as prescribed in 1415.608–70.

8. New section 1453.303–72 is added to Subpart 1453.3 to read as follows:

1453.303–72 Format for conflict of interest certification

United States Department of the Interior

Conflict of Interest Certificate

To: (Name)
Contracting Officer

I certify that I am not aware of any matter which might reduce my ability to participate in the proposal evaluation proceedings and activities in an objective and unbiased manner or which might place me in a position of conflict, *real or apparent*, between my responsibilities as an evaluator or advisor and other interests.

In making this certification, I have considered all my stocks, bonds, other financial interests, and employment arrangements (past, present, or under consideration) and, to the extent known by me, all the financial interests and employment arrangements of my spouse, my minor children, and other members of my immediate household.

If, after the date of this certification, any person, firm, or organization with which, to my knowledge, I (including my spouse, minor children, and other members of my immediate household) have a financial interest, or with which I have or am actually considering an employment arrangement, submits a proposal or otherwise becomes involved in the subject project, I will notify the contracting officer, and thereafter, until advised to the contrary, I will not participate further in any way (by rendering advice, making recommendations, scoring proposals, or otherwise) in the particular subject matter or project.

I have read and understand Department of the Interior Acquisition Regulation 1415.608–70.

(Signature)

(Date)

[FR Doc. 88–10752 Filed 5–12–88; 8:45 am]
BILLING CODE 4310–RF–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 567 and 571

[Docket No. 88–08; Notice 1]

Motor Vehicle Safety Standards; Vehicle Identification Number; Basic Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this notice, NHTSA proposes to amend Federal motor vehicle safety standard 115 (Standard 115), *Vehicle Identification Number—Basic Requirements*, regarding the vehicle identification number (VIN) to be used for vehicles that were not originally manufactured for sale in this country and do not comply with the Federal motor vehicle safety standards but are imported into this country by businesses unaffiliated with the original manufacturer. Under the proposal, the importer of these vehicles, known as a direct importer, would be required to use one of the unique coding identifiers that the original manufacturer assigned to the vehicle in lieu of using the 17-character VIN required to be placed on vehicles originally manufactured for sale in this country. Currently, many direct importers assign a "homemade" 17-character VIN to their imports to meet Standard 115 requirements.

Under this proposal, the importer would have to place a statement in the vehicle passenger compartment informing interested persons that the vehicle was partially exempt from Standard 115, and directing them to the side door post. At the side door post, there would be a permanently affixed label stating where an interested person could find the original manufacturer's number that would be used in lieu of the VIN.

The agency is taking this action in response to a National Automobile Theft Bureau petition stating that "homemade" VINs pose a problem particularly with respect to vehicles of the same model that are imported both by the original manufactuer and by direct importers. The 17-character VINs added by direct importers are so dissimilar in appearance from VINs on similar vehicles manufactured for sale in the United States that law enforcement officers may mistake them for altered VINs; that these homemade VINs create problems for insurance investigators; and that encoding errors in these "homemade" VINs disrupt the integrity of the VIN system.

DATES: Comment closing date: June 27, 1988.

Proposed effective date: November 9, 1988.

ADDRESSES: Comments should refer to Docket No. 88–08; Notice 1, and be submitted to: Docket Section, NHTSA, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kenneth Rutland, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–366–5267).

SUPPLEMENTARY INFORMATION:

Introduction

Under section 108(b)(3) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1397(b)(3)), a vehicle that does not conform with applicable safety standards nonetheless may come into the United States under "such terms and conditions" as the Secretaries of Transportation and Treasury prescribe. Title 19 CFR 12.80 is a joint Transportation/Treasury regulation setting forth those terms and conditions. Subparagraph (b)(1)(iii) of that regulation requires that a person seeking to bring a nonconforming import (direct import vehicle) into the United States file a declaration (made by marking block 3 on the U.S. Customs form) that the vehicle will be modified so as to conform with applicable safety standards. Among those Standards is 115, *Vehicle Identification Number—Basic Requirements.*

The National Automobile Theft Bureau (NATB or petitioner) petitioned the agency to amend Standard 115 to address problems arising when these direct importers create a VIN and a VIN plate using an identification number and plate machining process other than the ones which the original vehicle manufacturer uses. First, there is an increased prospect of encoding errors in a homemade VIN because an importer may not record the proper chassis number or serial number when he creates the VIN plate. Second, because a homemade VIN plate frequently looks different from the plate that an original manufacturer puts on similar vehicles, law enforcement officials mistake the former as an altered plate. Apparently, machining a VIN plate is difficult for some importers. Further, petitioner states that an individual in lawful possession of a direct import vehicle may find himself subjected to criminal charges because of the appearance of these homemade VINs.

The petitioner recommended that NHTSA take actions to accomplish the following: first, the direct importer must not create its own "VIN." If the original manufacturer has placed any kind of identification number plate in the passenger compartment where Standard 115 would otherwise require a 17-character VIN plate or importer-created "VIN" plate, the original manufacturer's plate would serve as the vehicle's "VIN" plate. Among the original manufacturer numbers that one might use in place of the United States VIN are the European vehicle identification number (EuroVIN), the World Market vehicle identification number (WorldVIN), the chassis number, or the vehicle serial number.

NATB suggested a change to S4.1 to state a clear requirement that a direct import vehicle's VIN *must* be original manufacturer's "alpha-numeric identifier." Petitioner continued that because these coded numbers may not be called "VINs" in Europe, an amendment should "equate the chassis or serial number with the VIN." NATB suggested that the agency amend Standard 115, subparagraph S2, *Application*, by exempting direct import vehicles from the requirement in S4.8 regarding the type face to be used for a VIN. Direct import vehicles already are exempt from S4.2 [requiring a VIN to have 17 characters], S4.3 [requiring encoding a check digit in the VIN], and S4.7 [requiring VIN characters to be an Arabic or Roman letter set out in Table 1 of the Standard]. In support of this requested change, petitioner stated its uncertainty whether foreign chassis and serial numbers could meet S4.8.

Second, if the original manufacturer has not affixed a plate of the type and in the location described above, then the importer must affix a plate in that location stating that the vehicle is "partially exempt" from Standard 115. This plate must refer a person to the driver's door post.

Third, when the importer is required to affix the plate regarding partial exemption, then the importer must also affix a label to the driver's door post that:

(1) Cites the joint Transportation/Treasury regulation under which a person directly imports a noncomplying vehicle;

(2) Identifies the location on the vehicle of the original manufacturer's number to be used in lieu of the 17-character VIN;

(3) Gives the name and address of the person who brought the vehicle into compliance with Standard 115;

(4) States the date of importation;

(5) States the date of certification; and

(6) States the name and address of the person who made the certification.

The agency also received letters from eight insurance companies and from Michigan's Department of State Police, all endorsing the NATB petition. The insurance industry letters further expressed an interest in better identifying direct import vehicles, and thus reducing the risk of fraudulent theft losses.

Agency Response

NHTSA acknowledges that there are some problems with the VINs on direct import vehicles, and recognizes that an accurate and reliable vehicle identification system is essential to facilitate vehicle theft investigation, to discourage insurance fraud, and to maintain the integrity of notice-and-recall campaigns. In the preamble to the final rule adopting the Federal motor vehicle theft prevention standard (49 CFR Part 541), the agency set forth the following discussion:

> While the NCIC tracking system could more readily handle full 17-character VIN's, the usefulness of those VINs would be substantially diminished if they do not allow law enforcement personnel to trace the vehicle to its manufacturer. The Euro-VINs are more difficult for the NCIC to enter, but will serve to trace the vehicle to its manufacturer. Further, if the agency were to permit or require assigning U.S. VINs by direct importers, such "homemade" VINs would not be recorded by the manufacturer as assigned. This could result in a situation where a VIN was assigned to two different vehicles (once by the vehicle manufacturer and once by the direct importer). Duplicative VINs would completely fail to serve the purpose of providing a unique identifier for a vehicle for 30 years. Therefore, NHTSA has determined that vehicles imported by direct importers should be marked with the original Euro-VIN assigned to the vehicle by the original manufacturer. 50 FR 43166, at 43183; October 24, 1985.

For the reasons set forth in this previous discussion, NATB's petition, and the letters supporting it, the agency proposes to amend Standard 115 so that a direct importer needn't create a VIN or VIN plate in order to comply with United States vehicle identification requirements under 115.

NHTSA is proposing to adopt an amendment that substantially reflects the petitioner's suggestions. However, the agency cannot agree with the suggestion that *any* extant original manufacturer identifier in the S4.6 location should obviate the need for some notice that the vehicle is partially exempt from Standard 115. NHTSA declines to create a third category of plates or numbers for law enforcement officials to check in a theft investigation. Further, the agency does not find it desirable to add to the complexity of vehicle identifier location requirements by legitimizing this third kind of plate.

On the other hand, it is a relatively simple matter to require the affixing of a plate informing an interested person that a vehicle is partially exampt, and referring the person to another label on the door post that would specify the unique identifying number for the vehicle. Therefore, the agency proposes that the vehicle must have either the 17-character United States VIN, or plate informing an interested person of the vehicle's partial exemption.

NHTSA is not proposing to require that a direct importer remove a Euro-VIN or other foreign identifier plate from the vehicle if such a plate is in or near the S4.6 location. The proposal is that where there is no 17-character VIN plate complying with Standard 115, the additional statement proposed in this notice would be required. Because of this proposed approach, it is unnecessary to consider NATB's suggestion that a Euro-VIN, WorldVIN, chassis, or serial number be exempted from the readability and location requirements in S4.6.

There is a second matter on which NHTSA's proposal is at variance with the NATB petition. Petitioner asks that the agency require a lengthy new label the purpose of which is to certify compliance with Standard 115. NATB proposes that this label contain information such as a citation to 19 CFR 12.80, and information about the person who performed work bringing the vehicle into compliance with 115.

The agency can see no useful purpose in requiring the information NATB suggests. Requiring a lengthy label neither addresses the problem of mistaken arrests because of legitimate VIN plates that look altered, facilitates acquiring an identification number to check against the NCIC system in the course of a theft investigation, supplies a means to check insurance fraud, nor contributes to the integrity of the VIN system.

NHTSA believes it would suffice for all these concerns to include a label that states where an interested person can find the unique manufacturer identifying number that is used in lieu of the 17-character United States VIN, and proposes that simplified requirement in this notice. Further, for consistency, the agency proposes to include labeling requirements under Part 567.

While the agency believes this proposal will solve the petitioner's problems, NHTSA also seeks comment, particularly from law enforcement agencies, on whether the proposed changes could, in some circumstances, increase the fraudulent use of VINs or impede law enforcement actions. For example, in certain situations, vehicles with the proposed FMVSS 115 exemption label no longer will have a VIN visible through the glazing. NHTSA requests comment on whether this situation creates a law enforcement problem by precluding the inspection of VINs on parked and locked vehicles.

Also, the agency seeks comment on whether the proposal could lead to improper use of VIN exemption plates (e.g., replacing a legitimate VIN), since, the certain circumstances, it allows an exemption plate where the VIN currently is required. Comments are requested on the likelihood of this potential action.

Impact Assessments

A. Executive Order 12291

NHTSA has considered costs and other factors associated with this proposal, and concludes that this proposed rule is non-major under Executive Order 12291. The agency expects this rule to affect a small segment of the automotive community: those who import nonconforming vehicles into the United States under a promise to bring them into compliance. The amendment would require a plate on the dash in lieu of the 17-character VIN plate the Standard currently requires, and a statement on the door post informing an interested person where to look for the original manufacturer's unique identifying number that is used in place of the 17-character VIN. NHTSA estimates that the per vehicle cost of implementing this amendment would not be significant.

For the preceding reasons, the agency believes that the rule would impose only nominal costs on a small number of commercial importers and some individuals, and therefore would not have an annual effect on the economy of $100 million; would not result in a major increase either in motor vehicle production costs or prices; and would not have significant adverse impacts on competition or market incentives.

B. Department of Transportation Procedures for Improving Government Regulations

For the reasons set out in the preceding discussion, the agency has determined that this rule is not significant under DOT procedures. Further, the costs associated with this proposal, if adopted as a final rule, would be so minimal that preparation of a full regulatory evaluation is unwarranted.

C. Small Business Impact

The Regulatory Flexibility Act of 1980 requires agencies to evaluate the potential effects of their proposed and final rules on small businesses, small organizations, and small governmental jurisdictions. A substantial number of direct importers are individuals importing cars for their own use. There are small entities in the direct import business. However, NHTSA anticipates that if this proposal goes into effect, it will not create a new net cost increase since importers already must create a plate with a vehicle identification number. Therefore, the proposal should not result in other than nominal costs either to small direct import business, or to small entities that may purchase vehicles from any such business.

For the preceding reasons, I certify that this proposed rule will not have a significant economic impact on a substantial number of small entities.

D. Environmental Impact

Under the National Environmental Policy Act of 1969, NHTSA has considered the environmental impact of this proposed rule, and has determined that this proposal would not be a major Federal action significantly affecting the quality of the human environment.

E. Executive Order 12612

The agency has analyzed this action under the principles and criteria of Executive Order 12612, and has determined that the proposed rule does not have sufficient Federalism implications to warrant preparing a Federalism Assessment.

F. Paperwork Reduction Act

The Office of Management and Budget (OMB) has already approved the NHTSA regulations requiring VINs to appear on all new vehicles (OMB # 2127–0051). However, this proposal would add requirements for new information to appear on direct importers' vehicles. This proposed requirement is considered to be an additional information collection requirement, as that term is defined by OMB in 5 CFR Part 1320. Accordingly, this proposed requirement will be submitted to OMB for its approval, pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Comments on the proposed information collection requirements should be submitted to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Officer for NHTSA. It is requested that comments sent to the OMB also be sent to the NHTSA rulemaking docket for this proposed action.

List of Subjects

49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

49 CFR Part 567

Labeling; Motor vehicle safety. Reporting and recordkeeping requirements.

In consideration of the foregoing, NHTSA proposes to amend Title 49 CFR 567, *Certification*, and 49 CFR 571.115, *Vehicle Identification Number–Basic Requirements*, as follows

PART 567—[AMENDED]

1. The authority citation for Part 567 would be revised to read as follows:

Authority: 15 U.S.C. 1392, 1397, 1401, 1403, and 1407; 15 U.S.C. 1912 and 1915; 15 U.S.C. 2021, 2022, and 2026; delegation of authority at 49 CFR 1.50.

2. The title of § 567.4 would be revised to read as follows:

§ 567.4 Basic requirements for manufacturers of motor vehicles.

§ 567.4 [Amended]

3. Paragraph (k) of § 567.4 would be removed.

§ § 567.5, 567.6, and 567.7 [Redesignated as § § 567.6, 567.7, and 567.8]

4. Sections 567.5, 567.6, and 567.7 would be redesignated as § § 567.7, and 567.8 respectively.

5. A new § 567.5 would be added to Part 567, to read as follows:

§ 567.5 Special requirements for motor vehicles admitted under 19 CFR 12.80.

(a) In the case of passenger cars admitted to the United States under 19 CFR 12.80(b)(1) to which the label required by § 567.4 has not been affixed by the original producer or assembler of the passenger car, a label meeting the requirements of this section shall be affixed by the importer before the vehicle is imported into the United States, if the car is from a line listed in Appendix A of Part 541 of this chapter. The label shall be in addition to, and not in place of, the label required by § 567.4 of this part.

(1) The label shall, unless riveted, be permanently affixed in such a manner that it cannot be removed without destroying or defacing it.

(2) The label shall be affixed to either the hinge pillar, door-latch post, or the door edge that meets the door-latch post, next to the driver's seating position, or, if none of these locations is practicable, to the left side of the instrument panel. If that location is also not practicable, the label shall be affixed to the inward-facing surface of the door next to the driver's seating position. The location of the label shall be such that it is easily readable without moving any part of the vehicle except an outer door.

(3) The lettering on the label shall be of a color that contrasts with the background of the label.

(4) The label shall contain the following statements, in the English language, lettered in block capitals and

numerals not less than three thirty-seconds of an inch high, in the order shown:

(i) Model year and line of the vehicle, as reported by the manufacturer that produced or assembled the vehicle. "Line" is used as defined in § 541.4 of this chapter.

(ii) Name of the importer: The full corporate or individual name of the importer of the vehicle shall be spelled out, except that such abbreviations as "Co." or "Inc." and their foreign equivalents and the middle initial of individual's names may be used. The name of the importer shall be preceded by the words "Imported By."

(iii) The statement: "This vehicle conforms to the applicable Federal motor vehicle theft prevention standard in effect on the date of manufacture.

(b)(1) For vehicles imported into the United States under 19 CFR 12.80(b)(1)(iii) which do not have the 17-character number that complies with paragraphs S4.2, S4.3, and S4.7 of Standard 115, the importer shall permanently affix a label to the vehicle in such a manner that, unless the label is riveted, it cannot be removed without destroying or defacing it. This label shall be in addition to, and not in place of, the label required by § 567.4 of this part. This label shall be affixed to the vehicle at the location specified in paragraph (a)(2) of this section, and subject to the same location priority set forth in paragraph (a)(2) of this section.

(2) The label shall contain the following statement, in the English language, lettered in block capitals and numerals not less than three thirty-seconds of an inch high: "Original Manufacturer's Identification Number Substituting for U.S. VIN is located," after which the importer shall state where on the vehicle the substitute vehicle identification number is located.

PART 571—[AMENDED]

§ 571.115 [Amended]

6. Paragraph S4.6 of § 571.115 would be revised to read as follows:

S4.6 For passenger cars, multipurpose passenger vehicles, and trucks of 10,000 pounds or less GVWR, the 17-character United States VIN, or the plate required under paragraph S4.9 of this section shall:

(a) Be located inside the passenger compartment;

(b) Be readable without moving any part of the vehicle, through the vehicle glazing under daylight lighting conditions by an observer having 20/20 vision (Snellen), whose eye-point is located outside the vehicle adjacent to the left windshield pillar; and

(c) Have characters of a minimum height of 4mm.

§ 571.115 [Amended]

7. A new paragraph S4.9 would be added to § 571.115, to read as follows:

S4.9 (a) If the vehicle is imported into the United States under 19 CFR 12.80(b)(1)(iii) other than by a corporation responsible for the assembly of such vehicles, or by a subsidiary of such corporation, then the vehicle does not have to have the 17-character United States VIN otherwise required by this section.

(b) A vehicle exempt from the 17-character United States VIN requirements under S4.9(a) must have a plate subject to the requirements of S4.6, 4.7, and 4.8. The notice shall read as follows: FMVSS 115 EXEMPT VEHICLE. SEE DRIVER'S SIDE DOOR POST.

(c) At the driver's side door post, the vehicle must have a label as required by 49 CFR 567.5(b).

Issued on May 10, 1988.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 88-10801 Filed 5-12-88; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 53, No. 93
Friday, May 13, 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

Agricultural Stabilization and Conservation Service

National Advisory Committee on Futures and Options Marketing; Open Meeting

Pursuant to the Federal Advisory Committee (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the National Advisory Committee on Futures and Options Marketing will be held on May 18, 1988, from 9:00 a.m.–3:00 p.m. in room 3854–S of the Department of Agriculture South Building, 14th Street and Independence Avenue, SW., Washington, DC 20250.

This meeting will be open to the public on May 18, 1988, from 9:00 a.m.–3:00 p.m. Members of the public may participate as time permits and file statements with the Committee before or after the meeting.

The Advisory Panel members will meet to review an initial draft of the pilot program operating procedures.

Questions regarding further information with reference to this meeting or the filing of public statements should be directed to Dr. William C. Bailey, Pilot Program Executive Secretary, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013, or call 202/447–7583.

Date: May 9, 1988.

Milton Hertz,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 88–10699 Filed 5–12–88; 8:45 am]

BILLING CODE 3410–05–M

Forest Service

Scientific Advisory Board Mount St. Helens National Volcanic Monument; Gifford Pinchot National Forest, Clark County, Vancouver, WA; Open Meeting

The Mount St. Helens Scientific Advisory Board will meet at 9 a.m., June 20, 1988, at the Cispus Environmental Center, 2332 Cispus Rd., Randle, Washington 98660, to receive information on and discuss the following:

1. Coldwater-Johnson Ridge Project.
2. The status of the NVM Wildlife Plan.
3. Annual report of the Monument Scientist.
4. Northwest science program/research cooperation.
5. Open discussion of topics of interest to the Advisory Board and public comments.

The meeting will be open to the public. Persons who wish to make a statement to the Board should notify Dr. Jack K. Winjum, Chairperson, c/o Gifford Pinchot National Forest, 6926 E. 4th Plain Blvd., Vancouver, Washington 98661, 206–696–7570. Written statements may be filed with the Board before or after the meeting.

Date: May 5, 1988.

Mary Jo Lavin,

Acting Regional Forester.

[FR Doc. 88–10740 Filed 5–12–88; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–703]

Postponement of Final Antidumping Duty Determination of Sales at Less than Fair Value; Granular Polytetrafluoroethylene Resin, Filled and Unfilled, From Italy

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that we have received a request from the respondent in this investigation to postpone the final determination, as permitted in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)). Based on this request, we are postponing our final determination as to whether sales of granular polytetrafluoroethylene (PTFE) resin, filled and unfilled, from Italy, have occurred at less than fair value until not later than July 5, 1988. We are also postponing our public hearing from June 6, 1988, to June 13, 1988.

EFFECTIVE DATE: May 13, 1988.

FOR FURTHER INFORMATION CONTACT: Brian H. Nilsson (202–377–5332) or Michael J. Ready (202–377–2613), Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On December 3, 1987, we published a notice in the **Federal Register** (52 FR 45982) that we were initiating an antidumping duty investigation to determine whether granular PTFE resin, filled and unfilled, from Italy is being, or is likely to be, sold at less than fair value. On December 21, 1987, the U.S. International Trade Commission determined that there is reasonable indication that a U.S. industry is materially injured by reason of imports of granular PTFE resin (52 FR 49209, December 30, 1987). On April 20, 1988, we published a preliminary determination of sales at less than fair value with respect to this merchandise (53 FR 12967).

The notice stated that if the investigation proceeds normally, we would make our final determination by June 28, 1988.

On April 20, 1988, Montefluos S.p.A./Ausimont U.S.A., the respondent in this investigation, requested a postponement of the final determination until not later than July 5, 1988, pursuant to section 735(a)(2)(A) of the Act. This respondent accounts for all of the exports of the merchandise to the United States. If exporters who account for a significant proportion of exports of the merchandise under investigation request an extension after an affirmative

preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request. Accordingly, we are postponing the date of the final determination until not later than July 5, 1988.

Public Comment

In accordance with 19 CFR 353.47, and at the request of the petitioner, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 9:30 a.m. on June 13, 1988, at the U.S. Department of Commerce, Room 1414, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Individuals who wish to participate in the hearing must submit a request to the Acting Assistant Secretary for Import Administration, Room B–099, at the above address within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed.

In addition, pre-hearing briefs in at least ten copies, both public and non-public versions, must be submitted to the Acting Assistant Secretary by June 6, 1988. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, at the above address, in at least ten copies, not less than 30 days before the date of the final determination, or, if a hearing is held, within seven days after the hearing transcript is available.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f).

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

May 9, 1988.

[FR Doc. 88–10787 Filed 5–12–88; 8:45 am]

BILLING CODE 3510–DS–M

Carnegie-Mellon University; Decision on Application for Duty-Free Entry of Scientific Instrument

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

Docket Number: 86–302. *Applicant:* Carnegie-Mellon University, Pittsburgh, PA 15213. *Instrument:* Biomedical Nuclear Magnetic Resonance Spectrometer, Model A Biospec 4.2/400. *Manufacturer:* Bruker Physik AG, West Germany. *Intended Use:* See notice at FR 51 33282, September 19, 1986.

Comments: None received. *Decision:* Approved. No domestic manufacturer was both "able and willing" to manufacture an instrument or apparatus of equivalent scientific value to the foreign instrument for such purposes as the instrument was intended to be used, and have it available to the applicant without unreasonable delay in accordance with § 301.5(d)(2) of the regulations, at the time the foreign instrument was ordered August 23, 1984. *Reasons:* The foreign instrument provides: (1) High field strength of 4.2 tesla, (2) a 40-centimeter bore, and (3) multinuclear imaging and spectroscopy of whole, live animals including large pigs and dogs.

These capabilities of the foreign instrument described above are pertinent to the applicant's intended purposes. We know of no domestic manufacturer both able and willing to provide an instrument with the required features at the time the foreign instrument was ordered.

As to the domestic availability of instruments, § 301.5(d)(2) of the regulations provides that, in determining whether a U.S. manufacturer is able and willing to produce an instrument, and have it available without unreasonable delay, "the normal commercial practices applicable to the production and delivery of instruments of the same general category shall be taken into account, as well as other factors which in the Director's judgment are reasonable to take into account under the circumstances of a particular case." This subsection also provides that, if "a domestic manufacturer was formally requested to bid an instrument, without reference to cost limitations and within a leadtime considered reasonable for the category of instrument involved, and the domestic manufacturer failed formally to respond to the request, for the purposes of this section the domestic manufacturer would not be considered willing to have supplied the instrument."

The regulations require that domestic manufacturers be both "able and willing" to produce an instrument for the purposes of comparison with the foreign instrument. Where an applicant, as in this case, received no bid from the domestic manufacturer, it is apparent that it was either not able or not willing to produce an instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument was intended to be used at the time the foreign instrument was ordered.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 88–10788 Filed 5–12–88; 8:45 am]

BILLING CODE 3510–DS–M

Rutgers University Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purpose for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 88–151. *Applicant:* Rutgers University, Procurement and Contracting, P.O. Box 1089, Piscataway, NJ 08854. *Instrument:* Scanning Auger System and Accessories for Surface Analysis Instrument. *Manufacturer:* KRATOS, United Kingdom. *Intended Use:* The instrument will be used to measure surface composition of glass materials, (SiO_2, HMFG) ceramics (Si_3N_4, SiC, etc.) and superconducting materials ($Y_1Ba_2Cu_3O_7$). Experiments will consist of surface characterization in order to observe and understand phenomena associated with adsorption, corrosion, separation on surfaces. *Application Received by Commissioner of Customs:* March 29, 1988.

Docket Number: 88–152. *Applicant:* University of California, San Diego, Physchology Department, C–009, La Jolla, CA 92093–0109. *Instrument:* Two (2) Microelectrode Microdrives. *Manufacturer:* Narishige Scientific Instrument Lab, Japan. *Intended Use:* The instrument will be used for the study of the physiological basis of selective attention and memory in the primate. Experiments will be conducted to determine how diffierent parts of the temporal lobe of the brain are used in performing cognitive tasks requiring memory and selective attention in order to provide insight into disorders of memory and attention such as Alzheimer's Disease and amnesia in

people. *Application Received by Commissioner of Customs:* March 29, 1988.

Docket Number: 88–153. *Applicant:* Massachusetts Institute of Technology, Center for Materials Science and Engineering, 77 Massachusetts Avenue, Cambridge, MA 02139. *Instrument:* Imaging, Magnetic Sector Secondary Ion Mass Spectrometer, Model IX70S. *Manufacturer:* VG Ionex, United Kingdom. *Intended Use:* The instrument will be used to develop a rational, physical-organic chemistry for organic surfaces and thin films to understand the relation between surface structure, surface chemisty and surface properties in order to be able to control such materials-related phenomena as wetting, adhesion, friction and surface conductivity. Other research involves synthesis and characterization of molecular aassemblies on surfaces with the objective of further developing the knowledge base necessary to evaluate molecular materials as active materials in microelectrochemical devices. *Application Received by Commissioner of Customs:* March 29, 1988.

Docket Number: 88–154. *Applicant:* University of Medicine and Dentistry of New Jersey, Robert Wood Johnson Medical School, 675 Hoes Lane, Piscataway, NJ 08854. *Instrument:* Electron Microscope, Model JEM–1200EX. *Manufacturer:* JEOL, Ltd. Japan. *Intended Use:* The instrument will be used primarily to study the ultrastructure of various biological systems including the connective tissues of limbs and eyes, extracellular matrix proteins, muscle tissues, purified muscle proteins and kidney tissues. Most tissue samples will be derived from various experimental lab animals. *Application Received by Commissioner of Customs:* March 30, 1988.

Docket Number: 88–155. *Applicant:* University of Arizona, Department of Geosciences, Tucson, AZ 85721. *Instrument:* Scanning Electron Microscope, Model Stereoscan 120B. *Manufacturer:* Cambridge Instruments, United Kingdom. *Intended Use:* The instrument is intended to be used for analyzing microscopic properties of rock, mineral and fossil specimens in a wide range of disciplines where combined morphological/chemical data anaylsis is useful. Research programs will include the following:

(1) Detailed analyses of modern lake depositional and biotic systems as analogs for understanding ancient lake deposits and fossils.
(2) Research concerning rock-magnetism of sedimentary rocks.
(3) Reintegration of exsolved phases.
(4) Relationship between tectonics and sedimentation with provenance studies of sand and sandstone.
(5) Studies of the pollen flora of the American Southwest.
(6) Research involving comparative evolutionary studies of developmental and morphological variability in freshwater fishes.
(7) Research dealing with the microtextures of molluscan shell surfaces and their potential as indicators of sedimentary environment and postmortem history of shells.

In addition, the instrument will be used to teach theoretical and applied aspects of scanning electron microscopy imaging of geological and paleontological specimens in the course Scanning Electron Microscopy and Image Analysis. *Application Received by Commissioner of Customs:* March 31, 1988.

Docket Number: 88–156. *Applicant:* University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, L–650, Livermore, CA 94550. *Instrument:* Infrared Charged Sweep Device Camera System, Model IR–5120A. *Manufacturer:* Mitsubishi Electric Corporation, Japan. *Intended Use:* The instrument will be used for studies of stars, planets, comets, astroids, meteors, etc. Initial experiments include photometric and spectroscopic staring imaging of astronomical phenomena. *Application Received by Commissioner of Customs:* April 6, 1988.

Docket Number: 88–157. *Applicant:* Dana-Farber Cancer Institute, 44 Binney Street, Boston, MA 02115. *Instrument:* Electron Microscope, Model 100CX. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* The instrument will be used to investigate a variety of cells and tissues depending on the demands of the research groups. The broad range of projects will include: effects of Adriamycin 32 on cardiac muscle and other tissues; cell cultured myoblasts treated with AD32 and other procedures; fibroblast cytokinetics; identification of histocompatibility sites; screening biochemical procedures for purification and breakage of sub-cellular organelles; screening and identifying functional structures associated with artificial membrane blebs; identifying new cell culture lines; virus counts; high resolution macromolecular preparations; drug-induced changes in smooth muscle structures; identification of blood platelet organelles; identification and study of tumor morphology; studies of intracellular matrices; screening cell cultures for virus particles; identification of promegakaryocytes; platelet morphology; granulocyte structure; variations in lyumphocyte morphology; monitoring biochemical preparations; macromolecular biochemistry; surgical biopsies of pediatric tumors; autopsy material; studies of HIV or AIDS; and blood clotting. In addition, the instrument will be used in the course Biophysics 116 Electron Microscopy in Molecular Biophysics to teach students the techniques of high resolution electron microscopy. *Application Received by Commissioner of Customs:* April 6, 1988.

Docket Number: 88–158. *Applicant:* University of California, Santa Barbara, Purchasing Department, Building 451, Santa Barbara, CA 93106. *Instrument:* Electron Backscatter Pattern Imaging and Analysis System. *Manufacturer:* Custom Camera Designs Ltd., United Kingdom. *Intended Use:* The instrument will be used for studies of metal-ceramic interfaces and various modern engineering materials. Experiments will consist of the evaluation of unknown structure of fine grained engineering materials by examination of backscattered electron patterns in order to understand the fracture behavior of metal-ceramic interfaces as well as other systems. In addition, the instrument will be used for education purposes in the course Microstructural Characterization in which students will learn to determine crystal structure, orientational relationships and plastic deformation in samples. *Application Received by Commissioner of Customs:* April 6, 1988.

Docket Number: 88–159. *Applicant:* University of California, Santa Cruz, Purchasing Department, 1156 High Street, Santa Cruz, CA 95064. *Instrument:* Dilution Refrigerator Unit with Accessories, Model MINIFRIDGE. *Manufacturer:* CryoVac, West Germany. *Intended Use:* Low temperature studies of phase transitions in crystals. *Application Received by Commissioner of Customs:* April 6, 1988.

Docket Number: 88–160. *Applicant:* University of New Orleans, Purchasing Department, Adm. Bldg., Room 1004, Lakefront, New Orleans, LA 70148. *Instrument:* Excimer Laser with Mechanical Pump, Model EX–510. *Manufacturer:* Lumonics, Inc., Canada. *Intended Use:* The instrument will be used for research involving the photo-generation of magnetic bubbles in a spin glass medium. The materials that will host the bubbles are compounds of the formula M_2SNTE_4. Planned experiments consist of cooling the specimen to approximately 4 Kelvin and then subjecting the specimen to a pulse of radiation while the sample is in a

magnetic field. Magnetic bubbles will then be monitored with a SQUID detection system. The goal of this research is to produce new materials suitable for magnetic memory recording devices. *Application Received by Commissioner of Customs:* April 7, 1988.

Docket Number: 88–161. *Applicant:* Brown University, Department of Geological Sciences, Box 1846, Providence, RI 02912. *Instrument:* Thermal Ionization Isotope Ratio Mass Spectrometer, 261V. *Manufacturer:* Finnigan-MAT, West Germany. *Intended Use:* The instrument will be used in isotopic geochemical research in the earth sciences and its subfields. This involves the study of the isotopic composition of natural and experimental materials to determine how their isotopic properties respond to a variety of geological phenomena. The phenomena include variations in isotopic compositions of certain elements in a variety of materials such as rocks, minerals, and aqueous solutions, and the processes that caused those variations. Isotope ratios will be measured to determine isotopic compositions and to determine elemental concentrations by the isotope dilution technique. In addition, the instrument will be used in undergraduate and graduate geochemistry courses to teach the theory, practice, and application of isotope geochemistry, to a variety of geological problems in the lithosphere, hydrosphere and atmosphere. *Application Received by Commissioner of Customs:* April 8, 1988.

Docket Number: 88–162. *Applicant:* University of Wisconsin-Madison, 430 Lincoln Drive, 336 Birge Hall, Madison, WI 53706. *Instrument:* Electron Microscope, Model JEM-1200EX/SEG/DP/DP. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* The instrument will be used for research involving studies on the development and structure of leaves of selected C3 and C4 plants, including economically important plants such as barley, maize, sugarcane, sugar beet, and potato. Other research will be conducted on the green alga *Coleochaete* and include:

1. A comparative, developmental study of meiosporogenesis in various *Coleochaete* species.
2. Comparative studies of various *Coleochaete* species that will elucidate the distribution of the unique and distinctive pyramidal scales, which may be of particular evolutionary importance.
3. Comparative studies of spermatozoid development in *Coleochaete*.
4. Ultrastructural autoradiographic techniques for the investigation of the physiological relationships between haploid and diploid cells of *Coleochaete*.

In addition, the instrument will be used in the training of both undergraduate students and graduate students in electron microscope techniques and in the M.S. and Ph.D. thesis research of the latter. *Application Received by Commissioner of Customs:* April 11, 1988.

Docket Number: 88–163. *Applicant:* Eastman Dental Center, 625 Elmwood Avenue, Rochester, NY 14620. *Instrument:* Dental Implant Components. *Manufacturer:* Nobelpharma, Sweden. *Intended Use:* The instrument will be used in a study which will combine clinical and histological findings in primates to determine the biologic capacity for osseointegration of pure titanium fixtures inserted immediately following extraction of selected teeth. The specific aim of this study is to evaluate titanium implants (Biotes®) that have been placed into extraction sockets immediately after the teeth are removed (experimental group). *Application Received by Commissioner of Customs:* April 8, 1988.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 88–10769 Filed 5–12–88; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Listing of Endangered and Threatened Species and Designating Critical Habitat; Petition for the Designation of Critical Habitat for the Right Whale

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

ACTION: Notice of determination.

SUMMARY: On January 4, 1988, NMFS received a petition from GreenWorld requesting that areas along the outer arm of Cape Cod and off the southern Georgia/northern Florida coast be designated as critical habitat for the Western Atlantic population of the right whale (*Eubalaena glacialis*) (53 FR 9469). NMFS has denied the petition because it did not provide any new information on the biology or habitat requirements of the right whale nor adequate justification for designating critical habitat for the right whale.

FOR FURTHER INFORMATION CONTACT: Robert C. Ziobro, Protected Species Management Division, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235 (202/673–5348).

Dated: May 6, 1988.

Rolland A. Schmitten,

Acting Assistant Administrator for Fisheries.

[FR Doc. 88–10749 Filed 5–12–88; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Jamaica

May 10, 1988.

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

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

EFFECTIVE DATE: May 16, 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 current limit for Categories 341/641 is being increased for carryforward applied to the previous limit but not used.

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 52 FR 49185, published on December 30, 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.

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 10, 1988.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 24, 1987 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textile products, produced or manufactured in Jamaica and exported during the period which began on January 1, 1988 and extends through December 31, 1988.

Effective on May 16 , 1988, the directive of December 24, 1987 is hereby amended to increase the current limit for cotton and man-made fiber textile products in Categories 341/641 to 391,503 dozen, as provided under the provisions of the current bilateral agreement between the Governments of the United States and Jamaica.

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,

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-10704 Filed 5-12-88; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Restraint Limits for Certain Cotton and Wool Textile Products From the Hungarian People's Republic

May 10, 1988.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on May 16, 1988. For further information contact Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Background

On October 16, 1987 a notice was published in the **Federal Register** (52 FR 38507) which announced that the United States Government had requested the Government of the Hungarian People's Republic to enter into consultations concerning exports of wool skirts in Category 442, produced or manufactured in Hungary and exported to the United States.

A CITA directive dated December 30, 1987 was published in the **Federal Register** (53 FR 50) which established limits for certain wool and man-made fiber textile products, produced or manufactured in Hungary and exported during the twelve-month period which began on January 1, 1988 and extends through December 31, 1988.

During consultations held January 21 and 22, 1988 between the Governments of the United States and the Hungarian People's Republic, agreement was reached to further amend their bilateral agreement to include specific limits for cotton and wool textile products in Categories 300/301, 410 and 442, produced or manufactured in Hungary and exported during the periods which began, in the case of Category 442, on November 1, 1987; and, in the case of Categories 300/301 and 410, on January 1, 1988 and extend through December 31, 1988.

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.

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

May 10, 1988.

Committee for the Implementation of Textile Agreements

May 10, 1988.

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

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 30, 1987 concerning certain wool and man-made fiber textile products, produced or manufactured in Hungary and exported during the twelve-month period which began on January 1, 1988 and extends through December 31, 1988.

Effective on May 16, 1988, the directive of December 30, 1987 is hereby amended to include restraint limits for cotton and wool textile products in the following categories, produced or manufactured in Hungary and exported during the periods which began, in the case of Category 442, on November 1, 1987; and, in the case of Categories 300/301 and 410, on January 1, 1988 and extend through December 31, 1988.

Category	New restraint limit [1]
300/301	2,500,000 pounds.
410	1,000,000 square yards.
442	21,000 dozen.

[1] These limits have not been adjusted to account for any imports exported after October 31, 1987 for Category 442 and December 31, 1987 for Categories 300/301 and 410.

Textile products in Categories 300/301, 410 and 442 which have been exported to the United States prior to November 1, 1987 (Category 442), and January 1, 1988 (Categories 300/301 and 410), shall not be subject to this directive.

Textile products in Categories 300/301, 410 and 442 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

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 these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-10702 Filed 5-12-88; 8:45 am]

BILLING CODE 3510-DR-M

Amendment to the Export Visa Requirement for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Hungarian People's Republic

May 10, 1988.

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

ACTION: Issuing a directive to the Commissioner of Customs amending the export visa arrangement.

EFFECTIVE DATE: May 16, 1988.

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

FOR FURTHER INFORMATION CONTACT: Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

SUPPLEMENTARY INFORMATION: Under the terms of the current Bilateral Textile Agreement between the Governments of the United States and the Hungarian Socialist Republic, agreement was reached to further amend the visa arrangement to require visas for the

entry of cotton and wool textile products in Categories 300/301, 410 and 442.

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 49 FR 8659, published in the **Federal Register** on March 8, 1984.

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 10, 1988.

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

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on March 5, 1984, by the Chairman of the Committee for the Implementation of Textile Agreements that directed you to prohibit entry of certain wool textile products, produced or manufactured in Hungary which were not properly visaed by the Government of the Hungarian People's Republic.

Effective on May 16, 1988 you are directed to also prohibit entry of cotton and wool textile products in Categories 300/301, 410 and 442 entered for consumption or withdrawn from warehouse for consumption into the Customs territory of the United States (i.e., the 50 States, the District of Columbia and the Commonwealth of Puerto Rico) on or after May 16, 1988 which have been produced or manufactured in Hungary and exported on and after May 16, 1988 for which the Hungarian People's Republic has not issued an appropriate export visa.

Goods in Categories 300/301, 410 and 442 which were exported prior to May 16, 1988 shall not be denied entry for lack of a visa.

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

Sincerely,

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-10703 Filed 5-12-88; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This document is intended to notify the general public of their opportunity to attend.

DATES: June 1–3, 1988, 8:00 a.m. until conclusion of business each day.

ADDRESS: Holiday Inn—Pyramid, 5151 San Francisco Road, NE. Albuquerque, New Mexico 87109 (505/821–3333).

FOR FURTHER INFORMATION CONTACT: Gloria Duus, Acting Executive Director, National Advisory Council on Indian Education, 330 C Street, SW., Room 4072, Switzer Building, Washington, DC 20202 (202/732–1353).

SUPPLEMENTARY INFORMATION: The National Advisory council on Indian Education is established under section 442 of the Indian Education Act (20 U.S.C. 1221g). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act (Title IV of Pub. L. 92–318), and to advise Congress, and the Secretary of Education, the Under Secretary of Education and the Assistant Secretary of Elementary and Secondary Education with regard to education programs benefiting Indian children and adults.

The meeting will be open to the public. The proposed agenda includles:

(1) Chairman's Report
(2) Acting Executive Director's Report
(3) Action on previous minutes
(4) Old Council business
(5) Committee discussions and reports
(6) Review of NACIE's Charter, By Laws and the FY'88 and FY'89 Budgets
(7) Plans for future NACIE activities
(8) Public Testimonies
(9) Other Council Business

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 330 C Street, SW., Room 4072, Switzer Building, Washington, DC 20202.

Dated: May 10, 1988.

Signed at Washington, DC.

Gloria Duus,

Acting Executive Director, National Advisory Council on Indian Education.

[FR Doc. 88–10813 Filed 5–12–88; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER88-382-000, et al.]

Arizona Public Service Co. et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

May 10, 1988.

Take notice that the following filings have been made with the Commission.

1. Arizona Public Service Company

[Docket No. ER88–382–000]

Take notice that on May 5, 1988, Arizona Public Service Company (APS) tendered for filing an Economy Energy Interchange Agreement (Agreement) between APS and the Metropolitan Water District of Southern California (MWDSC) executed April 15, 1988.

APS requested that this Agreement become effective 60 days from the date of filing with FERC.

This Agreement provides that Economy Energy sales by APS to MWDSC shall be priced at one of the following rates: (a) A ceiling rate concept based in part on the fixed costs associated with facilities used to produce the requried energy; (b) a "split-the-savings" concept; or (c) a selling price based on 120 percent of cost to produce such energy.

Copies of this filing are being served upon MWDSC and the Arizona Corporation Commission.

Comment date: May 23, 1988, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power & Light Company

[Docket No. ER88–381–000]

Take notice that on May 5, 1988, Florida Power & Light Company (FPL) tendered for filing a document entitled Amendment Number Five to St. Lucie Delivery Service Agreement between Florida Power & Light Company and Florida Municipal Power Agency (FMPA).

FPL states that Amendment Number Five revises the designation of delivery points and allocation of the FMPA St. Lucie Nuclear Power Resources.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Amendment Number Two be made effective on June 1, 1988. FPL states that copies of the filing were served on Florida Municipal Power Agency and Florida Public Service Commission.

Comment date: May 23, 1988, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-10777 Filed 5-12-88; 8:45 am]

BILLING CODE 6717-01-M

Hydroelectric Application Filed With the Commission

May 10, 1988.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

a. Type of Application: Transfer of License.

b. Project No.: 3239-008.

c. Date filed: March 23, 1988.

d. Applicant: Puget Sound Power & Light Company and McMaster and Shroeder and Koma Kulshan Associates.

e. Name of Project: Koma Kulshan.

f. Location: On Rocky, Sulphur and Sandy Creeks in Whatcom County, Washington.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Applicant Contact:

David B. Ward, Flood & Ward, 1000 Potomac Street NW., Suite 402, Washington, DC 20007. (202) 298-6910.

Neil Macdonald, Koma Kulshan Associates, 4708 Aurora Avenue North, PO Box 31359, Seattle, WA 98103. (206) 547-3535.

W.J. Finnegan, Puget Sound Power & Light Company, Puget Power Building, Bellevue, WA 98009. (206) 454-6363.

i. FERC Contact: William Roy-Harrison, (202) 376-9830.

j. Comment Date: May 27, 1988.

k. Proposed Action: Puget Sound Power & Light Company and McMaster and Shroeder propose to transfer the license for Project No. 3239 to Koma Kulshan Associates to facilitate completion of the project. Transferee has proposed to construct, operate and utilize the full output of the project in accordance with the license. Koma Kulshan Associates is a limited partnership organized under the laws of the state of California.

l. This notice also consists of the following standard paragraph: B and C.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington DC 20426. An additional copy must be sent to: Dean Shumway Acting Director, Division of Project Review, Federal Energy Regulatory Commission, Room 203-RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-10778 Filed 5-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP88-348-000, et al.]

CNG Transmission Corp. et al.; Natural Gas Certificate Filings

May 10, 1988.

Take notice that the following filings have been made with the Commission:

1. CNG Transmission Corporation

[Docket No. CP88-348-000]

Take notice that on April 20, 1988, CNG Transmission Corporation (CNG Transmission), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP88-348-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to add two new delivery points to Baltimore Gas and Electric Company (BG&E) and Washington Gas Light Company (WGL), its existing jurisdictional customers, under the authorization issued in Docket No. CP82-537-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file and open to public inspection.

CNG Transmission states that by order issued September 12, 1986, in Docket No. CP85-756-000 *et al.*, as modified by order issued May 4, 1987, the Commission issued it a certificate to render firm sales service to BG&E and WGL up to a maximum daily quantity of 60,000 dekatherms per day each under its Rate Schedule CD. It is further stated that to enable delivery of the sales volumes, the Commission authorized Columbia Gas Transmission Corporation (Columbia) to transport the gas (for the account of CNG Transmission) from a CNG Transmission-Columbia interconnection at Loudoun County, Virginia to various interconnections between Columbia and BG&E and WGL. To date, it is indicated, the sales service authorized in Docket No. CP85-756-000 *et al.* has not commenced.

Although in the instant docket CNG Transmission proposes to add two new direct delivery points to WGL and BG&E, no abandonment of the delivery point to Columbia is intended. Such point, it is indicated, would be utilized as an alternate delivery point when necessary to render the authorized level of gas service. It is stated that one of the two additional delivery points would be located at the interconnection between CNG Transmission existing pipeline PL-1 and WGL's pipeline on Virginia Route 7, in Leesburg Magisterial District, Loudoun County, Virginia. CNG Transmission states that the other delivery point would be located at an interconnection between its existing pipeline No. PL-1 and the facilities to be constructed by BG&E at Tuscarora, Maryland.

CNG Transmission asserts that the proposed delivery points are not inconsistent with the intent of the original order in Docket No. CP85-756-

000 and that the order did not preclude the possibility of direct delivery points. CNG Transmission notes that it has filed in Docket No. CP88–128–000 to increase the level of service of BG&E and WGL. CNG further notes that although it requested authority to construct and operate the instant proposed delivery points therein, it will soon amend the application to delete its request to add the subject delivery points.

Comment date: June 24, 1988, in accordance with Standard Paragraph G at the end of this notice.

2. Carnegie Natural Gas Company

[Docket No. CP88–363–000]

Take notice that on April 25, 1988, Carnegie Natural Gas Company (Carnegie), 800 Regis Avenue, Pittsburgh, Pennsylvania 15236 filed in Docket No. CP88–363–000 an application pursuant to section 7 of the Natural Gas Act and Subpart G of Part 284 of the Commission's Regulations. Carnegie seeks authorization for the open-access transportation of natural gas for others with pregranted abandonment authorization of such transportation service, and also for the abandonment of sales service in the event of conversion of sales service to transportation service pursuant to 18 CFR 284.10, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Carnegie seeks authority under section 7 of the Natural Gas Act to provide, on a self-implementing basis, interruptible and firm transportation service on Carnegie's pipeline system on behalf of shippers other than interstate pipelines, pursuant to § 284.222 and 284.223 of the Commission's Regulations. Carnegie states that following issuance of certificate authorization pursuant to § 284.221, such service would be provided under the terms of its proposed ITS and FTS Rate Schedules of its FERC Gas Tariff.

Carnegie also requests pre-granted authorization to abandon transportation services upon the expiration of the contractual term of each individual transportation arrangement authorized under the blanket certificate requested herein. Carnegie also requests abandonment authorization for sales service in the event and at the time a sales customer converts to firm transportation service. Specifically, Carnegie requests, pursuant to section 7(b) of the Natural Gas Act and § 157.18 of the Commission's Regulations, abandonment authorization with respect to any Commission jurisdictional sales customer's conversion of firm sales entitlements to firm transportation on Carnegie's system under an FTS service agreement pursuant to § 284.10 the Commission's Regulations. Furthermore, Carnegie states that it would comply with the conditions specified in paragraph (c) of § 284.221 of the Commission's Regulations.

Comment date: May 31, 1988, in accordance with Standard Paragraph F at the end of this notice.

3. Carnegie Natural Gas Company

[Docket No. CP88–369–000]

Take notice that on April 29, 1988, Carnegie Natural Gas Company (Carnegie), 800 Regis Avenue, Pittsburgh, Pennsylvania 15236, filed in Docket No. CP88–369–000 an application pursuant to section 7(c) of the Natural Gas Act (NGA) for a certificate of public convenience and necessity for the construction and operation of a pipeline interconnection for the sale and delivery of natural gas to UGI Corporation—Gas Utility Division (UGI) for resale and for authorization for pre-granted abandonment of the proposed sale of gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Carnegie proposes to sell up to 10,000 dekatherms of natural gas per day (dt/d) to UGI on a firm basis pursuant to Carnegie's Rate Schedule CDS of the First Revised Volume No. 1 of its gas tariff for a primary term of ten years. Carnegie will deliver the gas to UGI at one of two alternative interconnections: (1) An interconnection to be constructed at a cost of $500,000 between Carnegie and the pipeline facilities of Columbia Gas Transmission (Columbia Gas) in Union Township, Washington County, Pennsylvania and (2) at Carnegie's existing delivery point with Texas Eastern Transmission Corporation (TETCO) at Waynesburg, Washington County, Pennsylvania. Carnegie also requests pregranted abandonment of the proposed sales service in the event that UGI exercises a price market-out clause in the sales service agreement or in the vent UGI is unable to arrange for the transportation of the gas volumes between the Carnegie delivery point and the UGI city gate receipt point.

Comment date: May 31, 1988, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–10779 Filed 5–12–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP88-159-100, TM88-1-20-000, and TQ88-1-20-000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

May 11, 1988.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on May 5, 1988, tendered for filing to its FERC Gas Tariff, Second Revised Volume No. 1, six (6) copies each of the following tariff sheets:

Proposed to be effective March 1, 1988

Substitute Twenty-sixth Revised Sheet No. 203

Proposed to be effective June 1, 1988

Twenty-sixth Revised Sheet No. 201
Nineteenth Revised Sheet No. 205
Third Revised Sheet No. 629
Second Revised Sheet No. 630
Fifth Revised Sheet No. 631
Fourth Revised Sheet No. 631-A
Third Revised Sheet No. 632
Second Revised Sheet No. 633
Third Revised Sheet No. 634
Second Revised Sheet No. 635
Second Revised Sheet No. 636

Algonquin states that pursuant to section 7 of its Rate Schedules F-2 and F-4, it is filing Substitute Twenty-sixth Revised Sheet No. 203 and Nineteenth Revised Sheet No. 205 to track rate changes made by its suppliers, CNG Transmission Corporation and Texas Eastern Transmission Corporation, in the services underlying Rate Schedules F-2 and F-4. The proposed effective dates for Twenty-sixth Revised Sheet No. 203 and Nineteenth Revised Sheet No. 205 are March 1, 1988 and June 1, 1988, respectively.

Algonquin states that, pursuant to the Commission's Order Nos. 483 and 483A ("Orders"), dated November 10, 1987 and March 2, 1988, respectively, in Docket No. RM86-14 *et al* it has elected to use its Purchased Gas Adjustment ("PGA") mechanism to recover its purchased gas costs for Rate Schedules F-1, WS-1, I-1 and E-1. Algonquin further states that the rate sheet, Twenty-sixth Revised Sheet No. 201, and section 17, the PGA Provision of the General Terms and Conditions which is comprised of Third Revised Sheet No. 629, Second Revised Sheet No. 630, Fifth Revised Sheet No. 631, Fourth Revised Sheet No. 631-A, Third Revised Sheet No. 632, Second Revised Sheet No. 633, Third Revised Sheet No. 634, Second Revised Sheet No. 635 and Second Revised Sheet No. 636 are being filed to adopt and implement the new PGA regulations in §§ 154.301 through 154.310 of the Commission's Regulations as set forth in the Orders. The proposed effective date of Twenty-sixth Revised Sheet No. 201 and the revised section 17, the PGA Provision of the General Terms and Conditions is June 1, 1988.

Algonquin notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 18, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-10783 Filed 5-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-165-000 and TQ88-1-4-000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates and Tariff Provisions

May 11, 1988.

Take notice that on May 5, 1988, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, tendered for filing with the Commission the following revised tariff sheets in its FERC Gas Tariff, First Revised Volume No. 1, containing changes in rates and other tariff provisions for effectiveness on June 1, 1988:

Seventh Substitute Twenty-First Revised Sheet No. 7
Second Substitute Second Revised Sheet No. 67
Third Substitute Fifth Revised Sheet No. 68
Second Substitute Second Revised Sheet No. 69
Third Substitute Fourth Revised Sheet No. 70
Second Substitute Second Revised Sheet No. 70-A
Third Substitute Third Revised Sheet No. 71
Second Substitute Second Revised Sheet No. 71-A
Third Substitute Third Revised Sheet No. 72
Second Revised Sheet No. 73
Second Revised Sheet No. 74
Third Substitute Fourth Revised Sheet No. 75
Third Substitute Second Revised Sheet No. 75-A
Third Substitute First Revised Sheet No. 75-B
Fourth Substitute Original Sheet No. 75-C
Second Revised Sheet No. 76
First Revised Sheet No. 77
Original Sheet No. 77-A
First Revised Sheet No. 80
Fourth Substitute First Revised Sheet No. 82
Substitute Original Sheet No. 82-A
First Revised Sheet No. 82-B

According to Granite State, the purpose of the filing is to make changes in rates and in the purchased gas cost adjustment procedures in Section XIX of the General Terms and Conditions of its tariff to conform to the requirements of the Commission's Revisions to the Purchased Gas Cost Adjustment Regulations, Docket No. RM86-14-000 (Order Nos. 483 and 483-A).

Granite State further states that copies of its filing were served upon its customers, Bay State Gas Company and Norther Utilities, Inc., and the regulatory commissions of the States of Maine, Massachusetts, and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 18, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-10784 Filed 5-12-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-162-000]

Ringwood Gathering Co.; Filing of Revised Purchased Gas Adjustment Clause

May 11, 1988.

Take notice that on May 2, 1988, Ringwood Gathering Company

(Ringwood), of 4828 Loop Central Drive, Loop Central Three, Suite 850, Houston, Texas 77081, filed Fourth Revised Sheet No. 58, Tenth Revised Sheet No. 59, Fifth Revised Sheet No. 60, Fifth Revised Sheet No. 61, Fourth Revised Sheet No. 62, Fouth Revised Sheet No. 63, and First Revised Sheet No. 64 to its FERC Gas Tariff. In addition, pursuant to the Commission's March 31, 1988 letter order in Docket No. TA88–1–38, Ringwood hereby withdraws its incremental pricing tariff sheet and removes said sheet from its tariff. Ringwood will continue to utilize a hybrid unit-of-sales/unit-of-purchase methodology until it elects either the unit-of-sales or the unit-of-purchase methodology in its next Natural Gas Act section 4 rate filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before May 18, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–10785 Filed 5–12–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP88–138–000 and TQ88–1–6–000]

Sea Robin Pipeline Co.; Tariff Filing of Revised Tariff Sheets

May 10, 1988.

Take notice that on May 3, 1988, Sea Robin Pipeline Company (Sea Robin) tendered for filing to its FERC Gas Tariff:

Original Volume No. 1

Fiftieth Revised Sheet No. 4
Sixth Revised Sheet No. 5
Fifth Revised Sheet No. 6
Sixth Revised Sheet No. 7
Third Revised Sheet No. 7–A
Third Revised Sheet No. 7–B
Fourth Reviseed Sheet No. 7–C
Original Sheet No. 7–C1
Original Sheet No. 7–C2
Second Revised Sheet No. 14
Second Revised Sheet No. 15
Second Revised Sheet No. 16
Third Revised Sheet No. 17
Third Revised Sheet No. 18
Fourth Revised Sheet No. 19
Original Sheet No. 19–A
Original Sheet No. 19–B

Original Volume No. 2

Thirty-third Revised Sheet No. 127–D
Thirty-third Revised Sheet No. 135–C

The proposed effective date for each of the preceding tariff sheets is June 1, 1988. These tariff sheets are being filed pursuant to § 154.310 of the Commissions regulations to reflect the changes in the purchase gas adjustment provisions contained in sections 1 and 4 of Sea Robin's FERC Gas Tariff, Original Volume No. 1. Tariff sheets 5 through 7C and 14 through 19 reflect the election under Section 154.303 of the Commission's regulations, as promulgated pursuant to Order 483 to recover changes in its cost of purchased gas through a PGA mechanism following the unit-of-sales methodology. Sea Robin proposed no changes to its Current Effective Rates at this time.

Sea Robin also tendered for filing the following tariff sheets:

Original Volume No. 1

Fifty-first Revised Sheet No. 4

Original Volume No. 2

Thirty-fourth Revised Sheet No. 127–D
Thirty-fourth Revised Sheet No. 135–C

These tariff sheets are being filed to reflect Surcharge Adjustments of $0.00 under Rate Schedules X–1, X–2, X–7 and X–8 to be effective July 1, 1988 as required by the transition rules of Section 154.310 of the Commission's regulations.

Sea Robin states that these revised tariff sheets and supporting data are being mailed to its jurisdictional sales customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in such accordance with § 385.214 and 385.211 of the Commission's regulations. All such motions or protests should be filed on or before May 17, 1988. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–10780 Filed 5–12–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA88–3–8–000]

South Georgia Natural Gas Co.; Proposed Changes To FERC Gas Tariff

May 10, 1988.

Take notice that on May 3, 1988, South Georgia Natural Gas Company (South Georgia) tendered for filing, in the alternative, Forty-Seventh Revised Sheet No. 4 and Alternate Forty-Seventh Revised Sheet No. 4 to its FERC Gas Tariff, First Revised Volume No. 1, with a proposed effective date of July 1, 1988. South Georgia states that the proposed tariff sheets reflect South Georgia's first annual PGA filing under the Commission's revised PGA Regulations.

South Georgia states that its proposed Current Adjustment is the same under both tariff sheets and reflects a commodity increase of 5.16¢ per MMBtu from South Georgia's transitional PGA filing in Docket No. TM88–1–8–000. The Surcharge Adjustment reflected on Forty-Seventh Revised Sheet No. 4, which is calculated in accordance with the Commission's Regulations, is 67.02¢ per MMBtu while the Surcharge Adjustment reflected in the alternate sheet is zero. South Georgia requests such waivers of the Commission's Regulations as may be required in order to implement the proposed alternate tariff sheet.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedures (§§ 385.214, 385.211). All such motions or protests should be filed on or before May 31, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–10781 Filed 5–12–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP88-80-001]

Texas Eastern Transmission Corp.; Compliance Filing

May 11, 1988.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on May 4, 1988 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies each of the following tariff sheets:

Substitute First Revised Sheet No. 52
Substitute First Revised Sheet No. 53
Substitute First Revised Sheet No. 54
Substitute First Revised Sheet No. 55
Substitute First Revised Sheet Nos. 56–99
First Revised Sheet No. 400
Substitute First Revised Sheet No. 482
Substitute First Revised Sheet No. 483.

Texas Eastern states that the purpose of this filing is to make the revisions to Texas Eastern's March 22, 1988 tariff filing in Docket No. RP88–80 as required by the Commission's April 21, 1988 "Order Accepting for Filing and Suspending Tariff Sheets, Subject to Refund and Conditions" (April 21 Order).

Texas Eastern states that its March 22, 1988 filing was accepted subject to refund and conditions imposed by the Commission's April 21 Order. In compliance with Ordering Paragraph (B) of the April 21 Order, Texas Eastern has made the following tariff changes:

(1) Sheet Nos. 52, 482, and 483 have been revised to eliminate references to suppliers Southern Natural and Texas Gas.

(2) Sheet No. 52 Page 1 of 4 through Sheet No. 52 Page 4 of 4 have been redesignated as Sheet Nos. 52, 53, 54, and 55.

(3) Sheet No. 483 has been revised to correct an incorrect reference to United's Docket No. RP88–27.

Texas Eastern states that Sheet No. 400 has not been revised because Texas Eastern submits that it correctly reflects the supersession of Second Substitute Original Sheet No. 400, which was accepted by the Commission's March 9, 1988 Letter Order in Docket No. RP85–177–000. Texas Eastern states that as required in Ordering Paragraph (C) of the April 21 Order, Texas Eastern affirms that within 30 days following the issuance of a Commission order in *United Gas Pipeline Company*, Docket No. RP88–27–000, establishing the appropriate amount of take-or-pay costs to be billed by Untied to its customers, Texas Eastern shall file revised tariff sheets to track any modifications to United's take-or-pay charges ordered in that proceeding. In addition to the above tariff changes, the April 21 Order requires Texas Eastern to file supporting workpapers clarifying whether or not it has allocated costs to non-jurisdictional customers. Texas Eastern states that no costs were allocated to non-jurisdictional sales since Texas Eastern does not purchase any gas for non-jurisdictional sales.

The proposed effective date of the tariff sheets listed above is April 1, 1988, the effective date of the initial tariff sheets filed in this proceeding.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before May 18, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–10786 Filed 5–12–88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-124-000, TQ88-1-11-000, TM88-1-11-000]

United Gas Pipe Line Co.; Tariff Filing of Revised Tariff Sheets

May 10, 1988.

Take notice on May 3, 1988, United Gas Pipe Line Company (United) tendered for filing to its FERC Gas Tariff, First Revised Volume No. 1:

To Be Effective June 1, 1988

Revised Seventy-Ninth Revised Sheet No. 4
Revised Sixth Revised Sheet No. 74–B
Revised Sixth Revised Sheet No. 74–C
Revised Fifth Revised Sheet No. 74–D
Revised Sixth Revised Sheet No. 74–E
Revised Seventh Revised Sheet No. 74–F
Revised Second Revised Sheet No. 74–F1
Revised First Revised Sheet No. 74–F2
Original Sheet No. 74–F2a

To Be Effective July 1, 1988

Second Revised Seventy-Ninth Revised Sheet No. 4

These tariff sheets are being filed pursuant to § 154.310 of the Commission's regulations to reflect the changes in the purchase gas adjustment provisions contained in section 19 of United's FERC Gas Tariff, First Revised Volume No. 1. Tariff sheets 74–B through 74–F1 reflect the election under § 154.303 of the Commission's regulations, as promulgated pursuant to Order 483 to recover changes in its cost of purchased gas through a PGA mechanism following the unit-of-sales methodology. United proposes a Current Adjustment of $0.00 effective June 1, 1988. Second Revised Seventy-Ninth Revised Sheet No. 4 to be effective July 1, 1988 reflects the Current and Surcharge Adjustments attributable to the Alaskan Natural Gas Transportation System (ANGTS).

United states that these revised tariff sheets and supporting data are being mailed to its jurisdictional sales customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in such accordance with § 385.214 and 385.211 of the Commission's regulations. All such petitions of protest should be filed on or before May 17, 1988.

Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a Motion to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88–10782 Filed 5–12–88; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Request for Applications for Long-Term Power From the Navajo Generating Station, AZ

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of request for applications.

SUMMARY: The Boulder City Area Office of the Western Area Power Administration (Western) is requesting applications for long-term power from the Navajo Generating Station (Navajo) which is in excess of the pumping requirements of the Central Arizona Project (CAP) and any such needs for desalting and protective pumping facilities as may be required under

section 101(b)(2)(B) of the Colorado River Basin Salinity Control Act of 1974 (Long-Term Navajo Surplus). The Long-Term Navajo Surplus is being marketed in accordance with the provisions of the Navajo Power Marketing Plan (Long-Term Plan) adopted by the Commissioner of the Bureau of Reclamation (Reclamation) on December 1, 1987, and published in the **Federal Register** on December 21, 1987 (52 FR 48328). Applications are being requested for the Long-Term Navajo Surplus available for sale and exchange after the date of initial operation of regulatory storage at New Waddell Dam through September 30, 2011. Capacity available for sale will be 400 megawatts (MW) less the capacity available for exchange. Up to 150 MW will be available for exchange. The capacity rate will be fixed for the term of the contract at $72 per kilowatt-year ($6 per kilowatt-month). The energy rate will be based on actual annual operating costs associated with the Navajo entitlement plus a charge for Western's costs associated with Navajo. Exchanges will be made at a one-kWh-for-one-kWh exchange rate plus the above-noted capacity rate and charge for Western's costs. Additional information regarding the resource and rates is provided in the "Request for Applications" section of this notice. The applications for Long-Term Navajo Surplus must include the applicant profile data described in this notice and also must include the amount(s) of power and type(s) of service (sale or exchange) requested.

Western will immediately begin accepting and reviewing the applications received pursuant to this notice. A proposed allocation will be published in a **Federal Register** notice upon completion of the review and analysis of all applications received. Western plans to have executed contracts for the Long-Term Navajo Surplus by December 31, 1988.

DATES: Applications for Long-Term Navajo Surplus will be accepted until June 13, 1988. Applications postmarked after that date will not be accepted.

ADDRESS: Applications should be submitted to: Mr. Thomas A. Hine, Area Manager, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005.

FOR FURTHER INFORMATION CONTACT: Mr. Earl W. Hodge, Assistant Area Manager for Power Marketing, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005.

SUPPLEMENTARY INFORMATION:

Contents

A. Background

The United States acquired an entitlement to 24.3 percent of the generation available at Navajo for use by CAP pursuant to the Colorado River Basin Project Act (32 U.S.C. 1501 *et seq.*). The CAP is a multipurpose water resource development and management project in Arizona. Section 107 of the Hoover Power Plant Act of 1984 (98 Stat. 1333) provides that capacity and energy associated with the United States entitlement in Navajo, which is in excess of the pumping requirements of CAP and any such needs for desalting and protective pumping facilities as may be required under section 101(b)(2)(B) of the Colorado River Basin Salinity Control Act of 1974, shall be marketed and exchanged by the Secretary of the Department of Energy pursuant to a plan adopted by the Secretary of the Interior after consultation with the Secretary of the Department of Energy, the Governor of Arizona, and the Central Arizona Water Conservation District (CAWCD). In accordance with the Hoover Power Plant Act of 1984, the Commissioner of Reclamation adopted the Long-Term Plan on December 1, 1987, on behalf of the Secretary of the Interior. Prior to the adoption of the Long-Term Plan, an Interim Navajo Power Marketing Plan (Interim Plan) was adopted and implemented to provide for the marketing of Navajo power until a long-term plan could be implemented. The Long-Term Plan provides that contracts entered into under the Interim Plan will expire upon 1-year notice given by Western subsequent to September 30, 1989, but no later than the date of initial operation of regulatory storage of New Waddell Dam. The New Waddell Dam is a regulatory storage feature of the CAP which will provide operating flexibility and will allow increased winter season pumping into regulatory storage for release in the summer season, and thereby reduce summer season pumping, providing an enhanced power resource during the peakload season of the Southwest.

The Long-Term Plan provides that Western, working closely with Reclamation and CAWCD, will be the primary marketing entity responsible for the sale and exchange of the Long-Term Navajo Surplus. By letter dated December 17, 1987, the Commissioner of Reclamation requested that Western begin the marketing process for the sales and exchanges provided in the Long-Term Plan upon the plan's effective date of January 20, 1988, and pursue the goal of having executed contracts within 12 months. As requested by Reclamation, Western is initiating the marketing process for the sales and exchanges of Long-Term Navajo Surplus and plans to have executed contracts by December 31, 1988.

B. Request for Applications

Western is requesting applications for sale and exchange of Long-Term Navajo Surplus for the contract period to commence upon initial operation of regulatory storage at New Waddell Dam through September 30, 2011. Contractors with long-term contracts terminating in 2011 shall be given the first opportunity for new long-term contracts for approximately the same amount of power contained in the terminated contracts with available capacity and energy distributed pro rata among contractors. Initial operation of the regulatory storage is scheduled to begin after 1992. Criteria for the sale and exchange of Long-Term Navajo Surplus are provided in the Long-Term Plan published in the **Federal Register** (52 FR 48328, December 21, 1987), a copy of which can be requested from Western's Boulder City Area Office.

The Long-Term Navajo Surplus to be sold or exchanged under the Long-Term Plan consists of capacity and energy for sale on a long-term basis generally during the summer season (May 1 through September 30 of any year), but will be available during the summer and winter seasons, onpeak and offpeak. Onpeak hours are the hours, except Sunday, that are between 9 a.m. to 9 p.m., mountain standard time during the summer season. Capacity available for sale will be 400 MW, less the capacity used for exchange purposes. A maximum of 150 MW of the 400 MW available for sale may be used for exchanges on a long-term basis. Energy scheduled from an exchange contractor will be returned to the exchange contractor on a one-kWh-for-one-kWh basis. There will be 760 kWh of energy per year available for sale or exchange to each contractor for each kilowatt of contract capacity. Delivery of capacity and energy will be subject to the availability of the Navajo Powerplant and the associated transmission system and capacity reductions will be on a pro rata basis among all the contractors and CAWCD. Energy will be affected if the energy produced by the Navajo entitlement is less than an average of 3,500 GWh per year in the current and immediately prior operating year.

Specific details of the contractor's rights under these circumstances are addressed in the Long-Term Plan.

Long-Term Navajo Surplus will be offered for sale in the following order of priority:

1. Preference entities within Arizona.
2. Preference entities within the Boulder City marketing area.
3. Preference entities in adjacent Federal marketing areas.
4. Nonpreference entities in the Boulder City marketing area.

In the event that a potential contractor fails to place capacity and energy under contract within a reasonable period, as specified by Western and in accordance with the terms and conditions offered by Western, the amount of capacity and energy not placed under contract will be reoffered in accordance with the order of priority specified above.

Arizona entities, regardless of preference status, shall have first opportunity for electrical capacity and energy exchange rights as necessary to implement this plan in accordance with section 107 of the Hoover Power Plant Act of 1984.

Western, after consultation with Reclamation and CAWCD, shall enter into all power sales and exchange contracts on behalf of the Secretary of the Interior, consistent with the Long-Term Plan and the Conformed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects (49 FR 50583, December 29, 1984). Contract entitlements will be measured or calculated at the 500-kV bus at Navajo. Capacity and energy, less losses, will be delivered at a voltage of 500 kV to contractors at either Westwing Switchyard or McCullough Switchyard or at such other points and voltages on the Navajo system as Western and the contractor shall agree. Any necessary transmission service beyond the contractor's point(s) of delivery will be the responsibility of the contractor. CAWCD will be a party to contracts for the sale or exchange of Long-Term Navajo Surplus for the limited purpose of establishing and collecting the additional rate component authorized by the Hoover Power Plant Act of 1984 to repay the advance of $175,000,000 (or more) to Reclamation by CAWCD for authorized features of CAP in accordance with the Plan Six Cost-Sharing Agreement dated April 15, 1986.

The rates for long-term Navajo capacity and energy are prescribed in the Long-Term Plan. The capacity rate for sales and exchanges will be fixed for the term of the long-term contracts at the additional rate component established by CAWCD plus an amount which when added to the additional rate component shall total $72 per kW-year. The annual rate of $72 per kW-year shall be billed to each contractor in a monthly amount of $6 per kW-month. The energy rate for sales will be a mills-per-kWh rate based on the actual annual operating costs associated with the Navajo entitlement in the prior operating year plus a charge for Western's costs associated with Navajo. Western's charge will be based on actual costs of services performed under the Long-Term Plan, including appropriate administrative expenses. Long-term exchanges will be at a one-kWh-for-one-kWh energy exchange rate plus the above described $72 per kW-year capacity rate and a charge for Western's costs associated with Navajo.

All applications for Long-Term Navajo Surplus must comply with the following applicant profile data (APD) as approved through June 30, 1989, by the Office of Management and Budget (OMB No. 1910–1200). If an item in the APD does not apply, please state the reason why it does not apply.

C. Applicant Profile Data

If an applicant is applying for power on behalf of another organization which is not a member or subsidiary of the applicant, the applicant should provide a statement to that effect, which includes the reason(s) why the other organization is not applying for power on its own behalf. All items of information in the APD should be answered as if prepared by the organization seeking the allocation of Federal power.

1. Applicant Organization

a. Organization name and address.

b. Name, address, title, and telephone number of person(s) who will represent the entity in dealing with Western.

c. Type of organization (municipality, rural electric cooperative, irrigation district, State agency, Federal agency, other). Parent organization, if applicable. Names of members, if applicable. Applicable law under which organization was established.

d. Organization's geographic service area. If readily available, submit a map of the service area and indicate the date the map was prepared.

e. Number and types of customers served and percentage of load: residential, commercial, industrial, agricultural, military base, etc.

2. Loads

a. Maximum demand (kW) and energy use (KWh) for each month for each year of 1985, 1986, and 1987.

b. Daily peak demand for the peak week in the years 1985, 1986, and 1987.

3. Resources

a. Operating generating resources, if any, including for each resource, rated capacity, plant factor by month for 1987 type of fuel, and location.

b. If the applicant's load is served wholly or partially by purchases from others, please provide for each purchase, the name of the power supplier, amounts of firm and nonfirm capacity and energy supplied under the contract, and the termination date.

4. Transmission

a. A brief description of the applicant's transmission and distribution system, including major interconnections.

b. Requested point(s) of delivery on the Navajo system, voltage of service required, and capacity desired at each of the points of delivery.

c. Description of the transmission arrangements necessary to deliver power from the requested point(s) of delivery to the applicant's load. (If transmission service by another entity will be necessary, please describe the arrangement necessary to obtain the service.) Please provide a single-line drawing of the applicant's service arrangements, if one is readily available.

5. Service Requested

a. The amount(s) and type(s) of service (sale or exchange) requested.

b. The date when the applicant can first use the service requested from Western.

c. Any other information the applicant wishes to include.

d. The signature and title of an appropriate official who is able to attest to the validity of the information submitted and who is authorized to submit the application.

D. Regulatory Procedural Requirements

Executive Order 12291

Under the provisions of section 3 of Executive Order 12291, dated February 17, 1981, a regulatory impact analysis must be made prior to the publication of a major rule. This proposal is of a technical nature and considered to be a nonmajor rule within the meaning of the

Executive order. Western has an exemption from sections 3, 4, and 7 of Executive Order 12291; accordingly, no clearance of this procedure by the Office of Management and Budget (OMB) is required.

National Environmental Policy Act

In compliance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations, and the Department of Energy guidelines for compliance with NEPA, republished and amended in the Federal Register on December 15, 1987 (52 FR 240), Western prepared an environmental assessment of the potential impacts of the marketing of Long-Term Navajo Surplus. The Department of Energy has determined that Western's proposed actions as described in the environmental assessment will not lead to any significant environmental impacts.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*), each agency, when required to publish a general notice of proposed rule, shall prepare for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. In this instance, this proposal relates to particular electric services and rates provided by Western. Under 5 U.S.C. 601(2), such rules and practices relating to services are not considered "rules" within the meaning of this Act. Accordingly, no regulatory flexibility analysis is required.

Paperwork Reduction Act of 1980

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520) requires that certain information collection requirements be approved by the OMB before information is demanded of the public. OMB has issued a final rule on the Paperwork Burdens on the Public (48 FR 13666) dated March 31, 1983. Only those parties requesting Long-Term Navajo Surplus are requested to submit information. Nevertheless, this is at their sole election. There is no requirement that members of the public supply information about themselves to the Government. It follows that the request for applications for power from the Navajo Generating Station is exempt from the Paperwork Reduction Act.

Issued at Golden, Colorado, April 29, 1988.

William H. Clagett,

Administrator.

[FR Doc. 88–10695 Filed 5–12–88; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3379–2]

Agency Paperwork Reduction Act Requests Completed By OMB

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces Office of Management and Budget (OMB) actions on the Information Collection Requests (ICRs) submitted by EPA.

Approved

EPA ICR #1444; Emissions Inventory for Regional Acid Disposition Model (RADM) Verification; OMB action date: 4/6/88; OMB #2080–0030; expires 6/30/90. New collection.

EPA ICR #1028; Pesticide Manufacturing Facility Census for 1986; OMB action date: 4/11/88; OMB #2040–0111; expires 4/30/90. New collection.

EPA ICR #1440; Technical Assistance Grants to Groups at National Priorities Sites; OMB action date: 4/15/88; expires 2/28/91. New collection.

EPA ICR #0938; 40 CFR Part 30. "General Regulation for Issuance Program" (Amendment); OMB action date: 4/21/88; expires 8/31/89. Revision of existing collection. No changes.

FOR FURTHER INFORMATION CONTACT:

Carla Levesque, U.S. Environmental Protection Agency, Information Policy Branch (PM–223), 401 M St., SW., Washington, DC 20460, Telephone No. (202) 382–2740

or

Susan Dudley, Office of Management and Budget, Office of Information and Regulatory Affairs, 726 Jackson Place, NW., Washington, DC 20503, Telephone No. (202) 395–3084.

Date: May 4, 1988.

Paul Lapsley,

Acting Director, Information and Regulatory Systems Division.

[FR Doc. 88–10725 Filed 5–12–88; 8:45 am]

BILLING CODE 6560-50-M

[FRL–3379–1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requests (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and are available to the public for review and comment. The ICRs describe the nature of the information collection and its expected cost and burden; where appropriate, they include the actual data collection instrument.

FOR FURTHER INFORMATION CONTACT:

Carla Levesque at EPA, (202) 382–2740.

SUPPLEMENTARY INFORMATION:

Office of Pesticides and Toxic Substances

Title: PCB Disposal Permitting Regulation. (EPA ICR #1012).

Abstract: Applicants for PCB disposal permits must provide a sampling and quality assurance plan and an environmental impact assessment to EPA. The Agency will use these data to evaluate the facility's ability to safely dispose of PCBs. This is an extension of an existing collection.

Respondents: Applicants for PCB Disposal Permits.

Estimated Burden: 15,000 hours.

Frequency of Collection: Annually.

Title: Pesticides Report for Pesticide-Producing Establishments. (EPA ICR # 0160).

Abstract: FIFRA requires producers of pesticide products, active ingredients and devices to register their establishments with EPA and to submit an annual report on the types and amounts of products produced. EPA uses this information for compliance oversight and risk assessment. This is a reinstatement of an existing collection.

Respondents: Producers of Pesticide Products.

Estimated Burden: 13,965 hours.

Frequency of Collection: Annually.

Title: Reporting and Recordkeeping for Asbestos Abatement Worker Protection. (EPA ICR #1246).

Abstract: This rule covers state and local employees who perform asbestos abatement activities. It requires employers to report asbestos abatement projects, to train employees about the hazards of asbestos, to monitor employee exposure, and to provide medical surveillance. It also requires employers to maintain records of these activities. This is an extension of an existing collection.

Respondents: State and Local Governments.

Estimated Burdens: 71 hours.

Frequency of Collection: On occasion.

Office of Research and Development

Title: Laboratory Performance Evaluation of Water and Waste Laboratories. (EPA ICR # 0234).

Abstract: Laboratories which provide required monitoring data under the Clean Water Act of 1987 or the Safe Drinking Water Act must complete performance evaluations (PEs). EPA contractor or grantee laboratories also must submit PEs. These evaluations help ensure quality of data used in Agency decisions involving water quality standards.

Respondents: Agency, State, local and private water and waste laboratories.

Estimated Burdens: 56,770 hours.

Frequency of Collection: Annually.

Comments on the ICR should be sent to:

Carla Levesque, U.S. Environmental Protection Agency, Information Policy Branch (PM–223), 401 M St., SW., Washington, DC 20460

and

Timothy Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, 726 Jackson Place, NW., Washington, DC 20503. (Telephone (202) 395–3084).

Date: May 4, 1988.

Paul Lapsley,

Acting Director, Information and Regulatory Systems Division.

[FR Doc. 88–10726 Filed 5–12–88; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–3379–8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared April 25, 1988 through April 29, 1988 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5074.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 22, 1988 (53 FR 13318).

DRAFT EISs

ERP No. D–AFS–L65123–ID, Rating EC1, Wing Creek-Twentymile Geographic Display Area Management Plan, Implementation, Nezperce National Forest, Elk City and Clearwater Ranger Districts, Idaho County, ID.

Summary:

EPA's concern is that sediment from road construction and timber harvest may reach the stream systems and affect fish habitat capability and water quality.

ERP No. D–AFS–L65124–AK, Rating EC2, North Sea Otter Sound Area Resources Management Plan, Implementation, Tongass National Foreign, AK.

Summary:

EPA's main concern is the effect of the action alternatives on water quality. Additional information is requested on compliance with Water Quality Standards, water quality and fish habitat monitoring, mitigation measures, and baseline data.

ERP No. D–BLM–J01070–CO, Rating LO, Northwest Colorado Coal Preference Right Lease Applications, Chapman-Riebold (C–0125366) and Jensen-Miller (C–4275), Leasing, Rio Blanco County, CO.

Summary:

EPA does not anticipate any significant adverse impacts from the preferred alternative.

ERP No. D–BLM–J20009–UT, Rating LO, Aptus Industrial and Hazardous Waste Treatment Facility Construction and Operation, Land Exchange, Right-of-Way Grants, Temporary Use Permits and Possible 404 Permit, Tooele County, UT.

Summary:

EPA has no objections to the project as proposed, but suggests that additional information be included in the final EIS.

ERP No. D–BLM–L65122–ID, Rating LO, Idaho Statewide Small Wilderness Study Areas (WSAs), Wilderness Recommendations, Designation or Nondesignation, Box Creek, Lower Salmon Falls Creek, Henry's Lake, Worm Creek, Goldbury, Borah Peak, Boulder Creek, Little Wood River and Black Butte WSAs', Valley, Twin Falls, Fremont, Bear Lake, Custer, Blaine and Lincoln Counties, ID.

Summary:

EPA has no objections to this document for the wilderness study areas. However, we recommend that the final EIS include water quality and fishery impacts as planning criteria for all WSAs.

ERP No. DS–COE–E35027–NC, Rating EU3, Wilmington Harbor, Northeast Cape Fear River Navigation Improvements, Fourth East Jetty Channel to near Hilton Railroad Bridge, Project Changes and Additional Information, Implementation, New Hanover and Brunswick Counties, NC.

Summary:

EPA feels the proposed project, without prior or concurrent implementation of the environmental conservation features, would result in a project which is environmentally unsatisfactory. This document does not contain adequate justification for reversing the conclusions reached through earlier environmental analyses and altering the overall environmental impacts of the project. EPA proposes that the Wilmington District prepare a supplemental EIS which adequately addresses concerns described above. Based upon these concerns the proposed action is presently a candidate for referral to the President's Council on Environmental Quality for resolution of issues of concern.

ERP No. D–UAF–E11020–NC, Rating EC2, Seymour Johnson AFB, F–4 to F–15E Aircraft Conversion Program, Site Selection and Implementation, Wayne County, NC, Alternative Sites are Cannon AFB, NM; Holloman AFB, NM; Mountain Home AFB, ID and Nellis AFB, NV.

Summary:

EPA has a number of questions regarding the noise impacts of this decision to locate the F–15E squadrons at Seymor Johnson in which EPA needs some clarification.

ERP No. D–USA–J10009–UT, Rating EC2, Dugway Proving Ground, Biological Aerosol Test Facility (BATF), Construction and Operation, Baker Laboratory, Tooele and Juab Counties, UT.

Summary:

EPA has concerns about the details of the analysis in the EIS rather than any specific environmental impact of the proposed project. EPA suggests that some programmatic options in facility operations be further considered to reduce the risk of release and that the EIS be improved.

Note: The above summary should have appeared in the 4–15–88 FR Notice.

FINAL EISs

ERP No. F–COE–C36058–NY, Saw Mill River Basin Flood Control Plan, Old Nepperan Avenue Bridge to near the former Tompkins Avenue Bridge, Nepara Park, City of Yonkers, Westchester County, NY.

Summary:

EPA's concerns on the draft EIS regarding the resuspension of trace pollutants and erosion on the city of Yonkers drinking water and to the surrounding environment have been addressed. Accordingly, EPA has no objections to the implementation of the project as proposed.

ERP No. FS–FAA–F51002–IN, Indianapolis International Airport Development, 4R–22L 10,000 Foot Runway Construction, Project Change, Approval and Funding, Marion County, IN.

Summary:

EPA provided comments on the final EIS, and had no further comments.

ERP No. F–FHW–F40143–MN, US 10/US MN Trunk Highway 10 Improvements, CSAH–77 near Bluffton to CSAH–53 south of Motley, Funding and 404 Permit, Otter Tail, Wadena, Todd and Morrison Counties, MN.

Summary:

EPA expressed concerns about the potential for adverse wetlands impacts and secondary impacts in the draft EIS. In general, EPA is satisfied with the way in which previous concerns were addressed in this document.

ERP No. F–UMT–E54006–FL, Miami Metromover Automated Transportation System, Construction and Improvement, Omni and Brickell Legs, Dade County, FL.

Summary:

EPA is satisfied that concerns have been adequately addressed. However, effective measures should be developed during final design to minimize adverse air, noise and water quality impacts from construction activities.

Amended Notice:

EO—Environmental Unsatisfactory should read EU—Environmental Unsatisfactory in 4–22–88 FR Notice.

Date: May 10, 1988.

William D. Franklin,

Acting Director, Office of Federal Activities.

[FR Doc. 88–10806 Filed 5–12–88; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–3379–6]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382–5075 or (202) 382–5074. Availability of Environmental Impact Statements Filed May 2, 1988 Through May 6, 1988 Pursuant to 40 CFR 1506.9

EIS No. 880143, Draft, COE, ND, Devils Lake Basin, Flood Control and Related Purposes Project, Implementation, Benson, Eddy, Nelson, Walsh, Cavalier, Towner, Rolette, Pierce and Ramsey Counties, ND, Due: June 27, 1988, Contact: Gary Palesh (612) 220–0264.

EIS No. 880144, Draft, BLM, AK, Birch Creek Watershed, Placer Mining Management Plan, Approval and 404 Permit, Implementation, Steese National Conservation Area, Yukon-Tanana, AK, Due: July 11, 1988, Contact: Richard Dworsky (907) 271–3114.

EIS No. 880145, Draft, BLM, UT, Pony Express Resource Management Plan, Implementation, Salt Lake District, Utah, Tooele and Salt Lake Countries, UT, Due: August 15, 1988, Contact: Dennis Oaks (801) 524–6767.

EIS No. 880146, Final, FHW, ND, Columbia Road Overpass Widening, Gateway Drive to 32nd Avenue South, Funding, Grand Forks County, ND, Due: June 13, 1988, Contact: John Kliethermes (701) 255–4011.

EIS No. 880147, Final, AFS, UT, Escalante Known Geological Structure (KGS), Oil and Gas Leasing and Development, Dixie National Forest, Due: June 13, 1988, Contact: Calvin Bird (801) 586–2421.

EIS No. 880148, Draft, FHW, VA, VA–642/Hoadly Road Improvements, VA–234 to VA–641, Funding, Prince William County, VA, Due: June 27, 1988, Contact: James Tumlin (804) 771–2371.

Amended Notices

EIS No. 880106, Draft, FHW, VA, US 288 Const., US 360/Hull Street to I–64, Funding, Section 10 and 404 and Coast Guard Permits, Chesterfield, Henrico, Goochland and Powhatan Counties, VA, Due: May 31, 1988, Contact: Robert L. Hundley (804) 786–4304. Published FR 4–15–88-Review period extended.

Dated: May 10, 1988.

William D. Franklin,

Acting Director, Office of Federal Activities.

[FR Doc. 88–10805 Filed 5–12–88; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–3379–7]

Designation of an Ocean Dredged Material Disposal Site (ODMDS) in Cape Arundel, Maine; Intent to Prepare an Environmental Impact Statement

AGENCY: Environmental Protection Agency (EPA), Region I.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS) on the Cape Arundel dredged material disposal site in the Gulf of Maine.

Purpose: In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA), and with a voluntary policy to prepare EISs for all ocean disposal site designations, EPA issues this Notice of Intent pursuant to 40 CFR 1507.7.

For Further Information and to be Placed on the Project Mailing List Contact: Kymberlee Keckler, Chemical Engineer, U.S. EPA Region I, JFK Federal Building, WQE–1900, Boston, MA 02203. Telephone: (Commercial) (617) 565–4432 or (FTS) 835–4432.

SUMMARY: Since 1977, the existing site known as the Cape Arundel Disposal Site located approximately three (3) nautical miles south of Kennebunkport, Maine, has been operating under an interim designation status for dredged material disposal. EPA has identified a continuing need for use of the present interim site, and is therefore proposing to grant final designation to the site. Designation in itself does not result in disposal, it only serves to make an ocean disposal site option available for consideration in the alternatives analysis for each dredging project in the area.

Need For Action: On May 7, 1974, the EPA published a Statement of Policy on Environmental Impact Statements (EISs). Section (1)(d)(2) of that policy specifies that EISs must be prepared in connection with ocean disposal site designations under Section 102(d) of the Marine Protection, Research, and Sanctuaries Act. Final site designation will serve to clarify the site's status for the long term, including its availability as an ocean disposal alternative for consideration during the case-by-case permit reviews for future dredging projects in the region.

Alternatives: The EIS will consider various alternatives including alternative disposal methods, alternative ocean disposal sites, environmental evaluation of the existing interim site to determine if its use should be continued, and the no-action alternative.

Scoping: The Environmental Protection Agency (EPA), Region I, will hold a public scoping meeting on Tuesday, May 31, 1988 from 7:00 p.m. to 8:30 p.m. in the Community Room of the Ocean National Bank, 10 Elm Street, Kennebunkport, Maine. Details of the history of the project and the alternatives to be considered will be presented. The public is invited to attend and identify issues that should be addressed in the EIS.

Estimated Date of Draft EIS Release: March 1, 1989.

Responsible Official: Michael R. Deland, Regional Administrator for Region I.

Dated: May 9, 1988.

William D. Franklin,

Acting Director, Office of Federal Activities.

[FR Doc. 88-10807 Filed 5-12-88; 8:45 am]

BILLING CODE 6560-M

[FRL-3379-4]

Sole Source Aquifer Designation for the Pawcatuck Basin Aquifer System, Rhode Island and Connecticut

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In response to a petition from the Audubon Society of Rhode Island, notice is hereby given that the Regional Administrator, Region I, of the U.S. Environmental Protection Agency (EPA) has determined that the Pawcatuck Basin Aquifer System satisfies all determination criteria for designation as a sole source aquifer, pursuant to section 1424(e) of the Safe Drinking Water Act. The designation criteria include the following: The Pawcatuck Basin Aquifer System is the sole source of drinking water for the residents of that area; there are no viable alternative sources of sufficient supply; the boundaries of the designated area and project review area have been reviewed and approved by EPA; and if contamination were to occur, it would pose a significant public health hazard and a serious financial burden to the area's residents. As a result of this action, all Federal financially assisted projects proposed for construction or modification within the Pawcatuck Basin will be subject to EPA review to reduce the risk of ground water contamination from these projects.

DATE: This determination shall be promulgated for purposes of judicial review at 1:00 p.m. Eastern time May 27, 1988.

ADDRESSES: The data upon which these findings are based are available to the public and may be inspected during normal business hours at the U.S. Environmental Protection Agency, Region I, JFK Federal Building, Water Management Division, WGP-2113, Boston, MA 02203. The designation petition submitted may also be inspected at the Langworthy Public Library in Hope Valley, Rhode Island.

FOR FURTHER INFORMATION CONTACT: Robert E. Mendoza, Chief of the Ground Water Management Section, EPA Region I, JFK Federal Building, WGP-2113, Boston, MA 02203, 617-565-3600.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300f, 300h-3(e), Pub. L. 93-523) states:

> If the Administrator determines on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the **Federal Register**. After publication of any such notice, no commitment for federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

On November 30, 1987, EPA received a petition from the Audubon Society of Rhode Island requesting designation of the Pawcatuck Basin Aquifer System as a sole source aquifer. EPA determined that the petition, after receipt and review of additional requested information fully satisfied the Completeness Determination Checklist. A public hearing was then scheduled and held on March 3, 1988, in Wood River Junction, Rhode Island, in accordance with all applicable notification and procedural requirements. A four week public comment period followed the hearing.

II. Basis for Determination

Among the factors considered by the Regional Administrator as part of the detailed review and technical verification process for designating an area under section 1424(e) were: (1) Whether the aquifer is the sole or principal source (more than 50%) of drinking water for the defined aquifer service area, and that the volume of water from an alternative source is insufficient to replace the petitioned aquifer; (2) whether contamination of the aquifer would create a significant hazard to public health; and (3) whether the boundaries of the aquifer, its recharge area and streamflow source area, the project designation area, and the project review area are appropriate. On the basis of technical information available to EPA at this time, the Regional Administrator has made the following findings in favor of designating the Pawcatuck Basin Aquifer System as a sole source aquifer:

1. The Pawcatuck Basin Aquifer System is the sole source of drinking water to all of the residents within the service area.

2. There exists no reasonable alternative drinking water source or combination of sources of sufficient quantity to supply the designated service area.

3. EPA has found that the Audubon Society has appropriately delineated the boundaries of the aquifer recharge area, project designation area and project review area.

4. Although the quality of the Basin's ground water is rated as good to excellent, it is highly vulnerable to contamination due to the Basin's geological characteristics.

Because of this, contaminants can be rapidly introduced into the aquifer system from a number of sources with minimal assimilation. This may include contamination from chemical spills, highway, urban and rural runoff, septic systems, leaking storage tanks, both above and underground, road salting operations, saltwater intrusion, and landfill leachate. Since all residents are dependent upon the aquifer for their drinking water, a serious contamination incident could pose a significant public health hazard and place a severe financial burden on the service area's residents.

III. Description of the Pawcatuck Basin Aquifer System, Designated Area, and Project Review Area

The Pawcatuck Basin Aquifer System is a 295-square mile watershed located primarily in southwestern Rhode Island and partially in southeastern Connecticut. It encompasses part or all of ten towns in RI and portions of four towns in CT. It is comprised of ten hydrogeologically interconnected aquifers, nine in RI and one in CT. The aquifers consist of extensive deposits of stratified drift. They are generally located in the lowland areas of the basin. The recharge areas or highland portions of the basin consist of interfingered stratified drift and till deposits. Bedrock outcrops can also be found in these highland areas.

The designated area is defined as the surface area above the aquifer system and its recharge area. For the Pawcatuck Basin Aquifer System, the boundary of the designated area coincides with the boundary of the watershed basin. The watershed boundary is a surface water divide based on topography, which generally corresponds to the ground water divide.

The recharge areas are usually comprised of bedrock and/or till which may be interfingered with stratified drift materials. The lowland areas where the aquifers are located, generally consist of stratified drift. Activities occurring in the upland areas can have a direct impact on the ground water quality of the aquifers.

The project review area is the same as the designated area boundary. The project review area includes the entire Pawcatuck Basin watershed.

IV. Information Utilized in Determination

The information utilized in this determination includes: the petition submitted to EPA Region I by the Audubon Society of Rhode Island; additional information requested from and supplied by the petitioners; written and verbal comments submitted by the public; and the technical papers and maps submitted with the petition. This information is available to the public and may be inspected at the address listed above.

V. Project Review

EPA Region I is working with the Federal agencies most likely to provide financial assistance to projects in the project review area. Interagency procedures and Memoranda of Understanding have been developed through which EPA will be notified of proposed commitments by Federal agencies to projects which could contaminate the Pawcatuck Basin Aquifer System. EPA will evaluate such projects and, where necessary, conduct an in-depth review, including soliciting public comments when appropriate. Should the Regional Administrator determine that a project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health, no commitment for Federal financial assistance may be entered into. However, a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to ensure that it will not contaminate the aquifer. Included in the review of any Federal financially assisted project will be the coordination with state and local agencies and the project's developers. Their comments will be given full consideration and EPA's review will attempt to complement and support state and local ground water protection measures. Although the project review process cannot be delegated, EPA will rely to the maximum extent possible on any existing or future state and/or local control measures to protect the quality of ground water in the Pawcatuck Basin Aquifer System.

VI. Summary and Discussion of Public Comments

The vast majority of comments received from the public supported designation of the Pawcatuck Basin Aquifer System as a sole source aquifer. Over seventy comments were received from the public; of these, only three expressed opposition to the designation.

One party raised questions about: (1) The availability of alternative sources of water supply for the Pawcatuck Basin and the information supplied in the petition; (2) the application of boundary definitions used in the petition; (3) the appropriateness of designating a whole watershed basin versus designating each aquifer separately; and (4) the possibility of overlap among Federal, State and local regulations. EPA has researched each of these issues and has found that the petition addresses them adequately.

Two other parties raised questions about alternative sources of water supply in Connecticut. Connecticut and Rhode Island identify their aquifers by different names. This created confusion about which aquifers had been researched by the petitioners. These misunderstandings have been resolved.

Notable letters of support were received from Federal, State and local governments, as well as letters from environmental organizations and residents. Reasons given for support include: (1) The total dependence of the residents on ground water for their drinking water supply; (2) the fact that there are no reasonably available alternative sources; (3) that growth and development in the Pawcatuck Basin threaten the continued purity of the resource; and (4) that the Pawcatuck Basin's designation as a sole source aquifer would heighten public awareness of the vulnerability of the resource, and would encourage further protective efforts.

Michael R. Deland,

Regional Administrator.

[FR Doc. 88-10722 Filed 5-12-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

May 4, 1988.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on this submission contact Terry Johnson, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: None

Title: Terrain Shielding Policy

Action: New collection

Respondents: Businesses or other for-profit (including small businesses)

Frequency of Response: On occasion

Estimated Annual Burden: 250 Responses, 2,500 Hours

Needs and Uses: The Commission adopted a Policy Statement regarding terrain shielding in the evaluation of television translator, television booster and low power television applications. In this policy statement, the Commission has relaxed its policy regarding consideration of terrain shielding in the LPTV service. This policy would require respondents to submit either a detailed terrain study, or to submit assent of all potentially affected parties and graphic depiction of the terrain. The data is used by FCC staff to determine if adequate interference protection can be provided by terrain shielding and if waiver of the Rules is warranted.

Federal Communication Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-10691 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

Technical and Allocations Subgroups of Radio Advisory Committee; Meeting

The Technical and Allocations Subgroup of the Advisory Committee on Radio Broadcasting will reconvene at 1:30 p.m. on Wednesday, May 11, 1988 at the Headquarters of the National Association of Broadcasters, 1771 N Street, NW., Washington, DC.

As decided and announced at the April 21, 1988 meeting of the subgroups, this next session will be a continuation of that meeting, and will address the same agenda, which is set out below. Please note, however, that it has become necessary to change the date of this

resumed meeting to Wednesday, May 11, 1988.

At the forthcoming May 11, 1988 session, the Subgroups will continue their consideration of:

—Improvement of the AM radio broadcast service;
—Preparations for the Second Session of the Regional Administrative Radio Conference on Expansion of the AM Band (RARC-88); and
—Other business.

The Subgroups' meetings are continuing ones, and may be resumed after each session as decided by the participants. All meetings of the Radio Advisory Committee and its Subgroups are open to the public. All interested persons are invited to participate.

For further information, please call Wallace Johnson, Chairman of the Technical Subgroup, at (703) 824–5660, or Louis Stephens, Chairman of the Allocations Subgroup, at (202) 254–3394.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88–10692 Filed 5–12–88; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 88–204]

Application For Consolidated Hearing; AGH Communications, Inc. and Woodford County Radio Inc.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, and city/ State	File No.	MM Docket No.
A. AGH Communicatiorts, Inc.; Eureka, ILL.	BPH–870430MX	88–204
B. Woodford County Radio, Inc.; Eureka, ILL.	BPH–870430MY	

2. Pursuant to section 309(e) of the Communication Act 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue 4 in question applies to that particular applicant.

Issue Heading and Applicants

1. Air Hazard, A
2. Comparative, A, B
3. Ultimate, A, B

3. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 867–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88–10770 Filed 5–12–88; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 88–206]

Applications For Consolidated Proceeding; Mary Faye Gilbert et al

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, and city/ State	File No.	MM Docket No.
A. Mary Faye Gilbert; Belle Chasse, LA.	BPH–870526MA	88–206
B. Belle Chasse Enterprises, Inc.; Belle Chasse, LA.	BPH–870526ME	
C. Sunsett Broadcasting Co. L.P.; Belle Chasse, LA.	BPH–870527MA	
D. Randolph J. Callender d/b/a, First Bell Chasse Media Group, A Partnership in Commendam; Belle Chasse, LA.	BPH–870527MB	
E. Area Belle Chasse Community Radio; Belle Chasse, LA.	BPH–870527MC	
F. Belle Chasse Radio, Limited Partnership; Belle Chasse, LA.	BPH–870527ME	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicants

1. Air Hazard, B, E
2. Comparative, ALL
3. Ultimate, ALL

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicant to which it applies is set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88–10771 Filed 5–12–88; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 88–205]

Applications For Consolidated Hearing; Local Morgan Hill Radio Associates et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, and City/ State	File No.	MM Docket No.
A. LOCAL Morgan Hill Radio Associates; Morgan Hill, CA.	BPH–870625ML	88–205
B. Morgan Hill FM Limited Partnership; Morgan Hill, CA.	BPH–870629MX	
C. Ethnic Radio of Los Banos, Inc.; Morgan Hill, CA.	BPH–870629MZ	
D. Morgan Hill Broadcasting, A California Limited Partnership; Morgan Hill, CA.	BPH–870629NB	
E. Toro Broadcasting General Partnership; Morgan Hill, CA.	BPH–870629ND	
F. Eric R. Hilding; Morgan Hill, CA.	BPH–870629NH	
G. Laura W. Herron and Gregory S. Genetti d/b/a Herron & Genetti; Morgan Hill, CA.	BPH–870629NK	
H. Peter Mieuli; Morgan Hill, CA.	BPH–870629NN	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its

entirety under the corresponding headings at 51 FR 19347 (May 29, 1986). The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading, and Applicants

1. Financial Qualifications, F
2. Air Hazard, A, B
3. Comparative, A–H
4. Ultimate, A–H

3. If there are any non-standardized issues in this proceeding, the full text and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assisant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88–10772 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 88–201]

Applications for Consolidated Hearing; Charles E. Phillips et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, and city/ State	File No.	MM Docket No.
A. Charles E. Phillips; Oliver Springs, TN.	BPH–870105MC	88–201
B. Oliver Springs Radio FM Limited Partnership; Oliver Springs, TN.	BPH–870107MJ	
C. Randall K Wells; Oliver Springs, TN.	BPH–870107MD (Dismissed).	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347 (May 29, 1986). The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading, and Applicants

1. Comparative, A, B
2. Ultimate, A, B

3. If there are any non-standardized issues in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88–10773 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 88–203]

Applications for Consolidated Hearing; Robin B. Thomas et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, and city/ State	File No.	MM Docket No.
A. Robin B. Thomas; Curwensville, PA.	BPH–860707MU	88–203
B. Raymark Broadcasting Co., Inc. Curwensville, PA.	BPH–860707NF	
C. Laurel Media, Inc.; Curwensville, PA.	BPH–860707NG	
D. Joseph "Don" Powers; Curwensville, PA.	BPH–860707NK	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347 (May 29, 1986). The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading, and Applicant(s)

1. Comparative, All applicants
2. Ultimate, All applicants

3. If there are any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone No. (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88–10774 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 88–202]

Applications For Consolidated Hearing; WHMT Educational Telecommunications, Inc. and State University of New York

1. The Commission has before it the following mutually exclusive applications for a new noncommercial educational FM station:

Applicant, and city/ State	File No.	MM Docket No.
A. WMHT Educational Telecommunications, Inc.; Poughkeepsie, NY.	BPED–860908PD.	88–202
B. State University of New York; New Paltz, NY.	BPED 861124ML.	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading, and Applicants

1. Air Hazard, A
2. Share-time, A, B
3. 307(b) A, B
4. Contingent Comparative, A, B
5. Ultimate, A, B

3. If there are any non-standardized issues in this proceeding, the full text of the issues and the applicants to which they apply are set forth in an Appendix to this Notice. A copy of the complete

HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88–10775 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 88–190]

Applications; New FM Stations; Robert Wilson et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, and city/ State	File No.	MM Docket No.
1. Robert Wilson and Patricia Phipps; Custer, SD.	BPH–860623MA	88–190
2. Custer Broadcasting Corporation; Custer, SD.	BPH–860623MB	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading, and Applicants

1. Misrepresentation, B
2. 315(b), B
3. Air Hazard, B
4. Comparative, A, B
5. Ultimate, A, B

3. If there are any non-standardized issues in this proceeding, the full text of the issue and the applicant to which it applies are set forth below in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88–10776 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FEMA Advisory Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act, announcement is made of the following FEMA Advisory Board meeting:

Name: Federal Emergency Management Agency Advisory Board.

Date of Meeting: May 31, 1988–June 1, 1988.

Time:

May 31, 1988—11:00 a.m.—5:30 p.m.

June 1, 1988—9:00 a.m.—12:30 p.m.

Place. Federal Emergency Management Agency, Emergency Information and Coordination Center, 500 C Street, SW., Washington, DC 20472.

Purpose: FEMA executives will provide reports on the agency's budget and personnel. The status of a review of civil defense programs will be provided and discussed. Program development concepts for the protection of national infrastructure assets will be discussed. Session on the future work agendas for the Board and the Board Panels will be conducted. Discussions will include classified information. The Director has determined that the Board meeting should be closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1982)), because discussions will involve information that is specifically authorized to be kept "Secret" in the interest of national defense and is properly classified pursuant to the Executive Order.

Dated: May 9, 1988.

Robert H. Morris,

Deputy Director.

[FR Doc. 88–10696 Filed 5–12–88; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 88–14]

Direct Container Line, Inc., et al. v. Atlantic Container Line et al.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Direct Container Line, Inc., Liberty Intermodal Inc., Audnel America International, Votainer Consolidation Services (Southwest) Inc., Boston Consolidation Service, Inc., APA Transport Corp., and Sea Cargo International, Inc. ("Complainants") against Atlantic Container Line, Dart Containerline, Hapag-Lloyd, Puerto Rico Maritime Shipping Authority, Sea-Land Service, Inc., Trans Freight Lines, U.S. Lines, New York Shipping Association, Council of North Atlantic Shipping Associations, West Gulf Maritime Association, Mobile Steamship Association, Inc., and Southeast Florida Employers Port Association ("Respondents") was served May 10, 1988. Complainants allege that Respondents have violated certain sections of the Shipping Act, 1916, 46 U.S.C. app. section 401 *et seq.*, the Intercoastal Shipping Act, 1933, 46 U.S.C. app. section 843 *et seq.*, the Shipping Act of 1984, 46 U.S.C. app. section 1701 *et seq.*, through implementation of the "50-Mile Container Rules" at various East Coast and/or Gulf Coast ports.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by May 10, 1989, and the final decision of the Commission shall be issued by September 11, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 88–10727 Filed 5–12–88; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under OMB Review

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an anaylysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. DATE: Comments must be received within fifteen working days of the date of publication in the **Federal Register**. ADDRESS: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551, or delivered to room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in §261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below., Federal Reserve Board Clearance Officer—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3822)

Proposed to Approve Under OMB Delegated Authority the Extension Without Revision of the Following Report

1. *Report title:* Statement of Purpose for an Extension of Credit Secured by Margin Stock

Agency form number: FR U–1
OMB Docket number: 7100–0115
Frequency: Recordkeeping requirement
Reporters: Commercial banks
Annual reporting hours: 94,637
Small businesses are affected.

This information collection is mandatory (15 U.S.C. 78g, 78w) and is not given confidential treatment.

A purpose statement is required to be completed by a bank and its borrower whenever credit is secured directly or indirectly by any margin stock in an amount exceeding $100,000. The statement is not filed with the Federal Reserve, but is a "record-keeping" form retained for a specified period by the lending bank. It is used to determine the purpose of the loan proceeds, to serve as an evidentiary tool to ascertain the intention of the parties involved, and to document the securities serving as collateral.

Proposal to Approve Under OMB Delegated Authority the Implementation of the Following Report

1. *Report title:* National Survey of Small Business Finances

Agency form number: FR 3044
OMB Docket number: 7100–XXXX
Frequency: One-time survey
Reporters: Small businesses
Annual reporting hours: 2,125
Small businesses are affected.

This information collection is voluntary (12 U.S.C. 1817(j), 1828(c), and 1841 *et seq.*) and is given partial confidential treatment (5 U.S.C. 552(b)(4)).

This one-time telephone survey of small businesses will be conducted between June and September 1988 by employees of a private contractor. The purposes of the survey are to provide an empirical basis for the definition of banking markets and to provide information on sources of funds for small businesses.

Board of Governors of the Federal Reserve System, May 6, 1988.
William W. Wiles,
Secretary of the Board.
[FR Doc. 88–10670 Filed 5–12–88; 8:45 am]
BILLING CODE 6210–01–M

GENERAL SERVICES ADMINISTRATION

General Services Administration Advisory Committee on the FTS2000 Procurement; Closed Meeting

Notice is hereby given that the General Services Administration (GSA) Advisory Committee on the FTS2000 Procurement will meet on May 24, 1988, from 9:00 a.m. to 3:30 p.m., in the board room of the MITRE Corporation, 7225 Colshire Drive, McLean, VA 22109, to review the plans to evaluate vendor proposals for the FTS2000 procurement and the current status of the project. The agenda will relate to (1) FTS2000 program requirements; (2) roles and responsibilities; (3) security and ethics; (4) structure, content, and main issues on the request for proposals; (5) evaluation scheme, evaluation process, and schedule, and (6) current status.

The entire meeting will be closed to the public because procurement sensitive matters, especially the pre-award evaluation scheme and methodology, will be discussed. The exemptions for closing the meeting are cited in 5 U.S.C. 552b(c)(9)(B) (Government in the Sunshine Act).

Less than fifteen days notice of this meeting is being provided due to scheduling difficulties.

Questions regarding this meeting should be directed to John J. Landers (202) 523–5308.

Dated: May 6, 1988.
John J. Landers,
Director, Office of Administration Information Resources Management Service.
[FR Doc. 88–10741 Filed 5–12–88; 8:45 am]
BILLING CODE 6820–25–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Cooperative Agreement To Improve the Preparation of Public Health Workers; Availability of Funds for Fiscal Year 1988

The Centers for Disease Control announces the availability of funds in Fiscal Year 1988 for a cooperative agreement with the Association of

Schools of Public Health to improve the preparation of public health workers. The Catalog of Federal Domestic Assistance number is 13.283.

Program Objective

The objective of this agreement is to assist the Association of Schools of Public Health in improving the preparation of public health workers, thus improving the operation of programs leading to the prevention of disease and the promotion of health.

Collaborative Activities

To achieve the above objective, the following activities will be performed during a 1-year period:

1. ASPH Activities

a. Conduct research to produce information and procedures which will result in improved preparation of public health personnel and increased effectiveness and efficiency of public health programs.

b. Plan, develop evaluate and assist in the delivery of public health programs and interventions at the local, regional, State, national and international levels to meet needs identified jointly by CDC and ASPH and to incorporate the results into appropriate teaching and learning experiences in the schools of public health.

c. Develop and test more effective and efficient models of instruction, disease prevention, health promotion and health services delivery to advance the "state of the art" in public health and to incorporate the results into appropriate teaching and learning experience in the schools of public health.

d. Identify new approaches and opportunties for field experiences in which students can practice applying skills and knowledge learned in the classroom.

e. Conduct workshops and conferences of interested private, academic, and public organizations to exchange current information, opinions, and findings in specific fields of public health, preventive medicine and health promotion. Utilize the results of such workshops and conference to upgrade curricula.

2. CDC Activities.

a. Collaborate with ASPH in conducting research to produce information and procedures which will result improved preparation of public health personnel and increased effectiveness and efficiency of public health programs.

b. Collaborate with ASPH in identifying priority needs for public health programs at the local, regional, State, national and internation levels. Provide assistance to ASPH in planning, delivering and evaluating programs to meet identified needs.

c. Collaborate with ASPH in developing and testing more effective and efficient models of instruction, disease prevention, health promotion and health services delivery. Encourage the adoption of validated models by State, local, and international public health agencies and assist in incorporating the results into appropriate teaching and learning experiences in the schools of public health.

d. Collaborate with ASPH in identifying new approaches and opportunities for field experinces in which students can practice applying skills and knowledge learned in the classroom.

e. Participate in workshops and conferences to exchange current information, opinions and findings in specific fields of disease prevention and health promotion.

Authority

This program is authorized under section 301(a) of the Publich Health Service Act (42 U.S.C. 241(a)), as amended.

Eligiblity Requirements

Assistance will be provided only to the Association of Schools of Public Health for this project.

Justification

The Association of Schools of Public Health (ASPH) represents the 24 accredited schools of public health in the United States. These schools represent the primary educational system that trains personnel needed to operate the Nation's public health, disease prevention and health promotion programs. It is critical that the schools of public health and the practitioners of public health in Federal, State and local Governments cooperate and share their experience and expertise to enable the theoretical and practical perspertives of public health to be melded into comprehensive curricula for teaching health promotion, health protection, preventive health service delivery and health education to future health workers. These interchanges must be developed and coordinated by a single organization to assure consistent approaches to the preparation of public health workers and their performance in controlling today's major health problems. It has long been recognized that the quality of public health personnel plays a critical role in the prevention and control of disease. The ASPH's principal purpose is to promote and improve the education and training of professional public health personnel. ASPH is the only organzation that can comprehensively affect the development and implementation of improved curriculums for teaching public health workers in all 24 schools of public health.

Availability of Funds

It is expected that approximately $1,000,000 will be available during Fiscal Year 1988 to support this project. It is anticipated that the cooperative agreement will be funded for a 12 month budget period. The funding estimate is subject to change.

Review

Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Application Submission

The signed original and two copies of the application must be submitted to Henry S. Cassell, III, Grants Management Officer, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Atlanta, Georgia 30305, on or before July 1, 1988. Information on application procedures, copies of application forms, and other material may be obtained from Harvey Rowe, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, Atlanta, Georgia 30305, Telephone 404–842–6575.

Technical assistance may be obtained from: Charles F. Bacon, Cooperative Agreements Coordinator, Training and Laboratory Program Office, Centers for Disease Control, Atlanta, Georgia 30333, Telephone 404–639–1986.

Dated: May 3, 1988.

Glenda S. Gowart,

Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 88–10701 Filed 5–12–88; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting:

Boston District Office, chaired by E. J. McDonnell, District Director. The topic to be discussed is health messages on food labeling.

DATE: Tuesday, May 24, 1988, 10 a.m. to 12 m.

ADDRESS: One Montvale Ave., 4th Floor, Stoneham, MA 02180.

FOR FURTHER INFORMATION CONTACT: Paula Fairfield, Consumer Affairs Officer, Food and Drug Administration, One Montvale Ave., Stoneham, MA 02180, 617–279–1479.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 6, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–10705 Filed 5–12–88; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–020–08–4410–08]

Salt Lake District; Draft Pony Express Resource Management Plan/ Environmental Statement, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public comment period.

SUMMARY: The Draft Pony Express Resource Management Plan (RMP) and Environmental Impact Statement (EIS) has been prepared by the Salt Lake District, Bureau of Land Management. The Draft RMP/EIS describes and analyzes four alternatives for management of public lands in Tooele, Utah, and Salt Lake Counties, Utah. They involve the issues of landownership adjustment, vegetation management and off-road vehicle use as well as other management concerns and resource management needs.

Three proposed areas of critical environmental concern are also analyzed. They are:

1. Horseshoe Springs..... 760 acres;
2. North Deep Creek Mountains... 28,260 acres;
3. North Stansbury Mountains.....10,000 acres.

Comments on the Draft Pony Express RMP/EIS will be accepted through August 15, 1988. Comments submitted after that date may not be responded to because of time constraints.

Three "open-house" meetings will be held during the comment period. The purposes of the meetings are to help interested public reviewers understand the contents of the draft document and to explain how to structure clear, specific comments. Meeting times and locations are:

June 28, 2–4 p.m., Commission Chambers, City Building, 359 West Center Street, Provo, Utah.

June 28, 7–9 p.m., North Auditorium, Tooele County Courthouse, Tooele, Utah.

June 29, 7–9 p.m., Wendover Air Force Base Fire Station (Bldg. 1800), Wendover, Utah.

Comments should be addressed to: Mr. Howard Hedrick, Pony Express Resource Area Manager, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah 84119.

Copies of the Draft Pony Express RMP/EIS are available at the above address as long as supplies last. Business hours are 7:45 a.m. to 4:30 p.m. weekdays.

C. Kemp Conn,

Acting State Director.

[FR Doc. 88–10069 Filed 5–12–88; 8:45 am]

BILLING CODE 4310–DQ–M

[NV–010–08–4113–04]

Meeting of The Elko District Advisory Council

In accordance with Pub. L. 92–463, the Federal Advisory Committee Act, and Pub. L. 94–579 the Federal Land Policy and Management Act, notice is hereby given that the BLM Elko District Advisory Council will meet at 9:00 a.m. on June 9, 1988 at the Elko District Office at 3900 East Idaho Street, Elko, Nevada, for a field tour to Elko District riparian areas. Discussion will focus on riparian area management.

The public may attend, but must provide their own transportation. Anyone wishing to make a statement to the Council may do so, however, they must contact Michele Good, BLM, Elko District, P.O. Box 831, Elko, Nevada 89801, or call (702) 738–4071 no later than June 6, 1988 so that arrangements for the time may be made.

Summary minutes of the meeting will be prepared and available for public inspection or reproduction during regular business hours within 30 days following the meeting.

Merle Good,

Acting District Manager.

[FR Doc. 88–10742 Filed 5–12–88; 8:45 am]

BILLING CODE 4310–HC–M

[ID–050–4410–08–2411]

Meeting; Shoshone District Advisory Council

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Shoshone District Advisory Council.

DATE: Thursday, June 30, 1988.

ADDRESS: BLM District Office, 400 West F Street, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: K. Lynn Bennett, Shoshone District Office, P.O. Box 2B, Shoshone, Idaho 83352. Telephone (208) 8860–2206 or FTS 554–6110.

SUPPLEMENTARY INFORMATION: The proposed agenda for the meeting includes the following items: (1) Updates on District activities, (2) the District's Volunteer Program, (3) Recreation and Public Purposes Application by the Jerome County Historical Society/ Jerome County Commissioners for a Centennial Agricultural Museum, (4) proposed hydroelectric projects in the District, (5) the District's Wilderness Program, and (6) American Diatoms mining operation and Princess Blue Ribbon cyanide leach operation.

The Shoshone District Advisory Council is established under section 309 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94–579; 43 U.S.C. 1701 *et seq.*) as amended. Operation and administration of the Council will be in accord with the Federal Advisory Committee Act of 1972 (Pub. L. 92–463; 5 U.S.C. Appendix 1) and Department of the Interior regulations, including 43 CFR Part 1784.

The meeting will be open to the public. Anyone may present an oral statement before the Council between 9:15 and 10:00 a.m. or may file a written statement with the Council regarding matters on the agenda. Oral statements will be limited to ten minutes. Anyone wishing to make an oral statement should notify the District Manager by June 27, 1988. Records of the meeting will be available in the Shoshone District Office for public inspection or copying within 30 days after the meeting.

K. Lynn Bennett,

District Manager.

[FR Doc. 88–10743 Filed 5–12–88; 8:45 am]

BILLING CODE 4310–GG–M

[UT-920-87-4121-10]

Utah and Colorado; Uinta Southwestern Utah Regional Coal Team Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notce of regional coal team meeting.

SUMMARY: In accordance with the responsibility outlined in the Federal Coal Management Regulations (43 CFR Part 3400), the Regional Coal Team for the presently decertified Uinta Southwestern Utah Federal Coal Production Region will hold a meeting to adopt Regional Coal Data Adequacy Standards and to review a coal lease application. The application was filed in February 1988 by Coastal States Energy under newly adopted "Leasing by Application" procedures.

Copies of the Final Draft Data Adequacy Standards for the region and more information on the coal lease application are available for the BLM State Office, Public Room in Utah (Salt Lake City) and Colorado (Denver).

DATE: The Regional Coal Team will meet on June 16, 1988, at 1:00 pm.

ADDRESS: The meeting will be held in the BLM, Utah State Office Conference Room, Salt Lake City Hall Building, 324 South State, 4th floor, Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Max Nielson, Uinta Southwestern Utah Project manager, Utah State Office, 324 South State, Suite 301, Salt Lake City, Utah 84111–2303, telephone 801–524–3004.

SUPPLEMENTARY INFORMATION: The Reginoal Coal Team will make recommendations to the BLM on processing coal lease application U–63214 by Coastal States Energy Co. Of particular concern is the availability of existing data to meet Regional Data Adequacy Standards and the logical delineation of a lease tract to be considered.

O'dell Frandsen,

Acting State Director.

[FR Doc. 88–10751 Filed 5–12–88; 8:45 am]

BILLING CODE 4310–DQ–M

[OR-935-08-6410-08: GP 8-133]

Salem, Eugene, Rosenburg, Medford/ Lakeview and Coos Bay Districts, Oregon; Availability of Proposed State Director Guidance for Resource Management Plans

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Proposed State Director Guidance to be used in preparing Resource Management Plans for the Salem, Eugene, Roseburg, Medford/Lakeview, and Coos Bay Districts, and invitation to participate in the development of common planning criteria.

SUMMARY: The Bureau of Land Management (BLM), Salem, Eugene, Roseburg, Medford/Lakeview, and Coos Bay Districts, Oregon, have initiated the preparation of simultaneous Resource Management Plans (RMPs) which will each include an Environmental Impact Statement (EIS). The five plans will guide and control future management actions on over 2,386,000 acres of BLM surface ownership throughout western Oregon. The Proposed State Director Guidance would provide common approaches in the RMPs for the analysis of the management situation, for the formulation of planning alternatives, and for analytical techniques to be used to estimate controversial or complex effects of all alternatives. The proposed guidance would also provide a common glossary of technical terms, standards for documenting conformance with other agency plans and policies, an outline for executive summaries of the plans, and standards for use (including monitoring and evaluation) of the completed plans.

DATES: Distribution of the proposed guidance will be made on or about May 13, 1988 to those individuals or agencies that requested copies in response to a January 29, 1988 mailer to all parties on the districts' mailing lists. Written public comments should be sent to Oregon State Director (935), by July 15, 1988. Additional copies will be available upon request at the BLM Oregon State Office, Portland, Oregon, and at the six district offices. Public meetings to explain the purpose of the guidance and answer questions have been scheduled in the following places: Portland, June 7; Roseburg, June 9; Eugene, June 15; Salem, June 16; Coos Bay, June 16; Medford, June 22, and Klamath Falls, June 23. Each District will announce, through the local media, any additional meetings or open houses scheduled during the review period. The public comments will be analyzed by inter-district, interdisciplinary teams and used to prepare final State Director Guidance which should be available to the public by January 1989.

Public scoping of issues to be addressed in the RMPs was initiated in September 1986. District summaries of issues were published in March 1987. Proposed State Director Guidance Topics were published in August 1987. Resource inventories are expected to be completed in 1988. The draft plans and EISs are scheduled to be published in the fall of 1989 and the proposed plans/final EISs in the spring of 1990, with implementation of the plans in the fall of 1990. The schedule is designed to enhance public involvement and promote a consistent inter-district approach to common issues and concerns. The Proposed State Director Guidance constitutes common planning criteria as authorized by the Bureau's planning regulations (43 CFR 1610.4–2) and is designed to facilitate this consistent approach. The proposed guidance will not commit BLM to any discretionary resource allocations or irreversible management actions. It does not prescribe guidance for the development of the preferred alternative or selection of the proposed action. It does not constitute rulemaking as envisioned by the Federal Land Policy and Management Act of 1976, section 309(E).

For Further Information or To Obtain Copies of the Proposed Guidance, Contact Any of the Following:

Oregon State Office: Philip Hamilton (935), Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208, Phone (503) 231–6256.

Salem District Office: Bureau of Land Management, 1717 Fabry Road SE, P.O. Box 3227, Salem, Oregon 97302, Phone (503) 399–5646.

Eugene District Office: Bureau of Land Management, 1255 Pearl Street, P.O. Box 10226, Eugene, Oregon 97440, Phone (503) 683–6600.

Roseburg District Office: Bureau of Land Management, 777 N.W. Garden Valley Blvd., Roseburg, Oregon 97470, Phone (503) 672–4491.

Medford District Office: Bureau of Land Management, 3040 Biddle Road, Medord, Oregon 97504, Phone (503) 776–4174.

Coos Bay District Office: Bureau of Land Management, 333 S. Fourth Street, Coos Bay, Oregon 97420, Phone (503) 269–5880.

Klamath Falls Resource Area Office (Lakeview District): Bureau of Land Management, 1939 South Sixth Street, P.O. Box 369, Klamath Falls, Oregon 97601, Phone (503) 883–6916.

SUPPLEMENTARY INFORMATION: The six districts include public land and non-Federal surface/Federal minerals in 19 western Oregon counties. Maps of the BLM-managed surface areas are available from the district offices. The land use or resource allocation issues common to all western Oregon districts and subject to the proposed guidance include: Timber production practices,

old-growth forests, habitat diversity, threatened and endangered species habitat, special areas (includiang Areas of Critical Environmental Concern), visual resources, watershed management, streams and riparian areas, recreation resources (including potential wild, scenic, or recreational rivers) and land tenure. Copies of previously published RMP scoping documents and public input records are available for inspection in the respective district offices during normal working hours.

Date: May 5, 1988.

Charles W. Luscher,

State Director, Oregon.

[FR Doc. 88-10744 Filed 5-12-88; 8:45 am]

BILLING CODE 4310-33-M

[OR-943-08-4520-12: GP8-132]

Filing of Plats of Survey; Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands have been officially filed in the Oregon State Office, Portland, Oregon on the dates hereinafter stated:

Willamette Meridian

Oregon

T. 19 S., R. 1 W.
T. 31 S., R. 37 E.

The above listed plats were accepted April 1, 1988 and officially filed April 13, 1988.

T. 27 S., R. 3 W.
T. 3 N., R. 2 W.

The above listed plats were accepted April 7, 1988 and officially filed April 18, 1988.

T. 30 S., R. 10 W.
T. 20 S., R. 1 E.

The above listed plats were accepted April 15, 1988 and officially filed April 22, 1988.

Washington

T. 27 N., R. 2 W.
T. 28 N., R. 2 W.

The above listed plats were accepted March 23, 1988 and officially filed March 29, 1988.

The above-listed plats represent dependent resurveys, survey and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 825 NE. Multnomah Street, P.O. Box 2965, Portland, OR 97208.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

Dated: May 4, 1988.

[FR Doc. 88-10745 Filed 5-12-88; 8:45 am]

BILLING CODE 4310-33-M

[WY-930-08-4220-11; WYW 28577, WYW 059320, WYW 094183]

Proposed Continuation of Forest Service Withdrawals; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service proposes to continue the existing withdrawals on 45 acres of national forest land in the Medicine Bow National Forest for an additional 20 years. The lands will remain closed in mining location, but have been and will remain open to surface entry and mineral leasing. The remaining acreage in the existing withdrawals will be relinquished.

DATE: Comments should be received by August 11, 1988.

ADDRESS: Comments should be sent to the Wyoming State Director, BLM, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Tamara Gertsch, BLM Wyoming State Office, 307-772-2072.

SUPPLEMENTARY INFORMATION: The Forest Service proposes that parts of existing Public Land Orders Nos. 3250, 2278, and 5140, of October 10, 1963, February 27, 1961, and October 18, 1971, respectively, be continue for a period of 20 years to protect the capital investments on the administrative sites and campgrounds. The continuation is pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The lands are described as follows:

Sixth Principal Meridian

Medicine Bow National Forest Barrett Creek Campground

T. 16 N., R. 81 W.,
sec. 27, NE¼SW¼NW¼, N½SE¼SW¼NW¼.

Bow Administrative Site

T. 18 N., R. 80 W.,
sec. 21, NE¼NW¼NE¼, N½SE¼NW¼NE¼.

Jack Creek Administrative Site

T. 15 N., R. 86 W.,
sec. 18, E½SE¼SW¼NE¼.

Haskins Creek Campground

T. 14 N., R. 86 W.
sec. 27, S½NW¼NE¼SE¼, N½SW¼NE¼SE¼.

The area described aggregates 45 acres in Carbon County.

The purpose of the withdrawals is to protect the capital investments at the campgrounds and administrative site. The withdrawals segregate the land from the operation of the mining laws, but not from surface entry or mineral leasing. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuations, may present their views in writing to the Chief, Branch of Land Resources, in the Wyoming State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued, and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Hillary A. Oden,

State Director.

May 6, 1988.

[FR Doc. 88-10671 Filed 5-12-88; 8:45 am]

BILLING CODE 4310-22-M

Bureau of Reclamation

Environmental Statements; Wind-Hydroelectric Project, WY, et al.

AGENCY: Bureau of Reclamation.

ACTION: Cancellation of notices of intent.

SUMMARY: The Bureau of Reclamation is canceling the following list of Notices of Intent which have either become inactive or a Finding of No Significant Impact has been prepared. The preparation of an Environmental Impact Statement will not be required in either case.

Effective date	FEDERAL REGISTER citation	Inactive notices of intent
6/6/79	44 FR 32484	Wind-Hydroelectric Project, WY.
6/14/79	44 FR 34207	Meeker Dome Unit Salinity Control, CO.
6/27/79	44 FR 37561	Dominguez Project, CO.
7/18/79	44 FR 41969	Glen Canyon Dam Peaking Power, AZ.
8/3/79	44 FR 45769	North Platte Project R&B, WY/NE.
4/22/80	45 FR 27025	Versippi Unit, ND.
4/8/81	46 FR 21096	Dunham Point Unit Peaking Power, CO.
4/20/81	46 FR 22662	McElmo Creek Salinity Control, CO.
11/10/81	46 FR 55567	Auburn-Folsom South Unit, CA.
3/24/82	47 FR 12689	Glenwood-Dotsero Spring Unit, CO.
7/12/82	47 FR 30110	Duchesne River Canal Rehab. UT.
8/6/82	47 FR 34203	Big Sandy River Unit, WY.
11/2/82	47 FR 49749	CENDAK Water Supply System, SD.
11/30/82	47 FR 53951	Lower James-Ft Randall Water Diversion, SD.
4/13/83	48 FR 15962	Tualatin Project Phase II, OR.
4/14/83	48 FR 16122	San Luis Unit Suppl. CA.
4/14/83	48 FR 16123	Upper John Day Project, OR.
5/23/83	48 FR 22993	Colorado Coastal Plains Project, TX.
7/25/83	48 FR 33755	Las Vegas Wash Salinity Control, NV.
1/6/84	49 FR 947	Dirty Devil River Salinity Control, CO.
3/14/84	49 FR 9624	American Canal Extension, TX.
4/16/84	49 FR 15024	Bonneville Unit I & D/ Diamond Fork Power, UT
7/16/84	49 FR 28772	Rubi Mine Hydroelectric Project, CA.
4/15/85	50 FR 14776	Boise River Basin Project, ID/OR.
5/23/85	50 FR 21369	Payette River Basin, Boise Project, ID/ OR.
6/13/85	50 FR 24843	Carson Hill Gold Mine, CA.
8/20/85	50 FR 33649	Westlands Water District Long-Term Drainage, CA.
9/19/85	50 FR 38041	Upper Gila water Supply Study, AZ/ NM.

FOR FURTHER INFORMATION CONTACT: Stephen Specht, Bureau of Reclamation, Washington, Office, (202) 343–2840 or George Wallen, Bureau of Reclamation, Denver Office, (303) 236-6778.

Date: May 5, 1988.

G. Dale Duvall,

Commissioner, Bureau of Reclamation.

[FR Doc. 88–10657 Filed 5–12–88; 8:45am]

BILLING CODE 4310-09-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–727375

Applicant: Thomas Torgerson, Willmar, MN

The applicant requests a permit to import the personal sport-hunted trophy of a bontebok (*Damaliscus dorcas dorcas*), culled from the herd of F. W. M. Bowker, Jr., Grahamstown, Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–727417

Applicant: San Diego Zoological Society, San Diego, CA

The applicant requests a permit to import two captive-hatched Cabot's tragopan pheasants (*Tragopan caboti*) from Glenn Howe, Ontario, Canada, for the purpose of enhancement of propagation.

PRT–727374

Applicant: American Museum of Natural History, New York, NY

The applicant requests a permit to import one Bahaman parrot (*Amazona leucocephala*) that was found dead in its nest at about three weeks of age. This chick is to be included in the museum's collection for scientific study.

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 403, 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 appropriate applicant and PRT number when submitting comments.

Date: May 10, 1988.

R. K. Robinson,

Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 88–10809 Filed 5–12–88; 8:45 am]

BILLING CODE 4310-AN-M

National Park Service

Intention To Negotiate Concession Contract; Log Cabin Resort, Inc.

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice the Department of the Interior, through the Director of the National Park Service proposes to negotiate a concession contract for the continued provision to the public of overnight lodging and trailer sites, camping and picnic facilities, general merchandise sales, meals and snacks, cocktail lounge, boat and motor rental, sale of gasoline and oil, laundromat and shower facilities at Olympic National Park in the state of Washington. The contract will be for a period of approximately fifteen (15) years from date of execution through December 31, 2002, and is conditioned upon completion of an improvement program.

An assessment of the environmental impact of this proposed action has been made, and it has been determined that it will not significantly affect the quality of the environment and that it is not a major federal action having significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment and finding of no significant impact may be reviewed at Olympic National Park.

The existing concessioner, Log Cabin Resort, Inc., has performed its obligations to the satisfaction of the Secretary under a current contract. Therefore, pursuant to the Act of October 9, 1965, as cited above, the existing concessioner is entitled to be given a preference in the negotiation of a new contract as defined in 36 CFR, 51.5.

For a copy of the Statement of Requirements describing the opportunity offered, which includes the application requirements, interested parties should write to the Regional Director, Pacific Northwest Regional Office, National Park Service, 83 South King Street, Suite 212, Seattle, Washington 98104.

The Secretary will consider and evaluate all proposals timely received. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following

publication of this notice to be considered and evaluated.

William J. Briggle,

Acting Regional Director, Pacific Northwest Region.

Date: February 11, 1988.

[FR Doc. 88-10790 Filed 5-12-88; 8:45 am]

BILLING CODE 4310-70-M

Blackstone River Valley National Heritage Corridor, Massachusetts and Rhode Island Blackstone River Valley National Heritage Corridor Commission; Meeting

Notice is hereby given in accordance with section 552b of Title 5, United states Code, that the first meeting of the Blackstone River Valley National Heritage Corridor Commission will be Wednesday, May 25, 1988.

The Commission was established pursuant to Pub. L. 99-674. The purpose of the Commission is to assist federal, state and local authorities in the development and implementation of an integrated resource management plan for those lands and waters within the Corridor.

The meeting will convene at 7 p.m. on the second floor of the Slater Mill Historic Site, Roosevelt Avenue, Pawtucket, Rhode Island for the following reasons:

1. Swearing-in of nineteen newly appointed members;
2. Review of the purpose and goals of the Commission;
3. Discussion of the role of the National Park Service;
4. Discussion of the roles of the Rhode Island and Massachusetts Departments of Environmental Management and other state agencies;
5. Presentation by a Lowell Commission Staff Planner;
6. Discussion of Commission staff needs and hiring procedures;
7. Discussion of agenda for second meeting;
8. Election of Commission Chairperson.

It is anticipated that about fifty people will be able to attend the session in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from the Public Affairs Officer, National Park Service, North Atlantic Region, 15 State St., Boston, MA 02109 (617) 565-8887.

Steven H. Lewis,

Regional Director.

Date: May 6, 1988.

[FR Doc. 88-10791 Filed 5-12-88; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Date: May 10, 1988.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the locations of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC.

(1) Northwest Agricultural, Cooperative Association, Inc., (N.A.C.A., Inc.)
(2) 920 Southeast Ninth Avenue, Ontario, Oregon 97914.
(3) 920 Southeast Ninth Avenue, Ontario, Oregon 97914.
(4) Ted Hoots, P.O. Box 1, Ontario, OR 97914.

Noreta R. McGee,

Secretary.

[FR Doc. 88-10731 Filed 5-12-88; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

(1) Parent Corporation: Real Estate Equities Corporation, Seafirst Financial Center, Suite 1800, Spokane, WA 99201.

(2) Wholly-Owned Subsidiaries:

i. Spokane Concrete Products, Inc., N. 2601 Dakota Street, Spokane, WA 99207.
ii. American Pre-Cast, N. 6624 Freya, Spokane, WA 99207.
iii. Western Re-Bar, 6721 E. Trent, Spokane, WA 99212.
iv. Western Shotcrete Corporation, 6624 N. Freya, Spokane, WA 99207.

Note.—Parent corporation and all subsidiaries are incorporated in the State of Washington

Noreta R. McGee,

Secretary.

[FR Doc 88-10732 Filed 5-12-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-290 (Sub-No. 17X)]

Southern Railway Co.—Exemption—Abandonment Between Brook Cove and Walnut Cove, NC, and at Greensboro, NC

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 3.1-mile line of railroad between milepost CF-38.5 at Brook Cove, NC, and milepost CF-41.6 at Walnut Cove, NC, and its 1.9-mile line of railroad between milepost CF-63.7 and milepost CF-65.6 at Greensboro, NC.

Applicant has certified that (1) no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

The exemption will be effective June 12, 1988 (unless stayed pending reconsideration and provided no formal expression of intent to file an offer of financial assistance has been received). Petitions to stay regarding matters that do not involve environmental issues [1] and formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2) [2] must be filed by May 23, 1988, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by June 2, 1988 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Virginia K. Young, Norfolk Southern Corporation, One Commercial Place, Norfolk, VA 23510.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will serve the EA on all parties by May 18, 1988. Other interested persons may obtain a copy of the EA from SEE by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, SEE at (202) 275–7316.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: May 6, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88–10730 Filed 5–12–88; 8:45 am]

BILLING CODE 7035-01-M

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See* Ex Parte No. 274 (Sub-No. 8), *Exemption of Out-of-Service Rail Lines*, served March 8, 1988.

[2] *See* Ex Parte No. 274 (Sub-No. 16) *Exemption of Rail Line Abandonments or Discontinuance—Offers of Financial Assistance*, ___ I.C.C. 2d ___, served December 21, 1987, and final rules published in the **Federal Register** on December 22, 1987 (52 FR 48440–48446).

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; Price et al.

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on May 3, 1988, a proposed Consent Decree in United States v. *Price, et al.*, was lodged with the United States District Court for the District of New Jersey. The Consent Decree settles claims relating to the disposal of hazardous substances at the Price s Landfill site in Atlantic County, New Jersey.

The United States filed suit on behalf of the Environmental Protection Agency in 1980 and amended its Complaint in 1981, against the owners and operators of the Price's site and against generators of hazardous substances whose substances were sent to the Price's site, under the Comprehensive Environmental Repsonse, Compensation and Liability Act of 1980, as amended, and under other statutory authority. The State of New Jersey and the Atlantic County Municipal Utilities Authority intervened in the United States' action as plaintiffs. The action seeks cleanup of the Price's site and reimbursement of costs incurred by the United States for cleanup of the Site.

The Consent Decree provides that the settling parties shall pay to the United States, New Jersey and Atlantic County, $17,450,767, which amount is now in an escrow account with the Court, and an additional $63,000, after entry of the Consent Decree. This settlement amount is for reimbursement of costs incurred to date and costs to be incurred at the Price's site for performance of the final remedial action. The State of New Jersey will perform the necessary remedial action at the Site, which remedy includes pumping and treatment of contaminated groundwater from the Site and downgradient of the Site and disposal of the treated water at a sewage treatment plant, capping of the Site at the conclusion of the groundwater extraction process and monitoring of the groundwater for approximately twenty-five years.

The settlement amount is calculated to provide sufficient funds to implement the necessary remedial action. The United States reserves the right under the Consent Decree to pursue the settling parties to perform further work or to reimburse the United States for costs incurred if previously unknown or undetected conditions, or additional information not available prior to entry of the Decree, indicate that there may be an additional imminent and substantial endangerment to public health, welfare or the environment at or from the Site.

The Department of Justice will receive comments relating to the proposed settlement stipulation for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to United States v. Price, et al., D.J. Ref. 90–7–1–156.

The proposed Consent Decree may be examined at the office of the United States Attorney, 970 Broad Street, Room 502, Newark, New Jersey 07102 and at the Region II office of the U.S. Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278. A copy of the proposed Consent Decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1529, Tenth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. Any request for a copy of the Consent Decree should be accompanied by a check in the amount of $3.40 for copying costs ($0.10 per page) payable to "United States Treasurer."

Roger J. Marzulla,

Assistant Attorney General Land and Natural Resources Division.

[FR Doc. 88–10746 Filed 5–12–88; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Advisory Council on Employee Welfare and Pension Benefit Plans; Announcement of Vacancies; Request for Nominations

Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 88 Stat. 895, 29 U.S.C. 1142, provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" (the Council) which is to consist of 15 members to be appointed by the Secretary of Labor (the Secretary) as follows Three representatives of employee organizations (at least one of whom shall be representative of an organization whose members are participants in a multiemployer plan); three representatives of employers (at

least one of whom shall be representative of employers maintaining or contributing to multiemployer plans); one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, investment management, and accounting; and three representatives from the general public (one of whom shall be a person representing those receiving benefits from a pension plan). Not more than eight members of the Council shall be members of the same political party.

Members shall be persons qualified to appraise the programs instituted under ERISA. Appointments are for terms of three years.

The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his/her functions under ERISA, and to submit to the Secretary or their designee recommendations with respect thereto. The Council will meet at least four times each year, and recommendations of the Council to the Secretary will be included in the Secretary's annual report to the Congress on ERISA.

The terms of five members of the Council expire on Monday, November 14, 1988. The groups or fields represented are as follows: Employee organizations (multiemployers), actuarial counseling field, investment counseling, employers and the general public.

Accordingly, notice is hereby given that any person or organization desiring to recommend one or more individuals for appointment to the ERISA Advisory Council on Employee Welfare and Pension Benefit Plans to represent any of the groups or fields specified in the preceding paragraph, may submit recommendations to, Attention: William E. Morrow, Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW., Suite N–5677, Washington, DC 20210. Recommendations must be delivered or mailed on or before July 15, 1988. Recommendations may be in the form of a letter, resolution or petition, signed by the person making the recommendation or, in the case of a recommendation by an organization, by an authorized representative of the organization. Each recommendation should identify the candidate by name, occupation or position, telephone number and address. It should also include a brief description of the candidate's qualifications, the group or field which he or she would represent for the purposes of section 512 of ERISA, the candidates' political party affiliation, and whether the candidate is available and would accept.

David M. Walker,

Assistant Secretary of Labor for Pension and Welfare Benefit Programs.

Signed at Washington, DC, this 10th day of May, 1988.

[FR Doc. 88–10668 Filed 5–12–88; 8:45 am]

BILLING CODE 4510–29–M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register** or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3504, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut:	
CT88–1(Jan. 8, 1988)	pp. 62, 66.
New Jersey:	
NJ88–2(Jan. 8, 1988)	pp. 614, 616–617.
NJ88–3 (Jan. 8, 1988)	pp. 634, 636–637.
NJ88–4 (Jan. 8, 1988)	pp. 658–660.
New York:	
NY88–2 (Jan. 8, 1988)	p. 688.
NY88–5 (Jan. 8, 1988)	pp. 718–720.

NY88-7 (Jan. 8, 1988)..... pp. 738-740, pp. 745-746
NY88-8 (Jan. 8, 1988)..... pp. 756-760.
NY88-9 (Jan. 8, 1988)..... p. 768.
NY88-12 (Jan. 8, 1988)..... p. 793.
NY88-13 (Jan. 8, 1988)..... pp. 802-803, 805.

Volume II

Iowa:
IA88-5 (Jan. 8, 1988)..... pp. 45-46.
Illinois:
IL88-19 (Jan. 8, 1988)..... p. 232.
Indiana:
IN88-1 (Jan. 8, 1988)..... pp. 236-237.
IN88-2 (Jan. 8, 1988)..... p. 251.
IN88-3 (Jan. 8, 1988)..... p. 268.
IN88-4 (Jan. 8, 1988)..... pp. 278-288a.
IN88-5 (Jan. 8, 1988)..... pp. 290-298.
IN88-6 (Jan. 8, 1988)..... pp. 300-316a.
Minnesota:
MN88-7 (Jan. 8, 1988)..... pp. 546-553, 555.
MN88-8 (Jan. 8, 1988)..... pp. 566-572, pp. 574, 579.
MN88-12 (Jan. 8, 1988)..... p. 580h.
MN88-15 (Jan. 8, 1988)..... pp. 580p-580s.
Missouri:
M088-2 (Jan. 8, 1988)..... pp. 602-603, 607.
Nebraska:
NE88-3 (Jan. 8, 1988)..... p. 678.
NE88-4 (Jan. 8, 1988)..... p. 682.
Wisconsin:
WI88-8 (Jan. 8, 1988)..... p. 1112.
WI88-10 (Jan. 8, 1988)..... p. 1134.

Volume III Colorado:
C088-4 (Jan. 8, 1988)..... p. 120.

Montana:
MT88-2 (Jan. 8, 1988)..... pp. 186-188, 201.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and Related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 6th day of May 1988.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 88-10518 Filed 5-12-88; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

Job Corps Advisory Committee; Meeting

A public meeting of the Job Corps Advisory Committee (formerly named the Job Corps Center Assessment Advisory Committee) will be held on June 1 and 2, 1988, commencing at 9:00 a.m., at the Silver King Hotel, 1485 Empire Avenue, Park City, Utah.

The purposes of the meeting are to:

1. Finalize the Committee's preliminary work on recommending improvements to the Job Corps Center Assessment system.

2. Consider the major contextual and systemic issues facing the Job Corps program in order to provide a foundation for long-range institutional planning.

3. Delineate the process and establish milestones for development of a long-range institutional plan.

Individuals or organizations wishing to submit written statements pertaining to Job Corps center assessment should send 20 copies to Peter E. Rell, Director, Office of Job Corps, U.S. Department of Labor, Room N-4508, Washington, DC. 20210, telephone (202) 535-0550. Papers will be accepted and included in the record of the meeting if received on or before May 27, 1988.

Roberts T. Jones,

Acting Assistant Secretary of Labor.

Signed at Washington, DC, this 9th day of May 1988.

[FR Doc. 88-10753 Filed 5-12-88; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-88-55-C]

Pounding Mill Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Pounding Mill Coal Co., Inc., P.O. Box 100, Cawood, Kentucky 40815 has filed a petition to modify the application of 30 CFR 75.206 (conventional roof support) to its No. 1 Mine (I.D. No. 15-11404) located in Harlan County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the width of openings be limited to 20 feet when only using conventional roof support.

2. As an alternate method, petitioner proposes to use a 26-foot width in the belt entry, and a 24-foot width in the breaks or crosscuts.

3. In support of this request, petitioner states that the mine is using conventional roof control with the specified widths along with spot bolting and cribbing for adverse conditions. Full bolting is highly impractical in the mine's seam which averages 27 inches. In heights of 27 inches, it is difficult to transport miners and supplies. Bolting would take 1½ inches to 2 inches of the available clearance, creating an unsafe condition due to equipment snagging on protruding roof bolts.

4. Petitioner further states that the mining equipment used is an auger type continuous miner. This system is not designed to operate in 20-foot widths, which does not allow enough space to maneuver in the petitioner's mine. A 20-foot width would also restrict the mobility of the miners on a working section.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 13, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: May 6, 1988.

[FR Doc. 88-10755 Filed 5-12-88; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 88-33; Exemption Application No. D-6516 et al.]

Grant of Individual Exemptions; Craig Supply Co. et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register:** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Craig Supply Company Inc. Employees' Profit Sharing Retirement Plan (the Plan) Located in Rochester, NH

[Prohibited Transaction Exemption 88–33; Exemption Application No. D–6516]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(a) (A) through (E) of the Code, shall not apply to the lease of real property located at 46 Main Street, Durham, New Hampshire by the Plan to Craig Supply Company, Inc., a party in interest with respect to the Plan, provided all of the terms of the lease were and remain at lease as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 22, 1988 at 53 FR 5224.

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

Freeman Companies Savings and Investment Plan and Trust Agreement (the Plan) Located in Nashville, Tennessee

[Prohibited Transaction Exemption 88–34; Exemption Application No. D–7022]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed purchases by the Plan of units of certain real estate limited partnerships which are organized, underwritten, offered and operated by certain of the Freeman Companies, the sponsors of the Plan; provided that such purchases are on terms which are at least favorable to the Plan as the Plan could obtain in transactions with unrelated parties; and provided further that investments in any such units by the Plan shall not exceed twenty-five percent of the total assets of the Plan and total investments by the Plan in such units shall not exceed ten percent of the units of any one of such partnerships.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on Friday, March 18, 1988 at 53 FR 9005.

FOR FURTHER INFORMATION CONTACT: Ronald Willett of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Edgewater Associates Profit Sharing Plan and Trust (the Plan) Located in Chicago, IL

[Prohibited Transaction Exemption 88–35; Exemption Application No. D–7188]

Exemption

The restrictions of: (1) Section 406(b)(2) of the Act shall not apply to the loan (the Refinanced Loan) by the Plan to the Edgewater Physical Therapy Associates, Inc. Employees' Benefit Association Trust, and (2) section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code; by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the guaranty of the Refinanced Loan by the current sponsor of the Plan, provided that the terms and conditions of the Refinanced Loan are no less favorable to the Plan than similar terms negotiated at arm's length with an unrelated party.

Written Comments

The applicants informed the Department that they wished to correct certain information published in the notice of proposed exemption. Accordingly, as corrected:

(a) The Edgewater Rehabilitation Associates, Inc. (the Employer) is located at 5801 North Lincoln Avenue, Chicago, Illinois;

(b) Charles Kaplan owns 68.6% of the stock of the Employer. Terry Garbaciak owns .61% of the stock of the Employer. Donald Kravets owns .79% of the stock of the Employer; and

(c) As of March 15, 1988, the existing loan between a local third party bank and the Edgewater Physical Therapy Associates, Inc. Employees' Benefit Association Trust is $66,141.99.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of

proposed exemption published on March 8, 1988, at 53 FR 7441.

FOR FURTHER INFORMATION CONTACT: Angelena C. Le Blanc of the Department, telephone (202) 523–8883. (This is not a toll-free number.)

The Boldt Holding Corporation Master Trust (Master Trust); The Boldt Holding Corporation Plan #1

[Prohibited Transaction Exemption 88–36; Exemption Application Nos. D–7206 & D–7211]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the loan (the Loan) from the Master Trust to Valley Medical Building Association Limited Partnership (Valley Medical), a party in interest with respect to one of several employee benefit plans whose assets are invested in the Master Trust; provided that the terms of such Loan are at least as favorable to the Master Trust as are those negotiated at arm's length with unrelated parties for similar transactions.

Written Comments

The applicants informed the Department that they wished to correct certain information published in the notice of proposed exemption. Accordingly, as corrected:

(a) The Boldt Group, Inc. has six wholly owned subsidiaries. Besides the four listed in the notice of proposed exemption, the additional subsidiaries are the Berg Corporation and BMC, Inc.;

(b) All of the stock of the Boldt Group, Inc. is owned equally by Charles Boldt and Thomas Boldt. Margaret Boldt Anderson is no longer a shareholder. Her stock was purchased, as of October 1, 1985; and

(c) All of the building (the Building) which will serve as part of the collateral for the Loan to Valley Medical is leased at $12.50 per square foot, except the third floor which is leased at $3.50 per square foot to Appleton Medical Center, an unrelated third party. It is represented that the actual rentals for the Building were considered in the calculations of the cash flow projections with respect to the rent from the Building.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 8, 1988, at 53 FR 7443.

FOR FURTHER INFORMATION CONTACT: Angelena C. Le Blanc of the Department, telephone (202) 523–8883. (This is not a toll-free number.)

Mark IV Industries, Inc. Master Defined Benefit Plan (the Plan) Located in Amherst, New York

[Prohibited Transaction Exemption 88–37; Exemption Application No. D–7223]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (a) The proposed purchase by the Plan from Mark IV Industries, Inc. (the Employer) of two promissory notes (the Notes) payable to wholly-owned subsidiaries of the Employer, provided the terms of the transaction are at least as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party; and (b) the Employer's unconditional guarantee of repayment of the Notes.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 22, 1988 at 53 FR 5226.

Written Comments

The Department received eight written comments to the notice of proposed exemption and one request for a public hearing (which was subsequently withdrawn). The commentators objected to the proposed exemption, but did not raise any specific or substantive issues regarding the subject transactions. In addition, the Employer has amended the facts set forth in the proposed exemption. The proposed exemption stated that Code-A-Phone (CAP) was the payee of the $700,000 Note dated December 28, 1984 and made by CMC-Hamden Limited Partnership. The applicant now represents that, in connection with the sale of CAP, the Employer became the owner by assignment of that Note of January 25, 1988.

After consideration of the entire record, the Department has determined to grant the proposed exemption.

FOR FURTHER INFORMATION CONTRACT: Mrs. Betsy Scott of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

Tru-Stone Defined Benefit Pension Plan for Vance Jola (the Jola Plan) and Tru-Stone Defined Benefit Pension Plan for Ed Ray (the Ray Plan; collectively the Plans) Located in Waite Park, MN

[Prohibited Transaction Exemption 88–38; Exemption Application Nos. D–7235 & D–7236]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed cash sales of 11.6 and 5.8 shares of non-voting common stock (the Class B Stock) of Big Bear Farm Stores, Inc. by the Jola Plan and the Ray Plan, respectively, to Vance Jola and Ed Ray, who are parties in interest, respectively, to the Jola Plan and the Ray Plan; provided that the sales price of the Class B Stock is not less than the fair market value of such Class B Stock on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 18, 1988 at 53 FR 9008.

FOR FURTHER INFORMATION CONTACT: Angelena C. Le Blanc of the Department, telephone (202) 523–8883. (This is not a toll-fee number.)

Concho Construction Company, Inc. Profit Sharing Plan (the Plan) Located in Garland, Texas

[Prohibited Transaction Exemption 88–39; Exemption Application No. D–7308]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale by the Plan of certain improved real property located in Garland, Texas to the Concho Construction Company, the sponsor of the Plan, provided that such sale is on terms no less favorable to the Plan than those which the Plan could obtain in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on Tuesday, March 8, 1988 at 53 FR 7446.

FOR FURTHER INFORMATION CONTACT: Ronald Willett of the Department,

telephone (202) 523–8881. (This is not a toll-free number.).

Nabors Chevrolet-Toyota, Inc. Employees Retirement Plan (the Plan) Located in Clarksdale, Mississippi

[Prohibited Transaction Exemption 88–40; Exemption Application No. D–7322]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale for cash of a certain parcel of improved real property (the Property) by the Plan to Nabors Chevrolet-Toyota, Inc., a party in interest with respect to the Plan; provided that the sales price is the greater of $249,250 or the fair market value of the Property on the date of the sale.

Written Comment

The Department received one written comment, and no requests for hearing. The Department reviewed the comment and determined that it did not relate to issues raised in the notice of proposed exemption. The Department referred the commenter to the administrator of the Plan to take such action as is warranted.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 8, 1988, at 53 FR 7446.

FOR FURTHER INFORMATION CONTACT: Angelena C. Le Blanc of the Department, telephone (202) 523–8883. (This is not a toll-free number.)

Sunset Machine, Inc. Profit Sharing Plan and Trust and Sunset Machine, Inc. Money Purchase Plan (the Plans) Located in Ann Arbor, Michigan

[Prohibited Transaction Exemption 88–41; Exemption Application Nos. D–7374 & D–7375]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale for cash by the Plans of certain real property (the Real Property) to James F. Walters, the trustee of the Plans, and therefore a disqualified person with respect to the Plans, provided that the amount received by the Plans is the greater of the fair market value of the Real Property as of the date of sale or the Plans' total outlay for the Real Property to the date of sale, including but not limited to the price originally paid by the Plans for the Real Property, property taxes, and any expenses to the Plans in connection with their acquisition and holding of the Real Property.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 18, 1988 at 53 FR 9013.

FOR FUTHER INFORMATION CONTACT: Joseph L. Roberts III of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Mardale, Inc. Profit Sharing Plan (the Plan) Located in Waukegan, Illinois

[Prohibited Transaction Exemption 88–42; Exemption Application No. D–7353]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the loan of $25,000 by the Plan to Mardale, Inc., under the terms described in the notice of proposed exemption, provided such terms are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 18, 1988 at 53 FR 9012.

FOR FUTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Henry R. Shaw, D.D.S Profit Sharing Plan (the Plan) Located in Owings Mills, MD

[Prohibited Transaction Exemption 88–43; Exemption Application No. D–7420]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed cash sale of a computer system by the Plan to Dr. Harry R. Shaw, a party in interest with respect to the Plan, provided that the terms of the transaction are no less favorable to the Plan than those available in an arm's-length transaction with an unrelated party at the time the transaction is consummated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 8, 1988 at 53 FR 7447.

FOR FUTHER INFORMATION CONTACT: Alan H. Levitas of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Brandlin & McAllister, APC Defined Benefit Pension Plan (the Plan) Located in Los Angeles, California

[Prohibited Transaction Exemption 88–44; Exemption Application No. D–7426]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the purchase of certain real property (the Property) by the Plan from J.J. Brandlin and Judith G. Brandlin, husband and wife, and disqualified persons with respect to the Plan, provided the Plan pays no more than the fair market value for the Property as of the date of purchase.

For a more complete statement of the fact and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 6, 1988 at 53 FR 11356.

FOR FURTHER INFORMATION CONTACT: Mr. C.E. Beaver of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the excusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/

or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 10th day of May, 1988.

Robert J. Doyle,

Acting Associate Director for Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 88-10816 Filed 5-12-88; 8:45 am]

BILLING CODE 4510-29-M

Advisory Council on Employee Welfare and Pension Benefits Plans; Meeting

Pursuant to section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C. 1142, a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Monday, June 13, 1988, Room S-4125C, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC.

The purpose of the meeting, which will begin at 9:30 a.m., is to consider items listed below and to invite public comment on any aspect of the administration of ERISA.

1. General Business of the Advisory Council
2. Issues Relating to the Workforce 200 Report
3. Status of report of the Portability & Preservation of Pension Work Group
4. Status report of the Reporting & Disclosure Work Group
5. Status report of the Access to Health Work Group
6. Status report of the Retiree Health Work Group
7. Statements from the Public

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before June 8, 1988, to William E. Morrow, Deputy Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N-5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals wishing to address the Advisory Council should forward their request to the Deputy Executive Secretary or telephone (202/523-8753). Oral presentations will be limited to ten minutes, but an extended statement may be submitted for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Deputy Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before June 8, 1988.

Signed at Washington, DC, this 10th day of May 1988.

David M. Walker, CPA,

Assistant Secretary for Pension and Welfare Benefit Administration.

[FR Doc. 88-10669 Filed 5-12-88; 8:45 am]

BILLING CODE 4510-29-M

MERIT SYSTEMS PROTECTION BOARD

Call for Riders for Hatch Act Publications

AGENCY: Office of the Special Counsel, MSPB.

ACTION: Notice of call for riders for the Office of the Special Counsel's Hatch Act Publications.

SUMMARY: The purpose of this notice is to inform Federal departments and agencies that the Office of the Special Counsel's publications will be available on riders to the Government Printing Office. Departments and agencies may order these publications by riding the Office of the Special Counsel's requisitions as follows: Political Activity and the Federal Employee, 11 Pages—8-20036, Political Activity and the State and Local Employee, 10 pages—8-20037, Hatch Act Facts About PACS, 7 pages—8-20038, Poster-Federal Employees-Know the Rules on Political Activity—8-20039, Poster-State and Local Employees in Federal Aided Programs—Know the Rules on Political Activity—8-20040.

Note: A separate SF-1 is required to "Ride" each separate title.

DATE: Agency requisitions must be received by GPO on or before June 1, 1988.

ADDRESS: Interested departments and agencies should send requisitions through their Washington, DC, headquarters office authorized to procure printing, to the Government Printing Office, Requisition Section, Room C-836, Washington, DC 20401. Agencies may estimate cost by using the current Government Printing Office price list of printing services.

FOR FURTHER INFORMATION CONTACT: Sarah V. Jones, Operations Management Division, Office of the Special Counsel, MSPB, 1120 Vermont Avenue NW., Suite 1100, Washington, DC 20005, 202/653-8946.

SUPPLEMENTARY INFORMATION: The Office of the Special Counsel (OSC) is the federal agency charged with responsibility for enforcing the provisions of the Hatch Act. By statute the office is authorized to investigate allegations of prohibited political activity. OSC Hatch Act enforcement efforts have focused heavily upon educating those covered by the law to encourage voluntary compliance. Federal, state and local government employees, members of Congress and their staffs, the press, members of the general public and others have been provided information on the Hatch Act through written and oral advisory opinions, speeches, and publications with Hatch Act guidance prepared and distributed by OSC. These Hatch Act publications are now being made available in bulk through the GPO rider system. The publications may also be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Telephone (202) 783-3238.

Dated: May 9, 1988.

Erin McDonnell,

Acting Special Counsel.

[FR Doc. 88-10817 Filed 5-12-88; 8:45 am]

BILLING CODE 7400-02-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meeting

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 Embassy Suites Hotel, 1250 22nd Street NW., Washington, DC 20037.

DATE: Thursday, June 9, 1988 9:00 a.m. to 5:00 p.m., Friday, June 10, 1988 9:00 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 personel 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 Street NW., 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 Congress. Handicapped individuals wishing to attend should contact the Commission so that appropriate accommodations 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 Street NW., Suite 300, Washington, DC 20005.

Signed this 5th day of May, 1988.

Barbara McQuown,

Director.

[FR Doc. 88–10756 Filed 5–12–88; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meeting of the Humanities Panel

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786–0322.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to dislose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or (3) information the disclosure of which would significantly frustrate implementation of proposed agency action, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

1. *Date:* June 1, 1988.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications in Higher Education, submitted to the Division of Education Programs, for projects beginning after August 1988.

2. *Date:* June 3, 1988.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review Biennial Proposals submitted by state humanities councils to the Division of State Programs, for projects beginning after November 1, 1988.

3. *Date:* June 6, 1988.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review Biennial Proposals submitted by state humanities councils to the Division of State Programs, for projects beginning after November 1, 1988.

4. *Date:* June 13, 1988.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review Biennial Proposals submitted by state humanities councils to the Division of State Programs, for projects beginning after November 1, 1988.

5. *Date:* June 17, 1988.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review Biennial Proposals submitted by state humanities councils to the Division of State Programs, for projects beginning after November 1, 1988.

Susan H. Metts,

Assistant Chairman for Administration.

[FR Doc. 88–10738 Filed 5–12–88; 8:45 am]

BILLING CODE 7536–01–M

Meeting of the Humanities Panel

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786–0322.

SUPPLEMENTARY INFORMATION: The Advisory group meeting on computer uses in the humanities will be held on June 1, 1988 from 9:30 a.m. to 3:30 p.m. in Room M–14. This meeting will be open to the public.

Susan H. Metts,

Assistant Chairman for Administration.

[FR Doc. 88–10737 Filed 5–12–88; 8:45 am]

BILLING CODE 7536–01–M

Dance Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel (Choreographers' Fellowships Section) to the National Council on the Arts, will be held on June 3–4, 1988 from 9:00 a.m.–6:00 p.m. in Room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

May 10, 1988.

Yvonne M. Sabine,

Director, Council and Panel Operations National Endowment for the Arts.

[FR Doc. 88–10814 Filed 5–12–88; 8:45 am]

BILLING CODE 7537–01–M

Museum Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel to the National Council on the Arts will be held on May 24, 1988 from 9:00 a.m.–5:30 p.m. in room M14 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on May 24, 1988 from 9:00–9:15 a.m. and from 10:00 a.m.–5:30 p.m. The topics for discussion will include guidelines and policy issues.

The remaining session of this meeting on May 24, 1988 from 9:15–10:00 a.m. is for discussion and development of confidential budgetary projections and related plans to be submitted to the Office of Management and Budget and the Congress. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, pleae contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Yvonne M. Sabine,

Director, Council and Panel Operations National Endowment for the Arts.

[FR Doc. 88–10815 Filed 5–12–88; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Committee for Emerging Engineering Technologies, (formerly called the Emerging Engineering Systems Section).

Date and time: June 6, 1988, 8:30 am to 5:15 pm; June 7, 1988, 8:30 am to 12:30 pm.

Place: 1800 G Street NW., Washington, DC, Rm 543.

Type of Meeting: Open.

Contact Person: Frank L. Huband, Division Director, Emerging Engineering Technologies, 1800 G Street NW., Washington, DC 20550, (202) 357–7962.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To obtain advice from academia, industry, and other research-oriented sectors on the future direction of the research programs of the Division of Emerging Engineering Technologies (EET).

Agenda: June 6: Staff presentations on the following research topics supported by the Division: Biotechnology; Bioengineering & Research to Aid the Handicapped; Lightwave Technology; Computational Engineering; Neuroengineering; and Emerging Technology Initiation. Discussion with Advisory Committee members concerning program activities and plans.

June 7: Discussion with Advisory Committee members concerning emerging technology initiation activity; discussion with the Director of the National Science Foundation; discussion with Advisory Committee members concerning technology transfer of EET-supported research results; discussion among Advisory Committee members; recommendations from the Committee.

Rebecca Winkler,

Committee Management Officer.

[FR Doc. 88–10613 Filed 5–12–88; 8:45 am]

BILLING CODE 7555–01–M

Measurement Methods and Data Improvement Advisory Panel

The National Science Foundation announces the following meeting:

Name: Advisory Panel on Measurement Methods and Data Improvement.

Date/time: June 10, 1988: 9:00 a.m. to 5:00 p.m.

Place: Room 523, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Murray Aborn, Program Director, Measurement Methods and Data Improvement, Room 336, National Science Foundation, Washington, DC 20550; telephone (202) 357–7913.

Purpose of Panel: To provide advice and recommendations concerning support for research and research-related projects in Measurement Methods and Data Improvement.

Agenda: Review and evaluation of research and research-related proposals as part of the selection process.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 88–10616 Filed 5–12–88; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–155]

Consumers Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (Commission) is considering issuance of an amendment to Facility Operating License No. DPR–6 for the Big Rock Point Plant, located in Charlevoix County, Michigan, and operated by Consumers Power Company (the licensee).

Environmental Assessment

Identification of Proposed Action

In accordance with the licensee's application dated November 9, 1987, the proposed amendment would revise the provisions in the Big Rock Point Plant Technical Specification (TSs) relating to the installation of new out-of-core power range instrumentation. Elimination of the intermediate power range instrumentation is proposed due to the greater range of the new power range instrumentation.

The Need for the Proposed Action

The proposed amendment is required to reflect the features and terminology used with new out-of-core power range instrumentation. The licensee is replacing the existing power range instrumentation with a newer design due to limited availability of replacement parts and high expenditure of maintenance hours to keep the existing equipment in operation.

Environmental Impacts of the Proposed Action

Based upon the analysis contained in the Safety Evaluation Report to be

issued with the proposed amendment, the proposed action will not involve a significant change in the probability or consequences of any accident previously evaluated. Consequently, any radiological releases would not be significantly greater than previously determined, nor does the proposed amendment otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed amendment.

With regard to nonradiological impacts, the proposed amendment does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

Alternatives to the Proposed Action

Because the Commission has concluded that there are no significant environmental impacts associated with the proposed action, there is no need to examine alternatives to the proposed action.

Alternative Use of Resources

This action does not involve the use of resources beyond the scope of resources used during normal plant operation.

Agencies and Persons Consulted

The Commission's staff has 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 amendment.

Based on the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for amendment dated November 9, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Dated at Rockville, Maryland, this 9th day of May 1988.

For the Nuclear Regulatory Commission.

Wayne E. Scott, Jr.,

Project Manager, Project Directorate III–1, Division of Reactor Projects–III, IV, V & Special Projects.

[FR Doc. 88–10736 Filed 5–12–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–320]

Meeting of the Advisory Panel for the Decontamination of Three Mile Island, Unit 2, GPU Nuclear Corp.

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island, Unit 2 (TMI–2) will be meeting on May 26, 1988, from 7:00 p.m. to 10:00 p.m. at the Holiday Inn, 23 S. Second Street, Harrisburg, Pennsylvania. The meeting will be open to the public.

At this meeting, the Panel will receive a status report on the progress of defueling from the licensee, GPU Nuclear Corporation. Representatives of the U.S. Nuclear Regulatory Commission will summarize the recently issued supplement to the Programmatic Environmental Impact Statement dealing with post-defueling monitored storage and subsequent cleanup of TMI–2. Members of the public will be given the opportunity to address the Panel.

Further information on the meeting may be obtained from Dr. Michael T. Masnik, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–1373.

Dated: May 6, 1988.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 88–10667 Filed 5–12–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–249]

Commonwealth Edison Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. 25, issued to Commonwealth Edison Company (the licensee), for operation of the Dresden Nuclear Power Station, Unit 3 located in Grundy County, Illinois.

The amendment would revise: (1) The Technical Specifications changes specific to the Cycle 11 reload fuel and analyses which include; revision of the Minimum Critical Power Ratio (MCPR) operating limit for Cycle 11, reduction of the Single Loop Operation (SLO) MCPR adder to 0.01 (from 0.03), also, a reduction in the Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) reduction factor for SLO to 0.91 (from 0.70), deletion of the paragraph that requires a MCPR penalty based on scram time performance, incorporation of Transient Linear Heat Generation Rate (TLHGR) limits, and revision of reduced flow MCPR limits, (2) the Technical Specification changes resulting from analyses performed to allow equipment out-of-service which include; revision of the relief valve Technical Specifications to require action only after two relief valves are found to be inoperable, provided MAPLHGR reduction factors are implemented, and (3) the Technical Specification changes provided for clarification or as administrative changes which include; removal of all reference to GE fuel, except in spent fuel storage Technical Specifications, changing references to Exxon Nuclear Company (ENC) to Advanced Nuclear Fuels Corporation (ANF), except in titles of earlier documents and definitions of nuclear limits, and defining Transient LHGR (TLHGR), Steady State LHGR (SLHGR), LHGR, Fuel Design Limiting Ratio for Centerline melt (FDLRC) and Fuel Design Limiting Ratio for Exxon Fuel (FDLRX). The amendment would also revise the license to delete a condition requiring a Safety Evaluation for coastdown operation with off normal feedwater temperature from § 3.E.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By June 13, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons

why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–800–325–6000 (in Missouri 1–800–342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Daniel R. Muller: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register**. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Michael Miller, Esq., Sidley and Austin, One First National Plaza, Chicago, Illinois 60603, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions supplemental petition and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated March 9, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555, and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

Dated at Rockville, Maryland, this 6th day of May 1988.

For the Nuclear Regulatory Commission.

Leif Norrholm,

Acting Director, Project Directorate III–2, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 88–10733 Filed 5–12–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–341]

Detroit Edison Co. and Wolverine Power Supply Cooperative, Inc.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–43, issued to the Detroit Edison Company and Wolverine Power Supply Cooperative, Inc. (the licensees), for operation of Fermi-2 located in Monroe County, Michigan.

In accordance with the licensees' application for amendment dated March 28, 1988, the amendment would revise Technical Specifications 3/4.3.7.11, 3/4.3.7.12 and 6.9.1.8. The proposed changes would modify the action and table notations of the affected Technical Specifications to allow continued use of the release pathways for which effluent monitoring instruments may not be operable provided that grab samples and analyses and/or flow rate calculations are made at the specified frequencies. The proposed changes would also clarify the reporting requirements consistent with the changes requested in 3/4.3.7.11 and 3/4.3.7.12.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By June 13, 1988, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended

petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Daniel R. Muller (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226, attorney for Detroit Edison Company.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated March 28, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555, and at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 10th day of May 1988.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director, Project Directorate III-1, Division of Reactor Projects III, IV, V & Special Projects.

[FR Doc. 88-10735 Filed 5-12-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-458]

Gulf States Utilities Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-47, issued to Gulf States Utilities Company (the licensee), for operation of the River Bend Station, Unit 1 located in West Feliciana Parish, Louisiana.

The amendment would revise the Technical Specification setpoints and limits associated with recirculation loop operation to allow single recirculation loop operation in accordance with the licensee's application for amendment dated April 6, 1966.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By June 13, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to invervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a pettion for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceedings, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to particiapte fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram identification Number 3737 and the

following message addressed to Jose A. Calvo: petitioner's name and telephone number; date Petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Troy B. Conner, Jr., Esq., Conner and Wetterhahn, 1747 Pennsylvania Avenue,NW., Washington, DC 20006.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a futher notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated April 6, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803.

Dated at Rockville, Maryland, this 5th day of May, 1988.

For the Nuclear Regulatory Commission.

Jose A. Calvo,

Director, Project Directorate—IV Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 88-10734 Filed 5-12-88; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-25679; File No. SR-PHLX-88-19]

Self-Regulatory Organizations; Proposed Rule Change By The Philadelphia Stock Exchange, Inc. Relating to Amendments to Rule 722 Regarding Margins

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)91) ("Act"), notice is hereby given that on May 6, 1988 the Philadelphia Stock Exchange, Inc. ("PHLX") filed with the Securities and Exchange Commission ("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

[Brackets] indicate deletion; *italics* indicate additions.

PHLX Rule 722

B (i). I, II, and III.

Underlying product or index	Initial and/or maintenance maragin required	Minimum margin required
(1) Stock	[15%] *20%*	[5%] *10%*
(2) Industry Index Stock Group	[15%] *20%*	[5%] *10%*
(3) Broad Index Stock Group	[10%] *15%*	[5%] *10%*

(D) If both a put and a call for the same number of shares of the same underlying (in the case of options on a stock), the same index multiplier for the same index group (in the case of options on index stock group) or for the same number of units of the same underlying foreign currency (in the case of options on a foreign currency) are issued, guaranteed or carried "short" for a customer, the amount [of margin] required shall be the margin on the put or the call, whichever is greater, as required pursuant to subparagraph (B)(i) of this paragraph (c)(2), [plus any unrealized loss on] *plus 100% of the current market value of* the other option. The minimum margin requirement, however, shall not apply to the other option.

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 Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In response to a Commission request, the PHLX has conducted an analysis of the level of protection provided by current margins. Historically, the exchanges have sought to assure that options margins are sufficient to cover 95% of all seven business day options price changes. Seven days is used because Regulaton T allows broker-dealers to give customers seven business days to post margins. The 95% figure is intended to assure substantial coverage but nevertheless recognizes that margins need not, and realistically can not, provide protection against every conceivable price move.

Based on a six month analysis, similar to analyses conducted by other options exchanges, the PHLX has determined that margins at premium plus 15% for broad-based stock index options, and premium plus 20% for individual stock options and narrow-based stock index options would be necessary to provide 95% confidence levels at this time.

Accordingly, the PHLX submits as a proposed rule change the following three provisos to its margin rule. The first two are proposed to be made effective for a six month pilot period, which is consistent with filings being submitted by other options exchanges. During this pilot period the PHLX in coordination with other options exchanges will explore methodologies for providing an ongoing periodic review of the adequacy of stock and index option margin requirements.

The third proviso is proposed as a permanent rule change respecting short straddle margin.

The Provisos

(i) The basic margin for uncovered short positions in individual stock options and narrow-based index options would be increased from the options premium plus 15% of the underlying security value to premium plus 20%; margins for broad-based index options would be increased from premium plus 10% to premium plus 15%;

(ii) Margins are reduced for out-of-the-money options by the difference between the strike price and current market value, subject to a minimum margin amount. The proposal would increase the minimum margin for individual stock options and all stock index options, whether narrow-based or broad-based, from premium plus 5% to premium plus 10%;

(iii) The margins for short straddle positions would be revised. Currently, the margin for short straddles is the required margin on the short put or short call position, whichever is greater, plus any unrealized loss on the other position. This margin treatment has enabled investors that have incurred losses on short straddle positions to avoid margin calls by writing additional straddles, using the premiums received on the new straddle positions to satisfy their margin obligations on the previously established positions. This allowed these investors to increase their exposure to the market dramatically without providing any new capital in their accounts. It is proposed to revise the short straddle margin to the required margin for the short put or short call position, whichever is greater, plus 100% of the current market value of the other option. This would prevent investors from pyramiding short straddle in the manner described.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX 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

No written comments were either solicited or received.

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 of 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 such 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., 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 June 3, 1988.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: May 9, 1988.

[FR Doc. 88-10793 Filed 5-12-88; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Fitness Determination of American International Resorts, Inc., d/b/a AIR LA

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 88-5-25, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find that American International Resorts, Inc., d/b/a Air LA is fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act.

Responses: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Director, Office of Aviation Analysis, Room 5100, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filled no later than May 25, 1988.

FOR FURTHER INFORMATION CONTACT: Joyce A. Snovitch, Service Analysis Division Department of Transportation, 400 7th Street, SW., Washington, DC 20590, (202) 366-1063.

Dated: May 9, 1988.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 88-10729 Filed 5-12-88; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Proposed Advisory Circular 25-XX; Approval of Flight Management Systems in Transport Category Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed Advisory Circular 25-XX, and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) pertaining to approval of flight management systems. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

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

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Transport Standards Staff, ANM-110, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jan Thor, Transport Standards Staff, at the address above, telephone (206) 431-2127.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under **"FOR FURTHER INFORMATION CONTACT."** Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 25-XX and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

Background

Advisory Circular 25-XX provides guidance material for the airworthiness approval of flight management systems

installed in transport category airplanes. Although not limited to a specific technology or function, the guidance material is primarily directed toward systems which, through sensor data, compute and integrate real time performance and/or navigation information into output commands that direct the operation and flight path of the airplane.

Issued in Seattle, Washington, on April 26, 1988.

Steven B. Wallace,

Acting Manager, Aircraft Certification Division, ANM-100.

[FR Doc. 88-10714 Filed 5-12-88; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Florence, Marion and Horry Counties, SC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in Florence, Marion and Horry Counties, South Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. S. C. Gresham, District Engineer, Federal Highway Administration, Suite 758, Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, South Carolina, 29201, Telephone: (803) 253-3883.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration in cooperation with the South Carolina Department of Highways and Public Transportation will prepare an environmental impact statement (EIS) on a proposal to provide improved traffic flow between I-95 near Florence and U.S. 501 near Conway, South Carolina. The proposed project would consist of construction of a 45-mile control of access divided highway, which would provide improved access to the South Carolina coastal resort areas in Horry and Georgetown Counties from I-95 near Florence, South Carolina. This highway would also provide improved access from coastal areas to other parts of the state through its connection with existing I-95 near Florence. The proposed highway is considered necessary to handle existing and projected traffic demand to the coastal resort areas in Horry and Georgetown Counties.

Alternatives under consideration include: (1) Taking no action (no build); (2) Transportation System Management (improvement of existing routes); and, (3) build alternatives.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and Local agencies and to private organizations and citizens who have previously expressed interest in this project. A series of public meetings and a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be made available for public and agency review and comment. A formal scoping meeting is scheduled for June 7, 1988 at 10:30 a.m., in Room 114 of the Cauthen Educational Media Center at Francis Marion College in Florence, South Carolina.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Robert J. Probst,

Division Administrator, Columbia, South Carolina.

[FR Doc. 88-10747 Filed 5-12-88; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

[Docket No. S-829]

Intent to Consider a Change in Policy Governing Proceedings Under Section 605(c) of the Merchant Marine Act, 1936, as Amended

The purpose of this Notice is to notify U.S.-flag liner operators operating in the foreign trade that the Maritime Subsidy Board (Board) intends to consider a change in its policy governing proceedings under section 605(c) of the Merchant Marine Act, 1936, as amended, on applications for operating-differential subsidy (ODS).

The Board has long held that for purposes of section 605(c) standing, liner operators who provide all-water service at a U.S. port or U.S. coastal range different from that proposed to be served by applicants for ODS with all-water service fail to have standing to be heard in a section 605(c) proceeding.

In the decision of the United States District Court for the District of Columbia in American Transport Lines, Inc., Plaintiff, v. James H. Burnley, IV., *et al.*, Defendants, decided on March 22, 1988, the court cited the Maritime Administration's final decision in Docket R-111, ordering consolidation of trade routes, which essentially eliminated all distinction between coastal ranges of the United States. This court decision reversed a determination of the Board that denies standing to be heard in a section 605(c) proceeding to an operator providing service between U.S. Atlantic ports and the East Coast of South America, with respect to applicants for ODS for service between U.S. Gulf ports and the East Coast of South America. The court said that in denying statutory standing to the operator serving the U.S. Atlantic, the Board gave no clear explanation for its departure from its long-standing policy of considering a service competing on the same route, in this case new Trade Route 3 (United States/East Coast Mexico and Central America, Caribbean and East Coast South America), as a subsidy applicant having a direct competitive interest for purposes of section 605(c) and that as a result, among other things, no finding was made as to adequacy of the existing service on new Trade Route 3.

As a result of this decision, and as a matter of policy, the Board is assessing the impact of intermodalism in the United States on the Board's policy governing standing for the purposes of section 605(c) proceedings. The Board believes that the tremendous growth of intermodal services which are available to liner operators engaged in U.S. foreign trade has significantly reduced the relative importance of direct vessel service to any specific range of U.S. ports; now operators are able to compete for cargo anywhere in the contiguous United States without regard to the actual U.S. ports which are served. Liner operators that serve the same foreign port ranges do not need to serve the same U.S. coastal area or port range in order to be competitive with each other.

Accordingly, the Board intends to consider ending its practice of requiring an intervenor to serve the same U.S. coastal area or range of U.S. ports as those involved in the application for

ODS in order to obtain standing in a section 605(c) proceeding.

If adopted, this change in policy would be prospective and would only apply to pending or future proceedings. This would not apply to applications which have had hearings or been completed prior to the date of final action by the Board. Current pending applications under section 605(c) in which standing is an issue will be held in abeyance until this policy is resolved.

The Board invites written comments on the proposal. Interested parties are invited to submit comments (original and ten copies) to the Secretary, Maritime Subsidy Board, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590 by close of business on June 10, 1988.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies)).

By Order of Maritime Subsidy Board.

Dated: May 9, 1988.

James E. Saari,

Secretary.

[FR Doc. 88-10700 Filed 5-12-88; 8:45 am]

BILLING CODE 4910-81-M

UNITED STATES INFORMATION AGENCY

Advisory Commission on Public Diplomacy; Open Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held May 25, 1988, in Room 600, 301 4th Street SW., Washington, DC from 11:15 a.m. to 12:30 p.m.

The Commission will meet with Mr. Dell Pendergrast, Deputy Director, USSR, East and South Europe and Canada, USIA; Ms. Cynthia Miller, Deputy Director for West Europe and Canada, USIA; and Mr. Ted Siebert, Office of Security, USIA to discuss USIA's programs in Europe and the Soviet Union.

Please call Gloria Kalamets, (202) 485-2468, if you are interested in attending the meeting since space is limited and entrance to the building is controlled.

Dated: May 10, 1988.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 88-10724 Filed 5-12-88; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The department or staff office issuing the form, (3) the agency form number, if applicable, (4) a description of the need and its use, (5) how often the form must be filled out, (6) who will be required or asked to report, (7) an estimate of the number of responses, (8) an estimate of the total number of hours needed to fill out the form, and (9) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from John Turner, Department of Veterans Benefits (203C2), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC (202) 233-2744.

Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: May 5, 1988.

By direction of the Administrator.

Frank E. Lalley,

Director, Information Management and Statistics.

Extension

1. Department of Veterans Benefits.

2. Request to Lender for Status of Loan Termination (LCS).

3. VA Form 26-8801.

4. Request to holders of guaranteed loans, on which holder has initially reported intent to foreclose or subsequent to initial report has initiated legal proceedings, for status of termination actions. The information collected permits VA surveillance to assure timely submission of claim and avoidance of unnecessary costs.

5. On occasion.

6. Businesses or other for-profit.

7. 300,000.

8. 25,000.

9. Not applicable.

1. Department of Veterans Benefits.

2. Verification of VA Benefit-Related Indebtedness.

3. VA Form 26-8937.

4. This form is used by lenders authorized to close VA-guaranteed loans on the automatic basis for submission to VA Finance Officers prior to loan closing as a means of obtaining information on any existing benefit-related indebtedness of veteran home loan applicants.

5. On occasion.

6. Individuals or households.

7. 240,000.

8. 20,000.

9. Not applicable.

New Collection

1. Department of Veterans Benefits.

2. Homeless Veterans Contact Form.

3. VA Form 27-0528.

4. This information is used to help determine the numbers of and basic information on homeless veterans who seek assistance from the VA Regional Offices.

5. On occasion.

6. Individuals or households.

7. 5,700 responses.

8. 228 hours.

9. Not applicable.

[FR Doc. 88-10715 Filed 5-12-88; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 93
Friday, May 13, 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).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 53 FR 16612, Tuesday, May 10, 1988.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (Eastern Time) Monday, May 16, 1988.

CHANGE IN THE MEETING: The Meeting has been Cancelled.

CONTACT PERSON FOR MORE INFORMATION: Hilda D. Rodriguez, Executive Officer (Acting), Executive Secretariat, (202) 634-6748.

This Notice Issued May 10, 1988.

Hilda D. Rodriguez,

Executive Officer (Acting), Executive Secretariat.

[FR Doc. 88-10812 Filed 5-10-88; 8:45 am]

BILLING CODE 6750-06-M

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting, Thursday, May 12, 1988

May 5, 1988.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, May 12, 1988, which is scheduled to commence at 11:00 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Agenda, Item No., and Subject

Common Carrier—1—*Title:* Policy and Rules Concerning Rates for Dominant Carriers, Further Notice of Proposed Rulemaking, CC Docket No. 87-313. *Subject:* The Commission will consider issues in this proceeding.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Sarah Lawrence, Office of Public Affairs telephone number (202) 632-5050.

Issued: May 5, 1988.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-10835 Filed 5-11-88; 10:59 am]

BILLING CODE 6712-01-M

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NO. 88-9502.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, May 5, 1988, 10:30 a.m.

THE FOLLOWING ITEM WAS ADDED TO THE AGENDA: Request for Extension of Time—Gephardt for President Committee, Inc.

* * * * *

DATE AND TIME: Tuesday, May 17, 1988, 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: Thursday, May 19, 1988, 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC. (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.
Correction and Approval of Minutes.
Eligibility Report for Candidates to Receive Presidential Primary Matching Funds.
Draft AO 1988-16—Michael A. Nemeroff on behalf of the American Medical Association and the American Medical Political Action Committee.
Draft AO 1988-17—Paul E. Sullivan on behalf of Election Concepts, Inc.
Draft AO 1988-18—James L. Singer on behalf of Local 36, Sheet Metal Workers International Association, AFL-CIO.
Status of Presidential Audits.
Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202-376-3155.

Mary W. Dove,

Administrative Assistant.

[FR Doc. 88-10794 Filed 5-10-88; 4:15 pm]

BILLING CODE 6715-01-M

FEDERAL HOME LOAN MORTGAGE CORPORATION

DATE AND TIME: Monday, May 16, 1988, 2:00 p.m.

PLACE: 1776 G Street, NW., Board Room Third Floor, Washington, DC 20006.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION: Keith Earley 1759 Business Center Drive, P.O. Box 4115 Reston, Virginia 22090, (703) 759-8414.

MATTERS TO BE CONSIDERED:

CLOSED—Minutes of April 19, 1988 Board of Directors' Meeting
CLOSED—President's Report
CLOSED—Quarterly Dividend

Date sent to **Federal Register:** May 10, 1988.

Maud Mater,

Secretary.

[FR Doc. 88-10811 Filed 5-10-88; 5:01 pm]

BILLING CODE 6719-01-M

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 1:00 p.m., Friday, May 20, 1988.

PLACE: Augusta Civic Center, Augusta, Maine 04330.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Economic Commentary.
3. Central Liquidity Facility Report and Review of CLF Lending Rate.
4. Insurance Fund Report.
5. Interim Final Amendment to NCUA's Lending Regulation, Section 701.21.
6. Regulatory Review of NCUA's Rules and Regulations:
   a. Technical Amendments to Section 701.6(a), Fees Paid by Federal credit unions, and Section 701.35(c), Share, Share Draft, and Share Certificate Accounts.
   b. Final Amendment to Section 701.24, Refund of Interest.
   c. Proposed Amendment to Section 704, Corporate Credit Unions.
7. Legislative Update.

TIME AND DATE: 9:30 a.m., Wednesday, May 18, 1988.

PLACE: Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC 20456, (202) 357–1100.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Requests for Exemption from Section 701.21(h)(2)(ii), NCUA Rules and Regulations. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Appeal from a Federal Credit Union regarding Non-standard Bylaw Amendment. Closed pursuant to exemption (8).
4. Board Briefing. Closed pursuant to exemption (8).
5. Amendment to Delegations of Authority. Closed pursuant to exemption (2).

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 357–1100.

Becky Baker,

Secretary of the Board.

[FR Doc. 88–10913 Filed 5–11–88; 3:36 pm]

BILLING CODE 7535–01–M

Corrections

Federal Register
Vol. 53, No. 93
Friday, May 13, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 21-88]

Foreign-Trade Zone 50—Long Beach, CA; Application for Extension of Subzone Status at Toyota Auto/Truck Parts Plant (SZ 50A), Long Beach

Correction

In notice document 88-10017 appearing on page 16178 in the issue of Thursday, May 5, 1988, make the following corrections:

1. In the first column, in the second line, "TFZ" should read "FTZ".

2. In the second column, in the first complete paragraph, in the last line, "experts" should read "exports".

3. In the same column, in the third complete paragraph, in the third line, "investigate" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Correction

In notice document 88-8217 beginning on page 12446 in the issue of Thursday, April 14, 1988, make the following correction:

On page 12446, in the second column, in the second paragraph, in the third line, "30 days" should read "20 days".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

Correction

In notice document 88-10021 beginning on page 16178 in the issue of Thursday, May 5, 1988, make the following correction:

The tables appearing at the bottom of page 16178 and the top of page 16179 were incorrect. A table heading "Countervailing Duty Proceeding" should have appeared above the last five entries on page 16179. The tables are corrected to read as follows:

Antidumping duty proceeding	Period
Certain Circular Welded Carbon Steel Pipes and Tubes from Taiwan	05/01/87-04/30/88
Certain Welded Carbon Steel Standard Pipes and Tube Products from India	05/01/87-04/30/88
Certain Welded Carbon Steel Standard Pipe and Tube Products from Turkey	05/01/87-04/30/88
Frozen Concentration Orange Juice from Brazil	10/23/86-04/30/88
Iron Construction Castings from Brazil	05/01/87-04/30/88
Iron Construction Castings from India	05/01/87-04/30/88
Iron Construction Casings from the People's Republic of China	05/01/87-04/30/88
Impression Fabric of Man-Made Fiber from Japan	05/01/87-04/30/88
Malleable Cast Iron Pipe Fittings from Brazil	05/01/87-04/30/88
Malleable Cast Iron Pipe Fittings from South Korea	05/01/87-04/30/88
Malleable Cast Iron Pipe Fittings from Taiwan	05/01/87-04/30/88
Portable Electric Typewriters from Japan	05/01/87-04/30/88
Portland Cement, Other Than White, Nonstaining Portland Cement, from the Dominican Republic	05/01/87-04/30/88
Tubeless Steel Disc Wheels from Brazil	12/19/86-04/30/88

Countervailing duty proceeding	Period
Bricks from Mexico	01/01/87-12/31/87
Ceramic Tile from Mexico	01/01/87-12/31/87
Certain Heavy Iron Construction Castings from Brazil	01/01/87-12/31/87
Fresh Whole Atlantic Groundfish from Canada	01/01/87-12/31/87
Viscose Rayon Staple Fiber from Sweden	01/01/87-12/31/87

BILLING CODE 1505-01-D

federal register

Friday
May 13, 1988

Part II

Department of Education

34 CFR Part 363 et al.
Rehabilitation Services Administration Programs; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Parts 363, 365, 366, 369, 370, 372, 374, 375, 378, 379, 385, 387, 388, 389 and 390

Rehabilitation Services Administration Programs

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing a variety of programs administered by the Rehabilitation Services Administration (RSA). These regulations implement technical amendments to the Act made by Pub. L. 99–506, the Rehabilitation Act Amendments of 1986.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Albert Rotundo, Rehabilitation Services Administration, Department of Education, Switzer Building, Room 3222, M/S 2312, Washington, DC 20202, (202) 732–1397.

SUPPLEMENTARY INFORMATION: The Rehabilitation Act Amendments of 1986 included a number of changes to reinforce the involvement of individuals with handicaps in the development of policies and decisions that affect them.

The amendments also strengthen the involvement of the private sector in the delivery of services and placement of individuals with handicaps into competitive employment. Significant changes include:

—*State Independent Living Council.* Each State shall establish a State independent living council with a majority of members who are individuals with handicaps and their parents or guardians. The State must assure it will consider the Council's recommendations for expanding or modifying services.

—*Independent living centers.* Each independent living center shall have a governing board that is composed of a majority of individuals with handicaps and that is the principal governing body of the center.

—*Client Assistance Program (CAP).* The Governor is precluded from changing the designated CAP agency except for good cause and only after notice and opportunity for public comment.

—*Rehabilitation Training.* Grantees or contractors who provide rehabilitation training shall give due regard to the training of individuals with handicaps as part of their efforts to increase the number of qualified personnel available to provide rehabilitation services.

—*Projects with Industry.* Grantees are required to establish business advisory councils to identify available jobs within the community and to prescribe training programs to meet these employment needs.

Waiver of Notice of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. Section 366.20(a) is a necessary interpretative rule under the Rehabilitation Act Amendments of 1986. Except for this section, these regulations incorporate statutory changes only, and public comment could have no effect on these changes. Therefore, the Secretary has determined that publication of a proposed rule is not required under 5 U.S.C. 553(b)(A) and is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B).

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations contain only technical amendments and an interpretative change and would not have a significant impact on any entities.

Intergovernmental Review

Parts 363 and 370 are subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

List of Subjects

34 CFR Part 363

Education, Grant programs—education, Vocational rehabilitation.

34 CFR Part 365

Education, Grant programs—education, Grant programs—social programs, Vocational rehabilitation.

34 CFR Part 366

Education, Grant programs—social programs, Reporting and recordkeeping requirement, Vocational rehabilitation.

34 CFR Part 369

Education, Grant programs—education, Grant programs—social programs, Manpower training programs, Research, Technical assistance, Vocational rehabilitation.

34 CFR Part 370

Education, Grant programs—education, Grant programs—social programs, Vocational rehabilitation.

34 CFR Part 372

Education, Grant programs—education, Vocational rehabilitation.

34 CFR Part 374

Education, Grant programs—education, Vocational rehabilitation.

34 CFR Part 375

Education, Grant programs—social programs, Vocational rehabilitation.

34 CFR Part 378

Education, Grant programs—social programs, Vocational rehabilitation.

34 CFR Part 379

Business and industry, Education, Reporting and recordkeeping requirements, Grant programs—social programs, Vocational rehabilitation.

34 CFR Part 385

Education, Grant programs—education, Vocational rehabilitation.

34 CFR Part 387

Education, Grant programs—education, Vocational rehabilitation.

34 CFR Part 388

Education, Grant programs—education, Vocational rehabilitation.

34 CFR Part 389

Education, Grant programs—education, Vocational rehabilitation.

34 CFR Part 390

Education, Grant programs, Vocational rehabilitation.

(Catalog of Federal Domestic Assistance No. 84.126, Special Projects; 84.129, Rehabilitation Training; 84.132, Centers for Independent Living; 84.158, Projects With Industry; 84.128G, Migratory Workers; 84.128, Client Assistance Program; and, 84.128J, Special Recreational Programs)

Dated: March 17, 1988.

William J. Bennett,

Secretary of Education.

The Secretary amends Parts 363, 365, 366, 369, 370, 372, 374, 375, 378, 379, 385, 387, 388, 389, and 390 of Title 34 of the Code of Federal Regulations as follows:

PART 363—THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

1. The authority citation for Part 363 continues to read as follows:

Authority: 29 U.S.C. 795 j–q, unless otherwise noted.

§ 363.7 [Amended]

1a. In § 363.7, paragraph (a) is amended by removing the word "and" at the end of (a)(2)(iv) and revising the subparagraph designations in (a)(2)(v), "(v)", "(v)(A)", "(v)(B)", and "(v)(C)" to read "(3)", "(3)(i)", "(3)(ii)", and "(3)(iii)", respectively.

PART 365—THE STATE INDEPENDENT LIVING REHABILITATION SERVICE PROGRAM

2. The authority citation for Part 365 is revised to read as follows:

Authority: 29 U.S.C. 796a–d–1, unless otherwise noted.

2a. In Part 365, remove the words "severely handicapped individuals" and add, in their place, the words "individuals with severe handicaps" in the following places:

(a) Section 365.2(a);
(b) Section 365.6 (a) and (b);
(c) Section 365.8 (a) and (b);
(d) Section 365.9(b);
(e) Section 365.11;
(f) Section 365.12 (b), (c), and (e);
(g) Section 365.34;
(h) Section 365.37 (a) and (a)(2)
(i) Section 365.40;
(j) Section 365.41;
(k) Section 365.42; and
(l) Section 365.43.

3. In Part 365, remove the words "a severely handicapped individual" and add, in their place, the words "an individual with severe handicaps" in the following places:

(a) Section 365.33(a);
(b) Section 365.37(a) (15), (16), and (b); and
(c) Section 365.38.

4. In Part 365, remove the words "severely handicapped individual" and add, in their place, the words "individual with severe handicaps" in the following places:

(a) Section 365.36 (a) and (c);
(b) Section 365.37(a); and
(c) Section 365.38.

5. In Part 365, remove the word "which" and add, in its place, "that" in the following places:

(a) Section 365.13;
(b) Section 365.37(a)(15);
(c) Section 365.42; and
(d) Section 365.43.

§ 365.1 [Amended]

6. In § 365.1, in paragraph (c)(3) the definitions of *"Attendant care," "Health maintenance,"* and the first definition of *"Independent living rehabilitation services,"* are amended by removing the words "a severely handicapped individual" and adding, in their place, the words "an individual with severe handicaps"; the second definition of *"Independent living rehabilitation services"* is amended by removing the words "severely handicapped individuals" and adding, in their place, the words "individuals with severe handicaps", and by removing the words "severely handicapped individual" in (ii) and adding, in their place, the words "individual with severe handicaps"; changing the heading of the definition *"Severely handicapped individual"* to *"Individual with severe handicaps";* and the definition of *"Transportation"* is amended by removing the words "in connection with a severely handicapped individual's" and adding, in their place, the words "by an individual with severe handicaps in connection with".

7. In § 365.9, paragraph (a) is amended by revising the first two sentences and the authority citation to read as follows:

§ 365.9 State plan and policy development consultation.

(a) *Advisory committee.* The State plan must assure that the State unit organizes a committee of persons with severe handicaps, which may include their parents or guardians as necessary, to consult on a continuing basis in the initial development and periodic revision of the State plan. The members of the advisory committee must serve on a rotating basis after persons with severe handicaps in the State have been provided an opportunity to suggest those individuals considered by them to be best qualified to represent individuals with severe handicaps in need of independent living services. * * *

* * * * *

(Authority: Secs. 12(c) and 705(a)(8) of the Act; 29 U.S.C. 711(c) and 796(a))

§ 365.10 [Amended]

8. The authority citation for § 365.10 is revised to read as follows:

(Authority: Sec. 705(a)(7) of the Act; 29 U.S.C. 796d(a)(7))

§ 365.12 [Amended]

9. The authority citation for § 365.12 is revised to read as follows:

(Authority: Secs. 12(c), 705(a)(9), and 705(a)(3)(A) of the Act; 29 U.S.C. 711(c), 796d(a)(9) and 796d(a)(3)(A))

10. A new § 365.16 is added under State Plan Content: Administration in Subpart B to read as follows:

§ 365.16 State independent living council.

(a) Each State must establish a State independent living council that meets the requirements of section 706 of the Act.

(b) The State plan must assure that the State unit considers the recommendations of the State independent living council in determining how independent living services provided under this part will be expanded or modified.

(Authority: Secs. 705(a)(5) and 706 of the Act; 29 U.S.C. 796d(a)(5) and 796d–1)

§ 365.30 [Amended]

11. In § 365.30, remove the words "severely handicapped persons" and add, in their place, the words "persons with severe handicaps".

§ 365.32 [Amended]

12. In § 365.32, paragraph (a) is amended by removing the words "severely handicapped person" and adding, in their place, the words "person with severe handicaps".

§ 365.34 [Amended]

13. In § 365.34, the first sentence is amended by removing the words "groups of" and by removing the word "when" and adding, in its place, the word "if".

§ 365.36 [Amended]

14. The authority citation for § 365.36 is revised to read as follows:

(Authority: Secs. 12(c), 705(a)(4), and 705(a)(5) of the Act; 29 U.S.C. 711(c), 796d(a)(4) and 796d(a)(6))

15. Section 365.37 is amended by revising paragraph (a) (8), (9), and (10) and in paragraph (b) removing "1361" and adding, in its place "361" to read as follows:

§ 365.37 Scope of State unit program; independent living rehabilitation services for individuals.

(a) * * *

(8) Recreational services;

(9) Services to family members of an individual with severe handicaps if necessary for improving the individual's

ability to live and function more independently, or the individual's ability to engage or continue in employment;

(10) Vocational and other training services, including personal and vocational adjustment when necessary for improving the ability of an individual with severe handicaps to live and function more independently, or his or her ability to engage or continue in employment;

* * * * *

16. The heading for § 365.42 is revised to read as follows:

§ 365.42 Scope of State unit program: Facilities and services for groups of individuals with severe handicaps.

* * * * *

§ 365.44 [Amended]

17. In § 365.44, paragraph (b) is amended by removing the word "Where" and adding, in its place, the word "If".

PART 366—CENTERS FOR INDEPENDENT LIVING

18. The authority citation for Part 366 is revised to read as follows:

Authority: 29 U.S.C. 711(c) and 796(e), unless otherwise noted.

§ 366.2 [Amended]

19. In § 366.2, paragraph (b) is amended by removing the word "six" both times it appears and adding, in its place, the word "three".

20. In § 366.4, paragraph (b) is amended by revising the definitions to read as follows:

§ 366.4 What definitions apply to this program?

* * * * *

(b) The following definitions also apply to the Centers for Independent Living Program—

"Center for independent living" means a program of services or a facility that offers a combination of independent living services for individuals with severe handicaps or groups of individuals with severe handicaps such as:

(1) Intake counseling to determine the need of an individual with severe handicaps for specific independent living services; * * *

(7) Housing, recreation, and transportation referral and assistance;

(8) Surveys, directories, and other activities to identify appropriate housing, recreational opportunities, and accessible transportation and other support services; * * *

(12) Individual and group social and recreational services; * * *

(14) Other programs and services necessary to provide resources, training, counseling, services or other assistance of substantial benefit in promoting the independence, productivity, and quality of life for individuals with severe handicaps.

(Authority: Sec. 711(c) of the Act; 29 U.S.C. 796e(c))

"Designated State unit" or "designated State vocational rehabilitation unit" means either:

(1) The State agency vocational rehabilitation bureau, division, or other organizational unit that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with handicaps and that is responsible for the administration of the vocational rehabilitation program of the State agency; or

(2) The independent State commission, board, or other agency that has vocational rehabilitation, or vocational and other rehabilitation as its primary function.

(Authority: Sec. 7(3) of the Act; 29 U.S.C. 706(3))

"Individual with severe handicaps" means an individual whose ability to function independently in family or community, or whose ability to engage or continue in employment is so limited by the severity of his or her physical or mental disability that independent living rehabilitation services are required in order to achieve a greater level of independence in functioning in family or community or engaging or continuing in employment. Independent living rehabilitation services needed by an individual with severe handicaps are appreciably more costly and of appreciably greater duration than vocational rehabilitation services that might be provided under 34 CFR Part 361.

(Authority: Sec. 702(a) of the Act; 29 U.S.C. 796a(a))

21. Section 366.20 is amended by redesignating paragraph (a) as paragraph (b), paragraph (b) as paragraph (c), and paragraph (c) as paragraph (d) respectively, removing the words "handicapped individuals" from redesignated paragraphs (b), (c) and (d)(7) and adding, in their place, the words "individuals with handicaps", adding a new paragraph (a) and revising redesignated paragraphs (d), (d)(1), and (d)(6) to read as follows:

§ 366.20 What are the application requirements?

* * * * *

(a) An assurance that the center will have a board that is composed of a majority of individuals with handicaps and that is the principal governing body of the center;

* * * * *

(d) A description of an annual evaluation plan that contains, at a minimum, the following elements:

(1) The numbers and types of individuals with handicaps that were assisted.

* * * * *

(6) How services provided contributed to the maintenance of or the increased independence of individuals with handicaps that were assisted.

* * * * *

§366.31 [Amended]

22. Section 366.31 is amended by removing the words "severely handicapped individuals" in paragraph (a)(2) and adding, in their place, the words "individuals with severe handicaps", removing the words "Handicapped persons" in paragraphs (b)(2)(v)(C) and (d)(2)(iv)(C) and adding, in their place, the words "Persons with handicaps", and removing the words "severely handicapped persons" in paragraphs (e), (e)(1), and (e)(2) and adding, in their place, the words "persons with severe handicaps".

23. A new § 366.43 is added to read as follows:

§ 366.43 What are the reporting requirements?

Beginning in fiscal year 1989 each grantee shall report to the Secretary at the end of each project year the extent to which it is in compliance with program evaluation standards developed in accordance with sections 711(e)(1) and 711(f)(1) of the Act.

(Authority: Secs. 711(e) and 711(f) of the Act; 29 U.S.C. 796e(e) and 796e(f))

PART 369—VOCATIONAL REHABILITATION SERVICE PROJECTS

24. The authority citation for Part 369 is revised to read as follows:

Authority: 29 U.S.C. 711(c), 732, 750, 775, 777(a)(1), 777(a)(3), 777(b), 777f and 795g, unless otherwise noted.

25. In Part 369, remove the words "handicapped individuals" and add, in their place, the words "individuals with handicaps" in the following places:

(a) Section 369.1(a);

(b) Section 369.2 (c), (d), and (g);

(c) Section 369.43;

(d) Section 369.44(b); and

(e) Section 369.48.

26. In § 369.1, paragraph (b) is amended by revising (b)(1), (b)(3), (b)(4), (b)(5), and (b)(7) to read as follows:

§ 369.1 What are the Vocational Rehabilitation Service Projects?

* * * * *

(b) * * *

(1) Vocational Rehabilitation Service Projects for American Indians with Handicaps (34 CFR Part 371).

* * * * *

(3) Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps (34 CFR Part 373).

(4) Special Projects and Demonstrations for Making Recreational Activities Accessible to Individuals with Handicaps (34 CFR Part 374).

(5) Vocational Rehabilitation Service Projects for Migratory Agricultural and Seasonal Farmworkers with Handicaps (34 CFR Part 375).

* * * * *

(7) Projects for Initiating Special Recreation Programs for Individuals with Handicaps (34 CFR Part 378).

* * * * *

27. Section 369.2 is amended by revising paragraphs (a), (e) and (f) and the headings of paragraphs (c) and (d) to read as follows:

§ 369.2 Who is eligible for assistance under these programs?

(a) *Vocational Rehabilitation Service Projects for American Indians with Handicaps.* Governing bodies of Indian tribes and consortia of those governing bodies located on Federal and State reservations are eligible for assistance to support projects for providing vocational rehabilitation services to American Indians with handicaps.

(Authority: Sec. 130 of the Act; 29 U.S.C. 750)

* * * * *

(c) *Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps.* * * *

(d) *Special Projects and Demonstrations for Making Recreational Activities Accessible to Individuals with Handicaps.* * * *

(e) *Vocational Rehabilitation Service Projects for Migratory Agricultural Workers and Seasonal Farmworkers with Handicaps.* State vocational rehabilitation agencies or local agencies administering vocational rehabilitation programs under written agreements with State agencies are eligible for assistance to support projects for providing vocational rehabilitation services to migratory agricultural workers or seasonal farmworkers with handicaps.

(Authority: Sec. 312 of the Act; 29 U.S.C. 777(b))

(f) *Projects for Initiating Special Recreation Programs for Individuals with Handicaps.* State and other public agencies and private nonprofit agencies and organizations are eligible for assistance to support projects for initiating special recreation programs for individuals with handicaps.

* * * * *

28. In § 369.4, paragraph (b) is amended by removing the headings of the definitions for "*Handicapped individual*" and "*Severely handicapped individual*" and adding, in their place, the headings, "*Individual with handicaps*" and "*Individual with severe handicaps*", respectively, and placing the revised definitions in correct alphabetical order, removing the alphabetical designations (c) through (s) under the definition of "*Physical and mental restoration services*" and adding, in their place, the numerical designations (3) through (19), removing the numerical designations (i) through (xiv) under the first definition of "*Vocational rehabilitation services*" and adding, in their place, the numerical designations (1) through (14), removing the word "and" following redesignated (14), and revising the heading of the definition "*Act*", the introductory text of "*Individual with severe handicaps*", introductory text and paragraph (12) of "*Rehabilitation facility*", paragraph (1) of "*State unit*", and in the first definition of "*Vocational rehabilitation services*" by revising the introductory text and paragraphs (2), (7), (15) and (16), and in the second definition of "*Vocational rehabilitation services*", by revising the introductory text and paragraphs (1), and (4) to read as follows:

§ 369.4 What definitions apply to these programs.

* * * * *

(b) * * *

"*Act*" * * *

* * * * *

"*Individual with handicaps*" * * *

"*Individual with severe handicaps*" means an individual with handicaps: * * *

* * * * *

"*Rehabilitation facility*" means a facility that is operated for the primary purpose of providing vocational rehabilitation services to individuals with handicaps, and that provides singly or in combination one or more of the following services for individuals with handicaps:

* * * * *

(12) Transitional or extended employment for those individuals with handicaps who cannot be readily absorbed in the competitive labor market.

* * * * *

"*State unit,*" "*State vocational rehabilitation unit*" or "*designated State unit*" means either:

(1) The State agency vocational rehabilitation bureau, division, or other organizational unit that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with handicaps and that is responsible for the administration of the vocational rehabilitation program of the State agency; or

* * * * *

"*Vocational rehabilitation services*" when provided to an individual, means:

* * * * *

(2) Counseling and guidance, including personal adjustment counseling, to maintain a counseling relationship throughout a program of services for individuals with handicaps, and referral necessary to help individuals with handicaps secure needed services from other agencies;

* * * * *

(7) Services to family members of an individual with handicaps if necessary to the vocational rehabilitation of the individual with handicaps;

* * * * *

(15) Rehabilitation engineering services; and

(16) Other goods and services that can reasonably be expected to benefit an individual with handicaps in terms of employability.

* * * * *

"*Vocational rehabilitation services*" when provided for the benefit of groups of individuals, also means:

(1) In the case of any type of small business enterprise operated by individuals with severe handicaps under the supervision of the State unit, management services, and supervision and acquisition of vending facilities or other equipment, and initial stocks and supplies;

* * * * *

(4) The provision of other facilities and services, including services provided at rehabilitation facilities, that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized written rehabilitation program of any one individual with handicaps;

* * * * *

29. In § 369.31, paragraphs (a) and (b) are amended by removing the words "Handicapped persons" in (a)(2)(v)(A) and (b)(2)(iv)(A) and adding, in their

place, the words "Persons with handicaps".

30. The title of § 369.42 is revised to read as follows:

§ 369.42 What special requirements affect provision of services to individuals with handicaps?

§ 369.43 [Amended]

31. Section § 369.43 is amended by removing the words "handicapped individuals" and adding, in their place, the words "individuals with handicaps".

§ 369.44 [Amended]

32. In § 369.44, paragraph (b) is amended by removing the words "handicapped individuals" and adding, in their place, the words "individuals with handicaps".

§ 369.46 [Amended]

33. Section 369.46 is amended by removing the word "When" and adding, in its place, the word "If" and removing the words "handicapped persons or other representatives of handicapped individuals" and adding, in their place, the words "persons with handicaps or their representatives".

§ 369.48 [Amended]

34. Section 369.48 is amended by removing the word "When" and adding, in its place, the word "If" and removing the words "handicapped individuals" and adding, in their place, the words "individuals with handicaps".

PART 370—CLIENT ASSISTANCE PROGRAM

35. The authority citation for Part 370 is revised to read as follows:

Authority: 29 U.S.C. 732, unless otherwise noted.

36. In Part 370, remove the words "handicapped individuals" and add, in their place, the words "individuals with handicaps" in the following places:

(a) Section 370.2 (d) and (e);
(b) Section 370.10(e);
(c) Section 370.20(b)(1); and
(d) Section 370.46.

37. Section 370.1 is revised to read as follows:

§ 370.1 What is the Client Assistance Program?

The purpose of this program is—

(a) To provide assistance in informing and advising clients and client applicants of all available benefits under the Act;

(b) If requested by clients and client applicants, to assist them in their relationships with projects, programs, and facilities providing services to them under the Act; and

(c) To provide information on available services under the Act to any individual with handicaps in the State.

(Authority: Sec. 112(a) of the Act; 29 U.S.C. 732(a))

38. Section 370.2 is amended by revising paragraph (d), redesignating paragraph (e) as paragraph (f), and adding a new paragraph (e) to read as follows:

§ 370.2 Who is eligible for an award under the Client Assistance Program?

* * * * *

(d) The Governor may, in the initial designation, designate an agency which provides treatment, * * *

* * * * *

(e) The Governor shall not change the designated agency without good cause, and only after providing notice and an opportunity for public comment on the proposed redesignation.

* * * * *

39. The note following § 370.4 is revised to read as follows:

(**Note:** Any funds made available to a State under this program that are transferred by a State to a designated agency do not comprise a subgrant as that term is defined in 34 CFR 77.1. The designated agency is not, therefore, in these circumstances a subgrantee as that term is defined in that section).

40. Section 370.10 is amended by removing the word "and" after the semicolon in paragraph (e), removing the period at the end of paragraph (f) and adding, in its place "; and", and adding a new paragraph (g) to read as follows:

§ 370.10 What kinds of activities does the Secretary assist under this program?

* * * * *

(g) Providing information on available services under the Act to any individual with disabilities in the State.

(Authority: Sec. 112 of the Act; 29 U.S.C. 732)

41. Section 370.30 is amended by revising paragraphs (a) and (b), removing paragraphs (c) and (d), adding a new paragraph (c), and redesignating paragraph (e) as paragraph (d) to read as follows:

§ 370.30 How does the Secretary allocate funds?

(a)(1) The Secretary allocates the funds available under this part for any fiscal year to the States on the basis of the relative population of each State. The Secretary allocates at least $50,000 to each State, unless the provisions of section 112(e)(1)(D) of the Act, which provide for increasing the minimum allotment, are applicable.

(b) The Secretary allocates $30,000 each to American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, unless the provisions of section 112(e)(1)(D) of the Act are applicable.

(c) Unless prohibited or otherwise provided by State law, the Secretary pays to the designated agency, from the State allotment under paragraph (a) or (b) of this section, the amount specified in the State's approved request. In all cases, however, the State remains the grantee.

* * * * *

§ 370.41 [Amended]

42. In § 370.41, paragraph (a) is amended by removing the words ", or receive benefits of any kind directly or indirectly from,".

PART 372—COMPREHENSIVE REHABILITATION CENTERS

43. The authority citation for Part 372 is revised to read as follows:

Authority: 29 U.S.C. 711(c) and 775, unless otherwise noted.

44. In Part 372, remove the words "handicapped persons" and add, in their place, the words "persons with handicaps" in the following places:

(a) Section 372.1;
(b) Section 372.4(b)(1);
(c) Section 372.10; and
(d) Section 372.42 (b) and (d).

§ 372.2 [Amended]

45. In § 372.2, paragraph (b) is amended by removing the word "which" and adding, in its place, the word "that".

§ 372.4 [Amended]

46. In § 372.4, paragraph (b) is amended by removing the word "which" in (b)(1) and adding, in its place, the word "that", and removing the words "Handicapped person" in (b)(2) and adding, in their place, the words "Persons with handicaps".

47. The title of Part 374 is revised to read as follows:

PART 374—SPECIAL PROJECTS AND DEMONSTRATIONS FOR MAKING RECREATIONAL ACTIVITIES ACCESSIBLE TO INDIVIDUALS WITH HANDICAPS

48. The authority citation for Part 374 is revised to read as follows:

Authority: 29 U.S.C. 711(c) and 777a(a)(3), unless otherwise noted.

49. In Part 374, remove the words "handicapped individuals" and add, in their place, the words "individuals with handicaps" in the following places:

(a) Section 374.1;

(b) Section 374.10(a); and

(c) Section 374.30 (f)(1), (g)(1), (g)(2)(i), (g)(2)(ii), (g)(2)(iv), and (g)(2)(v).

50. In § 374.1, the section heading is revised to read as follows:

§ 374.1 What is the program of special projects and demonstrations for making recreational activities accessible to individuals with handicaps?

* * * * *

51. In § 374.10, paragraph (b) is amended by removing the word "recreation" and adding, in its place, the word "recreational" wherever it appears, and paragraph (c) is revised to read as follows:

§ 374.10 What types of projects are authorized under this program?

* * * * *

(c) Projects must demonstrate innovative ways in which recreational services and activities can be made fully accessible to individuals with handicaps, with special emphasis on those who have the most severe handicaps.

(Authority: Sec. 311(a)(3) of the Act; 29 U.S.C. 777a(a)(3))

§ 374.30 [Amended]

52. In § 374.30, paragraph (f) is amended by removing the word "Recreation" in (f)(2) and adding, in its place, the word "Recreational".

53. Section 374.42 is revised to read as follows:

§ 374.42 What are the special requirements affecting the scheduling of recreational activities within a project?

The scheduling of recreational activities must be arranged so as not to interfere with attendance at work or school by an individual with handicaps.

(Authority: Secs. 12(c) and 311(a)(3) of the Act; 29 U.S.C. 711(c) and 777a(a)(3))

54. The title of Part 375 is revised to read as follows:

PART 375—VOCATIONAL REHABILITATION SERVICE PROJECTS PROGRAM FOR MIGRATORY AGRICULTURAL AND SEASONAL FARMWORKERS WITH HANDICAPS

55. The authority citation for Part 375 is revised to read as follows:

Authority: 29 U.S.C. 711(c) and 777b, unless otherwise noted.

56. Section 375.1 is revised to read as follows:

§ 375.1 What is the Vocational Rehabilitation Service Projects Program for Migratory Agricultural and Seasonal Farmworkers with Handicaps?

This program is designed to provide financial assistance to projects for providing vocational rehabilitation services to migratory agricultural workers or seasonal farmworkers with handicaps.

(Authority: Sec. 321 of Act; 29 U.S.C. 777b)

§ 375.4 [Amended]

57. In § 375.4, paragraph (b)(1) is amended by removing the word "handicapped" both times it appears, and by adding the words "with handicaps" after the word farmworker both times it appears.

§ 375.10 [Amended]

58. Section 375.10 is amended by removing the words "handicapped individuals" and adding, in their place, the words "individuals with handicaps", removing the word "where", and adding, in its place, the word "if", and removing the words "handicapped migratory agricultural worker or seasonal farmworker" and adding, in their place, the words "migratory agricultural worker or seasonal farmworker with handicaps".

§ 375.41 [Amended]

59. In § 375.41, paragraph (a) is amended by removing the word "handicapped", adding the words "with handicaps" after the word "farmworkers", and removing the word "when" and adding, in its place, the word "if"; paragraph (b) is amended by removing the words "handicapped individuals" and adding, in their place, the words "individuals with handicaps".

60. The title of Part 378 is revised to read as follows:

PART 378—PROJECTS FOR INITIATING SPECIAL RECREATIONAL PROGRAMS FOR INDIVIDUALS WITH HANDICAPS

61. The authority citation for Part 378 is revised to read as follows:

Authority: 29 U.S.C. 711(c) and 777(f), unless otherwise noted.

62. Section 378.1 is revised to read as follows:

§ 378.1 What is the program of Projects for Initiating Special Recreational Programs for Individuals with Handicaps?

This program is designed to initiate special programs to provide individuals with handicaps with recreational activities and related experiences that can be expected to aid in their mobility, socialization, independence, and community integration.

(Authority: Sec. 316 of the Act; 29 U.S.C. 711(c) and 777(f))

63. Section 378.2 is revised to read as follows:

§ 378.2 Who is eligible for assistance under this program?

Applications may be made by State and other public agencies and private nonprofit agencies and organizations.

(Authority: Secs. 12(e) and 316 of the Act; 29 U.S.C. 711(c) and 777(f))

64. In § 378.10, paragraphs (a) and (b) are revised, the word "and" is removed at the end of paragraph (b)(4), the period is removed at the end of paragraph (b)(5) and the word "; and" added in its place, and a new paragraph (b)(6) is added to read as follows:

§ 378.10 What types of Projects are authorized under this program?

(a) This program supports projects that initiate programs of recreational services and related experiences for individuals with handicaps.

(b) Activities carried out under this program must include as broad a range of recreational activities as is appropriate to the geographical area, including indoor and outdoor recreational activities; competitive, active, and quiet recreational activities; social activities; and recreational activities related to the fine arts. These activities may include, but are not limited to, arts, music, handicrafts, homemaking, camping, dance, drama, 4–H activities, fitness, scouting, physical education and sports, swimming, travel, leisure education, leisure networking, leisure resource development, and related recreational activities designed—

* * * * *

(6) To promote the independence and community integration of individuals with handicaps.

§ 378.31 [Amended]

65. Section 378.31 is amended by removing the words "handicapped individuals" and adding, in their place, the words "individuals with handicaps" in the following places:

(a) Section 378.31(f)(2)(i); and

(b) Section 378.31(g)(1), (g)(2)(i), (g)(2)(ii), and (g)(2)(iv).

66. Section 378.42 is revised to read as follows:

§ 378.42 What are the special requirements affecting the scheduling of recreational activities within a project?

The schedule of recreational activities must be arranged so as not to interfere with the attendance of an individual with handicaps at work or school.

(Authority: Sec. 316 of the Act; 29 U.S.C. 777(f))

PART 379—PROJECTS WITH INDUSTRY

67. The authority citation for Part 379 is revised to read as follows:

Authority: 29 U.S.C. 711(c) and 795g, unless otherwise noted.

68. In Part 379, remove the words "handicapped individuals" and add, in their place, the words "individuals with handicaps" in the following places:

(a) Section 379.2(g);

(b) Section 379.10 (a), (b), (c), (c)(1), and (c)(3);

(c) Section 379.30(f), (f)(2)(i), (f)(2)(iii), and (h)(1);

(d) Section 379.41(f);

(e) Section 379.42 undesignated introductory text, and (a); and

(f) Section 379.43 (f), (g), (m)(1), and (m)(5).

69. Section 379.1 is revised to read as follows:

§ 379.1 What is the Projects with Industry program?

This program is designed to—

(a) Promote opportunities for competitive employment of individuals with handicaps;

(b) Provide appropriate placement resources;

(c) Engage the talent and leadership of private industry as partners in the rehabilitation process;

(d) Create practical settings for job readiness and training programs; and

(e) Secure the participation of private industry in identifying and providing job opportunities, the necessary skills, and training to qualify persons with handicaps for competitive employment.

(Authority: Sec. 621(a) of the Act; 29 U.S.C. 795g(a))

70. Section 379.10 is amended by revising the section heading, removing the words "A handicapped individual" in paragraph (c)(2) and adding, in their place, the words "an individual with handicaps", revising paragraph (c)(4), and adding a new paragraph (d) to read as follows:

§ 379.10 What types of project activities are required under this program?

* * * * *

(c) * * *

(4) The establishment of appropriate job placement services; and

(d) Providing for business advisory councils comprised of representatives of private industry, business concerns, and organized labor who will identify available jobs within the community and the skills necessary to fill those jobs, and prescribe appropriate training programs.

(Authority: Sec. 621(a) of the Act; 29 U.S.C. 795g)

§ 379.30 [Amended]

71. In § 379.30, paragraph (f)(2)(ii) is amended by removing the words "Handicapped individuals" and adding, in their place, the words "Individuals with handicaps".

§ 379.41 [Amended]

72. In § 379.41, paragraph (g) is amended by removing the words "handicapped persons" and adding, in their place, the words "persons with handicaps".

73. Section 379.43 is amended by revising paragraph (h), removing the words "handicapped individual" and adding, in their place, the words "individual with handicaps" in paragraphs (i) and (j), removing the words "handicapped employees" and adding, in their place, the words "employees with handicaps" both times it appears in paragraph (k), removing the word "and" following paragraph (1), removing the period at the end of paragraph (m)(7) and adding, in its place, the word "; and", and adding a new paragraph (n) to read as follows:

§ 379.43 What general provisions are required in agreements?

* * * * *

(h) Specify the duration of the project, not to exceed five years;

* * * * *

(n) Provide assurance that an evaluation report containing the data specified in paragraph (m) of this section will be submitted to the Secretary.

* * * * *

74. A new § 379.46 is added to read as follows:

§ 379.46 What are the reporting requirements?

Beginning in fiscal year 1989, each grantee shall report to the Secretary at the end of each project year the extent to which it is in compliance with program evaluation standards developed in accordance with sections 621(d)(1) and 621(f)(1) of the Act.

(Authority: Secs. 621(d)(1) and 621(f)(1) of the Act; 29 U.S.C. 795g(d)(1) and 795g(f)(1))

PART 385—REHABILITATION TRAINING

75. The authority citation for Part 385 is revised to read as follows:

Authority: 29 U.S.C. 711(c), 744, and 776, unless otherwise noted.

§ 385.1 [Amended]

76. In § 385.1, paragraph (a)(1) is amended by removing the words "physically and mentally handicapped individuals" and adding in their place the words "individuals with handicaps", and removing the word "handicap" before the semicolon and adding, in its place, the word "handicaps".

§ 385.4 [Amended]

77. In § 385.4, paragraph (b) is amended by removing the words "*Handicapped individual*" preceding that definition and adding, in their place, the words "*Individual with handicaps*", and placing the definition in the correct alphabetical order, and revising the headings of the definitions for "*Act*" and "*Qualified personnel*", paragraphs (2), (8), (9), (10), (15), and (16) of the definition for "*Independent living rehabilitation services*", introductory text and paragraphs (1) and (2) of the definition for "*State unit*", and paragraphs (2), (7), (14), (15), and (16) of the definition for "Vocational rehabilitation services" to read as follows:

§ 385.4 What definitions apply to these programs?

* * * * *

(b) * * *

"*Act*" * * *

* * * * *

"*Independent living rehabilitation services*" or "*independent living services*" means:

* * * * *

(2) Housing incidental to the provision of any independent living rehabilitation services, and including appropriate accommodations to, and modifications of any space utilized to serve individuals with severe handicaps;

* * * * *

(8) Recreational services;

(9) Services to family members of an individual with handicaps if necessary for improving the individual's ability to engage or continue in employment;

(10) Vocational and other training services, including personal and vocational adjustment if necessary for improving the ability of an individual with severe handicaps to live and function more independently, or to engage or continue in employment;

* * * * *

(15) Any other vocational rehabilitation services available under the State plan for vocational rehabilitation services that are appropriate to the independent living rehabilitation needs of an individual with severe handicaps; and

(16) Any appropriate preventive services to decrease the future needs of an individual with severe handicaps.

(Authority: Sec. 702(b) of the Act; 29 U.S.C. 796(b))

"Individual with handicaps" * * *

* * * * *

"Qualified personnel" * * *

* * * * *

"State unit" or *"State vocational rehabilitation unit"* means either—

(1) The State agency vocational rehabilitation bureau, division, or other organizational unit that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with handicaps and that is responsible for the administration of the vocational rehabilitation program of the State agency; or

(2) The independent State commission, board, or other agency that has vocational rehabilitation, or vocational and other rehabilitation as its primary function.

(Authority: Sec. 7(3) of the Act; 29 U.S.C. 711(c))

* * * * *

"Vocational rehabilitation services" means—

* * * * *

(2) Counseling and guidance, including personal adjustment counseling, to maintain a counseling relationship throughout a program of services for an individual with handicaps, and referral necessary to help individuals with handicaps secure needed services from other agencies;

* * * * *

(7) Services to family members of an individual with handicaps if necessary to the vocational rehabilitation of the individual with handicaps;

* * * * *

(14) Occupational licenses;

(15) Rehabilitation engineering services; and

(16) Other goods and services that can reasonably be expected to benefit an individual with handicaps in terms of employability.

(Authority: Sec. 103(a) of the Act; 29 U.S.C. 723(a))

§ 385.32 [Amended]

78. In § 385.32, paragraphs (a)(2)(v)(A) and (b)(2)(iv)(A) are amended by removing the words "Handicapped persons" and adding, in their place, the words "Persons with handicaps".

79. Section 385.40 is revised to read as follows:

§ 385.40 What are the requirements pertaining to the membership of a project advisory committee?

If a project funded under Parts 386 through 390 establishes an advisory committee, its membership must include individuals with handicaps or representatives of individuals with handicaps, trainees, and providers of vocational rehabilitation and independent living rehabilitation services.

(Authority: Sec. 12(c) of the Act; 29 U.S.C. 711(c))

80. Section 385.41 is amended by removing the word "When" at the beginning of the section, and adding, in its place, the word "If", and removing the words "handicapped individuals" and adding, in their place, the words "individuals with handicaps".

81. A new § 385.44 is added to read as follows:

§ 385.44 What requirement applies to the training of individuals with handicaps?

Any grantee or contractor who provides training under any of the programs in 34 CFR Parts 386 through 390 shall give due regard to the training of individuals with handicaps as part of its effort to increase the number of qualified personnel available to provide rehabilitation services.

(Authority: Sec. 304(a) of the Act; 29 U.S.C. 774.(a))

PART 387—EXPERIMENTAL AND INNOVATIVE TRAINING

82. The authority citation for Part 387 is revised to read as follows:

Authority: 29 U.S.C. 711(c) and 774, unless otherwise noted.

83. Section 387.1 is amended by revising paragraph (a) to read as follows:

§ 387.1 What is the Experimental and Innovative Training Program?

This program is designed—

(a) To develop new types of training programs for rehabilitation personnel and to demonstrate the effectiveness of these new types of training programs for rehabilitation personnel in providing rehabilitation services to persons with severe handicaps; and

* * * * *

§ 387.30 [Amended]

84. In § 387.30, paragraph (g)(2) is amended by removing the words "physically or mentally handicapped individuals" and adding, in their place, the words "individuals with handicaps", and paragraph (h)(2)(iii) is amended by removing the words "physically and mentally handicapped persons, especially those who are severely handicapped" and adding, in their place, the words "persons with handicaps, especially those who have severe handicaps".

PART 388—STATE VOCATIONAL REHABILITATION UNIT IN-SERVICE TRAINING

85. The authority citation for Part 388 is revised to read as follows:

Authority: 29 U.S.C. 711(c) and 774, unless otherwise noted.

§ 388.1 [Amended]

86. Section 388.1 is amended by removing the words "severely handicapped individuals" and adding, in their place, the words, "individuals with severe handicaps".

§ 388.10 [Amended]

87. Section 388.10 is amended by removing the words "handicapped individuals" and adding, in their place, the words "individuals with handicaps".

§ 388.30 [Amended]

88. In § 388.30, paragraph (g)(2) is amended by removing the words "handicapped individuals" and adding, in their place, the words "individuals with handicaps", and paragraph (h)(2)(ii)(B) is amended by removing the words "severely handicapped persons" and adding, in their place, the words "persons with severe handicaps".

PART 389—REHABILITATION CONTINUING EDUCATION PROGRAMS

89. The authority citation for Part 389 is revised to read as follows:

Authority: 29 U.S.C. 711(c) and 774, unless otherwise noted.

§ 389.30 [Amended]

90. In § 389.30, paragraph (g)(2) is amended by removing the words "severely physically and mentally disabled individuals" and adding, in their place, the words "individuals with severe handicaps".

§ 389.41 [Amended]

91. In § 389.41, paragraph (d) is amended by removing the words "handicapped trainees" and adding, in their place, the words "trainees with handicaps".

PART 390—REHABILITATION SHORT-TERM TRAINING

92. The authority citation for Part 390 is revised to read as follows:

Authority: 29 U.S.C. 711(c) and 774, unless otherwise noted.

§ 390.41 [Amended]

93. In § 390.41, paragraph (a)(4) is amended by removing the words "handicapped trainees" and adding, in their place, the words "trainees with handicaps".

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Friday
May 13, 1988

Part III

Department of Education

34 CFR Part 778

Strengthening Research Library Resources Program; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Part 778

Strengthening Research Library Resources Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education is issuing final regulations for the Strengthening Research Library Resources Program. These final regulations implement changes legislated by Congress in the Higher Education Amendments of 1986. Additionally, these regulations change the point values assigned to various selection criteria.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of the regulations, write or call the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Frank Stevens or Louise Sutherland, U.S. Department of Education, Office of Educational Research and Improvement, Library Programs, 555 New Jersey Avenue, NW., Washington, DC 20208–1430. Telephone: (202) 357–6315.

SUPPLEMENTARY INFORMATION: Since fiscal year 1978, the Strengthening Research Library Resources Program, established by Title II, Part C of the Higher Education Act of 1965 (the Act), 20 U.S.C. 1041, 1042, has provided financial assistance to institutions with major research libraries. The awards promote research and education of high quality and encourage sharing of library resources.

On October 14, 1987, the Secretary published a notice of proposed rulemaking (NPRM) for this program in the **Federal Register** (52 FR 38192). In the proposed rulemaking, the Secretary proposed revisions to the regulations that were designed to implement a change in program operations required by the Higher Education Amendments of 1986. Prior to these Amendments, only an organization that qualified as a major research library under criteria established by the Secretary in the then existing program regulations was eligible to compete for a grant. These criteria generally favored organizations with considerable library holdings, as required under the then applicable legislation. An organization with smaller holdings, despite the significance of its library collections to scholars and researchers, could not generally qualify as a major research library.

In the Higher Education Amendments of 1986, Congress enacted a program change directing that the Secretary permit an organization otherwise found ineligible as a major research library under the Secretary's criteria to compete for a grant if additional information provided by the organization demonstrates "the national or international significance for scholarly research of the particular collection described in the grant proposal." These regulations implement this directive.

Aside from this legislative requirement, the Secretary is also making changes in the numerical values associated with certain criteria used to score applications for grants. These changes were recommended by the peer reviewers that the Secretary uses to evaluate applications for grants. The changes are intended to ensure better competition among applicants for grants by increasing the numerical value associated with a project's significance to scholarly research.

Based on public comments, the Secretary has decided not to adopt (1) a revision to the factors that the Secretary considers in ensuring an equitable distribution of awards and (2) regulatory authority to set priorities for awards under the program.

Finally, the regulations are revised to conform with the Department's current requirements regarding the style and format of regulatory documents.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, eleven parties submitted comments on the proposed regulations. An analysis of the comments and of the changes in the regulations since publication of the NPRM is published as an appendix to these final regulations. Substantive issues are discussed under the section of regulations to which they pertain. Technical and other minor changes are not addressed.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Education Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 778

Colleges and universities, Education, Grant programs—education, Libraries, Library and information science, Libraries—resource sharing, Networks, Reporting and recordkeeping requirements, Technology.

(Catalog of Federal Domestic Assistance Number 84.091, Strengthening Research Library Resources Program)

Dated: April 22, 1988.

William J. Bennett,

Secretary of Education.

The Secretary revises Part 778 of Title 34 of the Code of Federal Regulations to read as follows:

PART 778—STRENGTHENING RESEARCH LIBRARY RESOURCES

Subpart A—General

Sec.

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

Authority: 20 U.S.C. 1021, 1041, 1042, unless otherwise noted.

Subpart A—General

§ 778.1 What is the Strengthening Research Library Resources Program?

The Secretary awards grants under the Strengthening Research Library Resources Program for the purpose of promoting research and education of high quality throughout the United States by providing financial assistance to help the Nation's major research libraries—

(a) Maintain and strenghten their collections; and

(b) Make their holdings available to other libraries whose users have need for research materials.

(Authority: 20 U.S.C. 1021, 1041)

§ 778.2 Who is eligible for an award?

(a) The Secretary awards grants under this program to institutions with major research libraries.

(b) An institution with a major research library is defined as a public or private nonprofit institution, an institution of higher education (including a branch campus), an independent research library, a State or other public library, or a consortium of the above entities, having a library collection available to qualified useres that—

(1) Makes a significant contribution to higher education and research;

(2) Is broadly based;

(3) Is recognized as having national or international significance for scholarly research;

(4) Is of a unique nature, containing material not widely available; and

(5) Is in substantial demand by researchers and scholars outside the institution.

(c) The Secretary evaluates an applicant's status as a major research library on the basis of the criteria in §§ 778.20 and 778.21. If the Secretary determines that an applicant meets the criteria of a major research library, the determination is effective for each of the four succeeding fiscal years.

(d) An institution that does not meet the criteria for a major research library in §§ 778.20 and 778.21 may still be eligible to receive a grant, if it demonstrates that the particular library collection proposed for grant assistance is of national or international significance for scholarly research.

(e) If an applicant is a consortium or a branch campus of an institution of higher education, the library collection of the consortium or the branch campus—rather than the separate library collections of each unit comprising the consortium or the institution of higher education—must satisfy the conditions of paragraphs (b) and (c) of this section.

(Authority: 20 U.S.C. 1021, 1041)

§ 778.3 What restrictions on eligibility apply?

The Secretary does not award a grant to an applicant otherwise eligible under this program if the applicant—

(a) Receives a grant under section 211 of the Act (College Library Resources Program) during the same fiscal year that it applies for a grant under this part; or

(b) Is eligible to receive a grant under other Federal programs, such as the Medical Library Assistance Act of 1965, for the project it proposes to receive assistance under this part, unless the applicant shows that—

(1) Payments under this part will not duplicate payments under those other Federal programs; and

(2) Special circumstances warrant assistance under this part.

(Authority: 20 U.S.C. 1021, 1041)

§ 778.4 What activities may the Secretary fund?

Funds provided under this part may be used for one or both of the purposes in § 778.1. Authorized activities include, but are not limited to, the following:

(a) Acquiring books and other materials to be used for library purposes.

(b) Binding, rebinding, and repairing books and other materials to be used for library purposes, and preserving these materials by making photocopies, treating paper or bindings to lengthen their life, or other means.

(c) Cataloging, abstracting, and making available lists and guides of the library collection.

(d) Distributing library materials and bibliographic information to users beyond the primary clientele by mail, or by electronic, photographic, magnetic, optical, or other means.

(e) Acquiring additional equipment and supplies that assist in making library materials available to users beyond the primary clientele.

(f) Hiring necessary additional staff to carry out activities funded under this part.

(g) Communicating with other institutions.

(h) Performing evaluations.

(i) Disseminating information.

(Authority: 20 U.S.C. 1021)

§ 778.5 What are the objectives of the Strengthening Research Library Resources Program?

Applicants are encouraged to design projects that will accomplish one or more of the following objectives:

(a) Adapt, convert, or create library records for unique research materials which expand or otherwise complement the national bibliographic database and which conform to highest national standards.

(b) Augment unique collections of specialized research materials.

(c) Preserve or maintain unique research materials in danger of deterioration.

(d) Promote the sharing of library resources.

(Authority: 20 U.S.C. 1021)

§ 778.6 What regulations apply?

The following regulations apply to the Strengthening Research Library Resources Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions That Apply to Department Regulations), Part 78 (Education Appeal Board), and Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(b) The regulations in this Part 778.

(Authority: 20 U.S.C. 1021)

§ 778.7 What definitions apply?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Acquisition
Applicant
Application
Department
EDGAR
Fiscal year
Grant
Nonprofit
Private
Project
Public
Secretary
State

(b) *Other definitions.* The following definitions also apply to this part:

"Act" means the Higher Education Act of 1965, as amended.

"Branch campus" means a campus of an institution of higher education located in a community of the United States different from that of the parent institution, not within a reasonable commuting distance from the main campus, that is separately accredited,

and that provides—through its own budgetary and hiring authority, and faculty and administrative staff—postsecondary educational programs for which library facilities, services, and materials are necessary.

"Consortium" means a nonprofit organization of library institutions established or operated for the purpose of sharing library resources, coordinating collection development, or engaging in similar cooperative activities.

"Institution of higher education" means a public or private nonprofit institution of higher education as defined in 34 CFR § 668.2.

"Primary clientele" means students, faculty, or other registered users of the library of the applicant or grantee.

"State agency" means the State agency designated under section 1203 of the Act.

(Authority: 20 U.S.C. 1021)

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

§ 778.20 How does the Secretary evaluate an application?

(a) In evaluating applications for new grants, the Secretary uses two sets of criteria.

(b)(1) The Secretary determines an applicant's status as a major research library on the basis of the criteria in § 778.21. An applicant that receives a score of 65 points or more under the criteria in § 778.21 is determined to be a major research library and qualifies to have its project evaluated for an award.

(2) The Secretary notifies an applicant that does not receive a score of 65 points or more under the criteria in § 778.21 that the application will still be considered for funding if additional information or documents are provided to demonstrate the national or international significance for scholarly research of the particular collection described in the grant application.

(c) The Secretary evaluates the quality of the applications from applicants that qualify under paragraphs (b)(1) and (b)(2) of this section, using the criteria in § 788.22.

(Authority: 20 U.S.C. 1021)

§ 778.21 What criteria does the Secretary use to evaluate an applicant as a major research library?

The Secretary uses the criteria in this section to evaluate an applicant's status as a major research library. The maximum score is 100 points. The Secretary reviews each application to determine the extent to which the applicant's library collection—

(a) Makes a significant contribution to higher education and research as measured by factors such as—(20 points)

(1) The major research projects for which the library has made resources available in the past fiscal year;

(2) The amount the applicant expended in research funds from all sources and the number of projects conducted by the institution with these funds in the past fiscal year; and

(3) Evidence that the institution is established and recognized in the field of advanced research and scholarship;

(b) Is broadly based as measured by factors such as—(20 points)

(1) The number of subject areas covered or the comprehensiveness of special collections;

(2) The number of volumes and titles, manuscripts, microforms, and other types of materials;

(3) The number of volumes and titles and other materials added to the collection in the previous fiscal year; and

(4) The number of current periodical subscriptions;

(c) Is recognized as having national or international significance for scholarly research as measured by factors such as—(20 points)

(1) The number of percentage of interlibrary loans made or copies of materials provided by the applicant during the past year to libraries outside the geographical region in which the applicant is located;

(2) The number or percentage of interlibrary loans made or copies provided during the past year to libraries located outside the United States; and

(3) The extent to which loans of the applicant's materials described in paragraphs (c)(1) and (c)(2) of this section are made under formal, cooperative arrangements;

(d) Is of a unique nature, and contains material not widely available, as measured by factors such as—(20 points)

(1) The number and nature of special collections containing research materials not widely available;

(2) The availability of printed, computerized, or otherwise published catalogs or other guides to the special collections; and

(3) Evidence which demonstrates possession of uncommon library resources necessary to support advanced research and scholarship; and

(e) Is in substantial demand by researchers and scholars not connected with the applicant institution as measured by factors such as—(20 points)

(1) The number or percentage of loan requests coming from users outside the applicant's primary clientele;

(2) The extent to which the applicant lends more on interlibrary loan than it borrows;

(3) The number or percentage of researchers and scholars outside the applicant's primary clientele who use its collection;

(4) The number of institutions with which the applicant has formal cooperative agreements to provide library and information services for researchers and scholars outside the applicant's primary clientele; and

(5) Active membership in a major computer-based bibliographic database.

(Authority: 20 U.S.C. 1021, 1041)

(Approved by the Office of Management and Budget under control number 1850–0054)

§ 778.22 What criteria does the Secretary use to evaluate the quality of a project?

The Secretary uses the following criteria to evaluate the quality of the proposed project. The maximum score is 100 points.

(a) *Description of the project.* (10 points) The Secretary reviews each application to determine the extent to which—

(1) The purpose of the project is clearly stated;

(2) There is a concise description of the project; and

(3) There is a clear statement of the project objectives.

(b) *Significance of the project.* (45 points) The Secretary reviews each application to determine the importance of the project for scholarly research and inquiry by assessing—

(1) The uniqueness of the project;

(2) The size of the audience of the project is intended to serve;

(3) The need for the project;

(4) The extent to which the project will increase the availability of the applicant's research collections;

(5) The extent to which the proposed project will help the applicant maintain and strengthen its collections, particularly collections which have national or international significance for scholarship research;

(6) The extent to which the applicant intends to disseminate the project accomplishments to the scholarly and professional communities; and

(7) In the case of a joint application submitted by two or more institutions, the extent to which there will be significant project accomplishments as a result of the cooperative undertakings of the institutions.

(c) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The design of the project;

(2) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(3) How well the objectives of the project relate to the purpose of the program; and

(4) The quality of the applicant's plans to use its resources and personnel to achieve each objective.

(d) *Quality of key personnel.* (7 points)

(1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director, if one is to be used;

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The time that these key personnel will commit to the project.

(2) To determine the qualifications of these key personnel, the Secretary considers—

(i) Education, experience, and training in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(e) *Budget and cost-effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (5 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation are—

(1) Appropriate to the project;

(2) Objective; and

(3) Produce data that are quantifiable.

Cross-reference. See 34 CFR 75.590 Evaluation by the grantee.

(g) *Adequacy of resources.* (3 points) The Secretary reviews each application to determine the adequacy of the resources the applicant plans to devote to the project, including facilities, equipment, and supplies.

(h) *Institutional commitment.* (5 points) The Secretary reviews each application to determine the extent of the applicant's commitment to the project, its capability to continue the project, and the likelihood that it will build upon the project when Federal assistance ends.

(Authority: 20 U.S.C. 1021, 1041)

(Approved by the Office of Management and Budget under control number 1850–0054)

§ 778.23 What additional factors does the Secretary consider?

(a) After evaluating the applications according to the criteria in § 778.22, the Secretary determines whether the most highly rated projects are broadly and equitably distributed throughout the Nation.

(b) The Secretary may select other applications for funding if doing so would improve the geographical distribution of funded projects. Before selecting the most highly rated applications for funding, the Secretary considers—

(1) The geographical distribution of projects funded under this program during the preceding five fiscal years; and

(2) The impact of that distribution on the needs of the research community.

(Authority: 20 U.S.C. 1042)

Subpart D—What Conditions Must Be Met After an Award?

§ 778.30 What agencies must be informed of activities funded under this program?

Each institution of higher education which receives a grant under this part shall annually inform the State agency designated under section 1203 of the Act of its activities under this part.

(Authority: 20 U.S.C. 1022)

Note: The following appendix will not appear in the Code of Federal Regulations.

APPENDIX—ANALYSIS OF COMMENTS AND RESPONSES

The following is an analysis of comments and changes in the regulations since publication of the NPRM. Substantive issues are discussed under the headings of the regulations to which they pertain. Technical and other minor changes are not addressed.

Eligibility For an Award

Comment: One commenter sought clarification of § 778.2 (b) and (e) concerning the eligibility of a branch campus or consortium for a grant award and whether this new language will result in any new practice or procedure within the program.

Discussion: Consortia or branch campuses remain eligible as they have always been. No new practices or procedures have been implemented.

Change: None.

Comment: Several commenters suggested that the word "particular" be inserted in § 778.2(d) before the phrase "library collection proposed for grant assistance" which would be consistent with the wording of section 231(c) of the Act, as amended, and with § 778.20(b)(2) of the regulations.

Discussion: The omission of the term "particular" in the proposed regulations was inadvertent. The Secretary agrees that the law and regulations should be consistent.

Change: The word "particular" has been added to read "the particular library collection proposed for grant assistance" in accordance with the comments and the law.

Priorities the Secretary May Establish

Comment: Eight commenters were concerned with the regulatory authorization of § 778.5 for the Secretary to establish priorities for the program. The commenters believed that the exercise of priorities for awards under the program may not reflect the actual needs of the scholarly and research community. A number of commenters strongly suggested that the best method of determining how research libraries can be strengthened in the national interest is to rely on those very libraries to propose projects which serve national education and research efforts and to fund those projects which are the most meritorious.

Discussion: The intent of the proposed setting of priorities was to ensure that funded projects address areas of recognized national need. However, in light of the narrow range of activities authorized under the statute, the Secretary has decided that he can rely on suggesting certain project objectives to applicants. If there are considerable needs not sufficiently served, the Secretary will revisit the issue of whether priorities should be set for the program.

Change: The proposed language permitting the Secretary to establish priorities annually, if so desired, has been deleted, and the former "program objectives" section of the prior regulations will take its place.

Definitions Which Apply

Comment: Several commenters sought clarification of § 778.7(b) relating to the definition of "branch campus." They questioned the rationale for the addition of the word "permanent" and the requirement for separate accreditation and separate budgetary and hiring authority, as this would considerably narrow the definition.

Discussion: The addition of the word "permanent" was included to clarify the definition of "branch campus." It was not intended to narrow or change the definition in any manner.

Change: In accordance with the comments, the word "permanent" preceding "branch campus" will be deleted.

Evaluation of an Application by the Secretary

Comment: One commenter suggested that in § 778.20(b)(2) it is unlikely that a library which does not score 65 points in the narrative of the application will be able to prove national or international significance of a collection and felt this was contradictory to the intent of Title II–C which is to serve major research libraries. However, a major national organization representing the research community commented favorably on this straightforward implementation of section 231(c) of the Act, as amended, as this would encourage smaller institutions with particular collections of significance to researchers and scholars to seek II–C funding.

Discussion: The revisions to eligibility criteria as provided in § 778.20(b)(2) are statutorily mandated by the Higher Education Amendments of 1986.

Change: None.

Criteria the Secretary Uses to Evaluate an Applicant as a Major Research Library

Comment: Several commenters made note of the deletion in § 778.21(e)(5) of the word "active" in front of the phrase "membership in a major computer based bibliographic database." They argued that membership per se is of no consequence unless one is active and contributes to the greater bibliographical pool accessible to libraries throughout the nation and suggested that the word "active" be reinstated.

Discussion: In evaluating an applicant as a major research library, the criterion which establishes the applicant as a member of a major computer based bibliographic database is an important one since the program's intent is to disseminate information about unique resources nationwide. The distinction between "membership" and "active membership" is equally important, as one must not only belong to the database but must contribute as well. The Secretary agrees with this view.

Change: The word "active" will be included so that the language will read "active membership * * *"

Criteria the Secretary Uses to Evaluate the Quality of a Project

Comment: The Secretary received numerous comments on the proposed changes in the numerical values assigned to the criteria for evaluation of the quality of a project. Most commenters agreed with the reallocation of the 100 points to give greater weight to the *Significance of the Project* section as reflecting the program focus on research library resources and their significant. Only one commenter objected to the change, arguing that the new numerical rankings were better suited to the previous regulations than the reformatted wording.

Discussion: The majority of the commenters agreed that reallocation of point values assigned to the criteria for evaluation of a project appropriately gives greater weight to the aspects of the program which are the most significant, *Description of the Project* and *Plan of Operation.*

Change: None.

Comment: Several commenters were concerned that the deduction of points from the *Budget and Cost-effectiveness, Quality of Key Personnel,* and *Adequacy of Resources* sections would minimize critical assessment factors and cautioned against any further reduction in points for these sections. One commenter stated that because funding is so limited it is imperative that funding requests be appropriate and reasonable and feared that the reviewers may now disregard a carefully constructed budget and cost effectiveness section. The commenter suggested further requests for comments on § 778.22(e) be made.

Discussion: The point values assigned are sufficient to properly evaluate *Budget and Cost-effectiveness, Adequancy of Resources* and *Quality of Key Personnel,* all of which are addressed in one way or another in § 778.22(c), *Plan of Operation.* No further point reductions for these sections are planned.

Change: None.

Comment: In § 778.22(a) *Description of the Project,* several commenters felt that at least 10 of 100 points should be devoted to this section since a clear and concise statement of project objectives is one predictor of the likelihood that the project is well-organized and potentially successful. All commenters strongly supported the assignment of points to this section and stated that no further reduction in points assigned to the *Description of the Project* be made.

Discussion: A value of ten points is assigned to the *Description of the Project* section which the Secretary considers sufficient to evaluate project objectives. There was no intent on the part of the Department to make further reductions as this section is an important indicator by which the potential for a successful project is measured.

Change: None.

Comment: Numerous comments were received on § 778.22(b)(7) concerning the implication that there is a preference for joint applications as a criterion under *Significance of the Project.* Many commenters argued that encouragement of collaboration is not the purpose of Title II–C and that simply because some applications are joint does not make them superior to single institution projects. The commenters suggested that there should be no real or implied preference for joint applications in the regulations and that clarifying language be added.

Discussion: There was no intention to express or imply a preference for joint applications. The criterion is included to point out the need for a proper evaluation of the significance of a cooperative undertaking if one is submitted. Cooperative projects require that the applicant, in preparing the application, and the reviewer, in evaluating it, consider factors unique to joint projects. This criterion instructs the applicant and the reviewer that a case must be made for the validity of the project as a joint rather than an individual proposal. There are projects which can only be accomplished as collaborative efforts and this must be demonstrated when joint proposals are submitted. In light of these comments, however, a revision to § 778.22(b)(7) is made to avoid further confusion.

Change: The phrase has been altered to avoid ambiguity and promote clarity.

Comment: Numerous comments were received concerning the inclusion of the phrase "professional productivity" in § 778.22(d)(2)(i) as a criterion by which the quality of the key personnel will be judged. The commenters sought clarification of this phrase as they were uncertain what evidence would suffice to meet this criterion. They argued that productivity itself may be of much less importance in a project of national significance than professional quality and questioned the rationale for including such a nebulous phrase.

Discussion: With regard to the qualifications of the key personnel, the Secretary has decided that the commenters have made an important distinction between "productivity" and "experience." It is noted that, in certain arenas, the only method to measure quality is via "productivity," i.e., publication of articles and books. However, for purposes of this program, quality of key personnel can be evaluated in a number of ways. Education, training, and experience in the field are considerably easier to measure than is "productivity."

Change: In accordance with the comments, the phrase "professional productivity" is deleted. This sentence will now read "Education, experience, and training in fields related to the objectives of the project."

Comment: One commenter was concerned that § 778.22(g), *Adequacy of Resources*, now suggests as a criterion a willingness on the part of the institution to share costs. Clarification of this point was sought, along with the level at which the institution would need to show this willingness.

Discussion: There is no significant change in this criterion from the previous regulations except that two separate items were combined into one. There is no new requirement for any level of cost-sharing or matching funds. The application narrative should describe the resources available to the applicant and what will be utilized during the project. This is not a formal cost-sharing requirement.

Change: None.

Additional Factors the Secretary may Consider

Comment: The Secretary received numerous comments on § 778.23 concerning the provision to expand the Secretary's discretion in improving geographical distribution of awards. One commenter stated that equitable geographical distribution as a criterion constitutes unfair competition and that superior proposals from qualified research libraries should be the over-riding criterion. They also stated that peer review becomes meaningless with this rule. Many commenters were concerned with the statement that the Secretary may consider the geographical distribution of projects funded during the preceding five years *or* the current competition only. The majority of the commenters were opposed to the provision to include review of the current year's proposals only as this would lead to support of weaker proposals simply for reasons of geographical distribution of awards. One commenter suggested that this change would leave the program vulnerable to political exigencies of particular States or regions of the country. Another commenter stated that this would inflict arbitrary and unacceptable restrictions on grants and has no basis in the statute.

Discussion: Section 232 of the Act directs the Secretary "to achieve broad and equitable geographical distribution throughout the Nation" regarding grants under this program. In light of this directive, the Secretary has no choice but to consider whether grants are broadly and equitably distributed. In prior years, this assessment was based primarily on the distribution of awards over the preceding five year period of time, and factors such as the current year's distribution were not considered. The Secretary had decided that the geographical distribution of projects during the preceding five fiscal years, and the impact of current awards on the needs of the research community should be sufficient factors for the Secretary to discharge his statutory responsibilities under section 232 of the Act.

Change: The Secretary has revised the proposed regulations by deleting § 778.23(b)(1) which permitted consideration of the current year's geographical distribution only in endeavoring to achieve broad and equitable distribution of projects and, instead, will consider the geographical distribution of the projects during the preceding five fiscal years and the impact of current awards on the needs of the research community.

Comment: Deletion of prior §§ 778.32(c)(2)(v) and 778.32(d)(2)(iv) concerning the employment of and project participation by members of traditionally underrepresented groups was a cause for concern by several commenters and they sought clarification of and rationale for the omission of this language.

Discussion: Sections 778.32(c)(2)(v) and 778.32(d)(2)(iv) of the prior regulations, formerly required by EDGAR as essential elements of the selection criteria, were dropped from the revised EDGAR regulations that appeared in the **Federal Register** on July 24, 1987, and, as a consequence, were not included in the proposed regulations. The Secretary believes that for purposes of the HEA II–C program, equal consideration of traditionally underrepresented groups is adequately covered by Part IV, Assurances, which is page G of the II–C application package, and is a required submission.

Change: None.

[FR Doc. 88–10795 Filed 5–12–88; 8:45 am]
BILLING CODE 4000–01–M

federal register

Friday,
May 13, 1988

Part IV

Department of Transportation

Research and Special Programs Administration

49 CFR Parts 172, 173, 174, and 177
Molten Sulfur; Final Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172, 173, 174, and 177

[Docket No. HM-198, Amdt. Nos. 172-112, 173-205, 174-64, 177-72]

Molten Sulfur

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: RSPA is amending the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–179) to regulate molten sulfur as an ORM–C material. This material would be subjected to the hazard communication, general packaging and incident reporting requirements contained in the HMR. These changes are necessary to provide emergency response personnel with sufficient hazard identification information to respond to transportation incidents, and to increase the overall safety in the transport of this material.

EFFECTIVE DATE: These amendments are effective on January 2, 1989. However, compliance with the regulations as amended herein is authorized as of June 13, 1988.

FOR FURTHER INFORMATION CONTACT: Helen L. Engrum, Regulations Development Branch, DHM–11, Standards Division, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590, (202) 366–4488.

SUPPLEMENTARY INFORMATION:

I. Background

On November 21, 1986, RSPA published a notice of proposed rulemaking (NPRM) in the **Federal Register**, under Docket HM–198, Notice No. 86–6 (51 FR 42114). In Notice 86–6, RSPA proposed to add molten sulfur to the § 172.101 Table, with a hazard class of "flammable solid" and a packaging reference to § 173.24. A "+" symbol appeared in Column 1 of the § 172.101 Table to indicate that this material would be regulated as a flammable solid even though it did not meet the definition for "flammable solid" in § 173.150. This action to regulate molten sulfur was based on RSPA's belief that molten sulfur may pose an unreasonable risk to health and safety or property when transported in commerce.

Several incidents involving the transport of molten sulfur, including three in the state of California since 1985, have emphasized the need for regulation of this material. Accidents involving spills near Barstow County and Culver City in 1986, and another in Benecia in 1985, demonstrated a lack of hazard communication. In each of these incidents, lack of swift and accurate identification of the material led to delays in handling the incidents and, in at least two instances, contributed to injuries sustained by persons on the scene. Molten sulfur will burn persons coming in contact with it and may present a toxic hazard due to the presence of limited quantities of hydrogen sulfide gas. If molten sulfur is ignited, it produces large quantities of toxic sulfur dioxide and may cause a fire to spread as a result of the burning liquid's tendency to flow quite readily. The Benecia, California incident resulted in two persons being killed and twenty-six persons being injured by the spill and closure of a major transportation artery for twenty-four hours. The interested reader is directed to Notice No. 86–6 for additional background information concerning the Benecia, California incident.

Notice No. 86–6 consisted of two parts: An NPRM addressed to molten sulfur and an advance notice of proposed rulemaking, consisting of a series of eleven questions, addressed to other molten materials, such as molten aluminum. This final rule addresses only molten sulfur. RSPA will address other molten materials in a future rulemaking action.

In response to the NPRM, RSPA received 36 comments addressed to molten sulfur. Five commenters supported the proposed actions, essentially as proposed, citing the need for hazard communication requirements and general packaging requirements. Several of these commenters stated that the flammable solid hazard class was appropriate for consistency with the classification of molten sulfur in the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations).

Ten commenters opposed any regulation of molten sulfur. These commenters contended that regulation was inappropriate, some on the basis that the hazards posed by the material do not justify regulation and others on the basis that the material does not meet the definition of a flammable solid.

Twenty-one commenters were in favor of regulating molten sulfur but opposed its classification as a flammable solid. Several commenters representing rail concerns stated that classification of molten sulfur as a flammable solid would subject rail cars transporting the material to train placement requirements. In addition, commenters contended that this would significantly increase the costs incurred by rail carriers and shippers of molten sulfur. Based on information provided by commenters, RSPA estimated that over 90,000 rail carloads of molten sulfur are transported each year.

Several commenters argued that, because molten sulfur does not meet the definition in § 173.150 for a flammable solid, it is inappropriate, and potentially confusing, to classify it as a flammable solid. Commenters suggested that molten sulfur be classed as an ORM–C, rather than a flammable solid.

RSPA's primary reason for initiating this rulemaking action was to extend the hazard communication requirements to molten sulfur. RSPA proposed to class the material as a flammable solid, rather than an ORM–C, because shipping papers and markings are normally required for shipments of flammable solids, but not for ORM–C materials in all instances. RSPA believes that the need for both shipping paper and markings is essential to communicate the hazards of molten sulfur.

RSPA agrees with the commenters that molten sulfur does not meet the definition in § 173.150 for a flammable solid, nor does it meet the defining criteria for flammable solids in the UN Recommendations. However, there are many hazardous materials which do not meet the defining criteria of the hazard class to which they are assigned. These materials appear in the § 172.101 Table with a "+" symbol in column 1.

After consideration of the merits of the comments submitted, RSPA agrees with the commenters that classing of molten sulfur as a flammable solid may be inappropriate. With regard to the hazards posed by molten sulfur, it appears that molten sulfur poses a lesser degree of hazard than other materials regulated as flammable solids. Also, it appears that any safety benefits that might be attributable to requiring FLAMMABLE SOLID placards on transport vehicles, and train placement requirements for tank cars of molten sulfur, would be outweighed by the costs of these regulatory requirements.

RSPA believes that an appropriate level of safety, with regard to the hazard communication requirements, can be achieved by placing molten sulfur in the ORM-C hazard class, by requiring shipping papers in all modes of transport, and by requiring bulk packagings to be marked with the proper shipping name "MOLTEN SULFUR" and with identification numbers as prescribed in § 172.332. Therefore, in this final rule, RSPA is amending the HMR as follows. A new

entry is added to the § 172.101 Table to provide for Sulfur, molten, classed as an ORM-C. Section 172.200(b) is revised to require shipping papers for ORM materials when transported in a regulated mode. Section 173.1080 is revised to provide for packaging of molten sulfur in conformance with § 173.510 and to require the marking of bulk packages containing the material. Sections 174.24(b) and 177.817(d) are amended for consistency with the changes made in § 172.200.

The revision to § 172.200(b) affects materials other than molten sulfur and clarifies the application of shipping paper requirements to ORM-A, B, and C materials. Most ORM-A, B, and C materials are regulated only for transportation by aircraft or vessel, or both, as indicated in the § 172.101 Table by the appearance of the symbols, "A" and "W" in Column 1. Under the language originally adopted in Docket HM-103/112 (41 FR 16044), ORM-A, B, and C materials were subject to shipping paper requirements only when transported in a regulated mode, i.e., in the air or water modes. Subsequent amendments to the HMR added ORM-B and C materials (e.g., gallium and asbestos, respectively) that are regulated in all modes of transportation. These subsequent amendments were intended to subject these materials to shipping paper requirements when transported in any mode when there is no "A" or "W" in Column 1 of the § 172.101 Table. In Docket HM-137 (41 FR 37114), wherein gallium metal, liquid, and gallium metal, solid, were subjected to regulation under the HMR, it was specifically stated that "* * * the provisions of 49 CFR Part 172, Subparts C and D (relating to shipping papers and markings) * * * are applicable to shipments of gallium metal * * *" Inadvertently, § 172.200(b) was not revised at that time to clarify that shipping papers are required any time an ORM-A, B, or C material is transported in a regulated mode. This error is corrected in this final rule. In addition, the language of §§ 174.24(b) and 177.817(d) is revised for consistency with the revised § 172.200(b).

Most commenters contended that specific packaging requirements are not needed for molten sulfur and that § 173.24 should be referenced for general packaging requirements. In this rule, RSPA specifies packaging in accordance with the general packaging requirements of § 173.510, which, in effect, requires conformance with § 173.24. RSPA believes that reference to general packaging requirements in §§ 173.510 and 173.24, instead of adoption of more specific packaging requirements, is acceptable for the present time. RSPA anticipates further consideration of the need for more specific packaging requirements as part of RSPA's consideration of the need for packaging standards for molten materials in general which, as previously mentioned, will be addressed in a future NPRM.

Several commenters contended that RSPA should create a distinct hazard class for molten sulfur and other molten materials. RSPA desires to avoid a proliferation of hazard classes to address materials with unique characteristics and believes that the actions taken in this final rule address the safety issues in a practicable manner. However, RSPA wishes to note that Docket HM-181 (Notice No. 87-4; 52 FR 42772) contains a proposal to eliminate the ORM-C hazard class in favor of the internationally recognized Class 9 for miscellaneous hazardous materials. Therefore, this issue will be given further consideration in future rulemaking action. Also, since molten sulfur is classed as a flammable solid (i.e., Division 4.1), rather than a Class 9 material, in the United Nations Recommendations on the Transport of Dangerous Goods and the International Maritime Dangerous Goods Code, RSPA may propose a change in this classification.

Administrative Notices

Executive Order 12291

The RSPA has determined that this final rule (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT's regulatory policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). A regulatory evaluation is available for review in the Docket.

Executive Order 12612

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Impact on Small Entities

Based on limited information concerning size and nature of entities likely to be affected by this final rule, I certify that this regulation will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

Information collection requirements contained in the current § 172.200 pertaining to shipping papers have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned control number, OMB No. 2137-034 (expiration date 11-30-90).

List of Subjects

49 CFR Part 172

Hazardous materials transportation, Shipping papers, Marking and labeling.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

49 CFR Part 174

Hazardous materials transportation, Rail carriers.

49 CFR Part 177

Hazardous materials transportation, Motor carriers.

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. The authority citation for Part 172 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, and 1806; 49 CFR Part 1, unless otherwise noted.

2. In § 172.101, the Hazardous Materials Table is amended by adding a new entry in appropriate alphabetical sequence, as follows:

§ 172.101 Hazardous Materials Table.

+/E/A/W	Hazardous materials description and proper shipping names	Hazard class	Identification No.	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo aircraft only	Cargo vessel	Passenger vessel	Other requirements
(1)	(2)	(3)	(3(a))	(4)	(5(a))	(5(b))	(6(a))	(6(b))	(7(a))	(7(b))	(7(c))
	(Add) Sulfur, molten	ORM-C	UN2448	None	173.505	173.1080	Forbidden	Forbidden	1	1	Stow away from oxidizers and living quarters.

3. In § 172.200, paragraph (b) is revised to read as follows:

§ 172.200 Applicability.

* * * * *

(b) This subpart does not apply to any material, other than a hazardous waste or a hazardous substance, that is—

(1) Identified by the letter "A" in Column 1 of the § 172.101 Table, except when the material is offered or intended for transportation by air; or

(2) Identified by the letter "W" in Column 1 of the § 172.101 Table, except when the material is offered or intended for transportation by water; or

(3) An ORM-D, except when the material is offered or intended for transportation by air.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

4. The authority citation for Part 173 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1084, 1805, 1806, 1807, and 1808; 49 CFR Part 1, unless otherwise noted.

5. Section 173.1080 is revised to read as follows:

§ 173.1080 Sulfur, molten or solid.

(a) *Solid sulfur.* When offered for transportation by water, solid sulfur, including flowers of sulfur (sulfur flower), must be packaged in conformance with § 173.510 in packagings as follows:

(1) Metal barrel or drum;
(2) Wooden barrel or keg;
(3) Wooden or fiberboard box;
(4) Sift-proof multi-wall paper bag;
(5) Sift-proof paper-lined burlap bag;
(6) Sift-proof rail car; or
(7) Sift-proof or lined freight container.

(b) *Molten sulfur.* Packagings for molten sulfur must—

(1) Conform to the requirements of § 173.510; and

(2) For bulk packagings, be marked "MOLTEN SULFUR" in the manner prescribed in Subpart D of Part 172 of this subchapter.

PART 174—CARRIAGE BY RAIL

6. The authority citation for Part 174 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR Part 1, unless otherwise noted.

7. In § 174.24, paragraph (b) is revised to read as follows:

§ 174.24 Shipping papers.

* * * * *

(b) This subpart does not apply to a material that is excepted from shipping paper requirements as specified in § 172.200 of this subchapter.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

8. The authority citation for Part 177 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805; 49 CFR Part 1, unless otherwise noted.

9. In § 177.817, paragraph (d) is revised to read as follows:

§ 177.817 Shipping papers.

* * * * *

(d) This subpart does not apply to a material that is excepted from shipping paper requirements as specified in § 172.200 of this subchapter.

* * * * *

Issued in Washington, DC, on May 10, 1988, under authority delegated in 49 CFR Part 1.

M. Cynthia Douglass,

Administrator, Research and Special Programs Administration.

[FR Doc. 88-10802 Filed 5-12-88; 8:45 am]

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federal register

Friday
May 13, 1988

Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

Availability of Funding Under the Community Housing Resource Board Program; Competitive Solicitation; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N-88-1797, FR-2485]

Availability of Funding Under the Community Housing Resource Board Program; Competitive Solicitation

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of funds availability.

SUMMARY: HUD is soliciting applications from eligible Community Housing Resource Boards (CHRBs) for funding under the CHRB Program. CHRBs must meet certain eligibility criteria in order to qualify for consideration.

DATE: Applications are to be received not later than June 28, 1988, 3:00 p.m. Local time at the place designated for the receipt of applications in accordance with the CHRB Request for Grant Applications.

FOR FURTHER INFORMATION CONTACT: The appropriate Regional Director for Fair Housing and Equal Opportunity is also the Grant Officer (GO) and is located at the HUD Regional Office. Application kits are available to eligible CHRB applicants upon written (preferably certified mail) request from the office listed below which is responsible for serving the State in which the Resource Board is located. *Collect calls will not be accepted.* These kits are available from:

Region I:

Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut
Department of Housing and Urban Development
Attention: Robert Laplante
Director, Regional Office of Fair Housing and Equal Opportunity, 1E
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, Room 308
Boston, MA 02222-1092
Phone: 617/565-5304

Region II:

New York and New Jersey
Department of Housing and Urban Development
Attention: Stanley Seidenfeld
Director, Regional Office of Fair Housing and Equal Opportunity, 2E
26 Federal Plaza, Room 3532
New York, NY 10278-0068
Phone: 212/264-1290

Region III:

Pennsylvania, Delaware, Maryland, Virginia, West Virginia and Washington, DC
Department of Housing and Urban Development
Attention: Raymond J. Solecki
Director, Regional Office of Fair Housing and Equal Opportunity, 3E
Liberty Square Building
105 South 7th Street, 3rd floor
Philadelphia, PA 19106-3392
Phone: 215/597-2338

Region IV:

Georgia, North Carolina, South Carolina, Florida, Tennessee, Alabama, Mississippi and Kentucky
Department of Housing and Urban Development
Attention: Augustus L. Clay
Director, Regional Office of Fair Housing and Equal Opportunity, 4E
Richard B. Russell Federal Building, Room 524
75 Spring Street, SW.
Atlanta, GA 30303-3388
Phone: 404/331-5140

Region V:

Illinois, Ohio, Michigan, Minnesota, Indiana and Wisconsin
Department of Housing and Urban Development
Attention: Thomas Higginbothan
Director, Regional Office of Fair Housing and Equal Opportunity, 5E
Room 2110
300 South Wacker Drive
Chicago, IL 60606-6765
Phone: 312/353-7776

Region VI:

Texas, Oklahoma, Louisiana, Arkansas and New Mexico
Department of Housing and Urban Development
Attention: John E. Wright
Director, Regional Office of Fair Housing and Equal Opportunity, 6E
1600 Throckmorton Street, Room 501
P.O. Box 2905
Fort Worth, TX 76113-2905
Phone: 817/885-5491

Region VII:

Kansas, Iowa, Nebraska and Missouri
Department of Housing and Urban Development
Attention: J.B. Littlejohn
Director, Regional Office of Fair Housing and Equal Opportunity, 7E
Professional Building, Room 1102
1103 Grand Avenue
Kansas City, MO 64106-2496
Phone: 816/374-2685

Region VIII:

Colorado, Wyoming, North Dakota, South Dakota, Montana and Utah
Department of Housing and Urban Development
Attention: Lloyd Miller
Director, Regional Office of Fair Housing and Equal Opportunity, 8E
Executive Tower Building
1405 Curtis Street, 27th Floor
Denver, CO 80202-2349
Phone: 303/844-4751

Region IX:

California, Nevada, Arizona and Hawaii
Department of Housing and Urban Development
Attention: Lavera Gillespie
Director, Regional Office of Fair Housing and Equal Opportunity, 9E
Phillip Burton Federal Building, Room 8001
450 Golden Gate Avenue
P.O. Box 36003
San Francisco, CA 94102-3448
Phone: 415/556-6826

Region X:

Washington, Oregon, Alaska and Idaho
Department of Housing and Urban Development
Attention: James Brown
Director, Regional Office of Fair Housing and Equal Opportunity, 10E
1321 Second Avenue, 8th Floor
Seattle, WA 98101-2054
Phone: 206/442-0226

SUPPLEMENTARY INFORMATION. This Notice of Funds Availability is issued under the regulations for the CHRB Program, codified at 24 CFR Part 120. Interested CHRBs are urged to review these regulations and the factors for award in the application kit to determine whether they should apply under this program.

The program has two categories of funding: (1) Maintenance, and (2) Improvement. A CHRB should apply for Maintenance funding when its activities have resulted in full implementation of the terms of the Voluntary Affirmative Marketing Agreement (VAMA). CHRBs in this category will be provided funds to maintain their efforts in promoting continued accomplishment of the goals of the VAMA.

A CHRB should apply for Improvement funding when the terms of the VAMA have not been fully implemented. CHRBs in this category will be provided funds to improve their capacity to help other housing industry groups to achieve the goals of the VAMA.

Eligible CHRBs may apply for funds under one category only.

Program Background

Section 808(e) (3) and (5) of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3608) requires the Secretary to "cooperate with and render technical assistance to Federal, State, local and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices * * *" and to "administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this title."

Section 809 of the Act requires that "the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this title * * * shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this title and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement."

In order to promote the achievement of the goal of fair housing throughout the United States, the Department of Housing and Urban Development has developed the Voluntary Affirmative Marketing Agreement (VAMA) Program. This nationwide program focuses on local efforts to assure nondiscrimination in connection with the sale, rental and financing of housing and the provision of services and facilities in connection with those activities. The Program goal is to promote achievement of a condition in which individuals of similar income levels in the same housing market area have available to them a like range of choices in housing regardless of their race, color, religion, sex or national origin.

Consistent with its responsibilities under Title VIII, HUD has negotiated VAMAs with the National Association of Realtors, the National Association of Real Estate Brokers, the National Association of Real Estate License Law Officials and the National Association of the Home Builders. These agreements are intended to promote a broad equal opportunity program designed to assure that housing will be marketed on a nondiscriminatory basis. Signatories to a VAMA agree to conduct certain programs and activities to acquaint communities with equal housing opportunity, to establish office procedures to ensure that there is no denial of equal professional service and to make materials available which explain the commitment of signatories to the goal of fair housing.

The VAMAs, approved by housing industry associations at the national level, are implemented by member firms at the local level. In addition to providing a program to promote fair housing efforts, the VAMAs commit HUD to provide technical assistance to local housing industry groups that become signatories to the agreements. Assistance in implementing VAMA commitments is provided to the local housing industry groups through HUD-established Community Housing Resource Boards (CHRBs) composed of volunteer representatives of community organizations dedicated to equal housing opportunity.

Eligible Applicants

To be eligible for funding, each applicant must be a CHRB consisting of HUD appointed representatives from community organizations or agencies formed to fulfill HUD's obligation to provide technical assistance to local real estate boards in the implementation and monitoring of the VAMA; must have been in existence for at least six months before the publication of this notice; and must otherwise meet the criteria contained in 24 CFR Part 120.

Applicants that have been in existence for more than one year must have received a satisfactory performance rating in the most recent field office evaluation of the CHRB. (The evaluation methodology is explained in the application kit.)

A CHRB that received initial funding under the FY–1987 NOFA may be eligible for funding in FY–1988 if the CHRB's request under the 1987 NOFA was within the maximum funding limitation for FY–1987 and the amount awarded in FY–1987 was less than the amount requested. Under this NOFA, such applicants will be eligible to receive a grant equal to the amount requested in FY–1987 less the amount of the grant awarded in FY–1987. For example, a CHRB in a jurisdiction of over 50,000 persons that requested an award of $25,000 in FY–1987 and received $15,000 would be eligible for up to $10,000 under this NOFA. (CHRBs that received full funding during 1987 are not eligible for funding under this NOFA.)

CHRBs that received funding in fiscal years 1982, 1983, 1984 (including New Horizons CHRBs), 1985 and 1986 may apply for funding under this notice. In addition to the requirements stated above, to be eligible for funding such CHRBs:

—Must have successfully completed their previous grant; submitted a requisition for final payment of the grants; and received a notification from the Government Technical Representative by May 24, 1988 stating that their final payment voucher has been approved; and

—Must submit evidence demonstrating that during the grant year it completed at least two activities that specifically addressed the goals of the VAMA; engaged in the identification of local problems and issues that impeded equal housing opportunity; and assessed local housing industry group performance under the VAMA.

Method of Distribution

Maximum funding amounts, except as modified above for CHRBs funded in FY–1987 will be as follows:

(a) CHRBs in jurisdictions with populations under 50,000 may apply for grants of up to $15,000.

(b) CHRBs in jurisdictions with populations of 50,000 or more may apply for grants of up to $25,000.

Sixty percent of the funds to be awarded will be allocated to proposals from CHRBs seeking granting for improvement funding. Forty percent of the funds will be for proposals from CHRBs seeking maintenance funding. If funds remain in either category (improvement or maintenance) after all acceptable proposals have been funded, the remaining funds may be used for the other category.

Approximately $1,000,000 is available under this notice. Each of HUD's ten Regions has been assigned an allocation (see below) from these funds based on the number of CHRBs expected to apply weighed against our funding limitation. Both large and small jurisdictions are considered. A Headquarters reserve of $100,000 has been set aside.

The following are the Regional allocations:

Region and Allocation

I—$75,000
II—$85,000
III—$103,000
IV—$103,000
V—$103,000
VI—$103,000
VII—$75,000
VIII—$75,000
IX—$103,000
X—$75,000

Headquarters Reserve—$100,000

The reserve will be allocated by the Assistant Secretary to address such special circumstances as geographic distribution and minority concentration after all applications are rated and ranked. Any funds not utilized by a particular region will be returned to the Headquarters reserve.

Application Information

Applicants for funding must submit all information required in the application kit, including letters of financial or in-kind support from the private sector, and/or from State or local governmental entities, a budget, all forms that are required, a one-page synopsis of the proposed projects and a recommendation letter from at least one of the housing industry groups that the CHRB works with in promoting the Voluntary Affirmative Marketing Agreement. *If an applicant does not submit all information required in the Request for Grant Applications (RFGA), the application will be considered non-responsive to the RFGA and will not be rated.*

Kits will be provided to each applicant CHRB by the servicing Regional Office upon written request. Each applicant will receive the same application kit. Where the factors for award differ for maintenance or improvement funding, the difference in the application requirements will be explained in the kit. Questions not addressed in the kit may be directed to the appropriate HUD Field or Regional Office, to the attention of the Director of Fair Housing and Equal Opportunity.

Since training is an essential part of this program, all proposed budgets must set aside 5% of grant funds for training purposes. Further information on training requirements will be provided by HUD Regional Offices during the funding year.

It is important to note that, although funds may be used for operating costs associated with the specific funded activities of the CHRB program, applicants should propose to use the major portion (greater than 50 percent) of funds for program costs (as opposed to administrative costs).

Each CHRB must submit a detailed 12-month schedule of events coordinated with the local housing industry group and HUD, showing how the CHRB intends to assess, assist, monitor and evaluate the implementation of the VAMA. In the event problems of coordination with the local housing industry group are encountered, the CHRB should describe the difficulty in the submission.

Applications for funding must be received by the appropriate Regional Office by 3:00 p.m. Regional Office time, June 28, 1988. (See Grant Application Kit Section C–2, Submission of Application, for further clarification.) See Further Information Section of this NOFA for addresses.

Section Criteria

Applications will be reviewed, scored and ranked by selected staff personnel from HUD Regional Offices. Each Regional Administrator has also been delegated the responsibility for making grant awards to selected CHRBs from the funds which he/she has been allocated. Projects will be evaluated for funding separately within each category, to avoid a disadvantage to less experienced or first-time applicant CHRBs.

Projects will be ranked on the basis of the following five criteria:

1. The relationship of the proposed project to the goals of the VAMA. The principal purposes of the CHRB are to monitor progress, provide technical assistance, and recommend and promote solutions to problems associated with the implementation of the VAMA. Prior year projects have consisted of much outreach and education activity. Although HUD has appreciated these fair housing initiatives, not enough attention has been given to the VAMA and the housing industry. CHRBs were created to work with the housing industry group, and to monitor, train and evaluate them in their efforts to carry out their VAMA commitments. Therefore, this notice places a priority on these later activities. Applications stressing outreach and education activities will receive fewer points under the selection criteria. HUD, therefore, gives greater weight to projects that emphasize VAMA implementation and monitoring activities.

Accordingly, eligible projects that can earn the maximum number of points under this first criterion are those that:

(a) Annually assess the effectiveness of the VAMA;

(b) Seek cooperative solutions to problems associated with implementation of the VAMA and provide assistance to the local housing industry group;

(c) Seek to expand minority involvement in some phase of the housing industry;

(d) Describe and identify the rental housing supply within the CHRB's jurisdiction, determine existing housing discrimination problems, and develop pertinent solutions. Eligible projects that will receive a lower priority (i.e., ones that less completely meet the goals of the VAMA) are those that:

(a) Inform the public regarding the goals of fair housing and the VAMA;

(b) Assess community fair housing needs and problems or successes;

(c) Expand public awareness of housing opportunities in the community.

Since the VAMA does not permit CHRBs to sponsor, conduct, or fund programs of real estate testing, projects relating to such programs are not acceptable.

2. The extent to which the proposed project will affect the groups the VAMA is designed to reach; e.g., the extent to which the project(s) will have significant positive impact in areas with substantial minority population or on a particular housing industry group.

3. The commitment of the CHRB members, as indicated through regular attendance at meetings (verified by copies of meeting minutes), by demonstrated results of activities, as described in correspondence, news reports, editorials, testimonials, etc. (for CHRBs requesting maintenance funding), and by expected results of activities, based upon a thoughtful and reasoned analysis of goals and problems and the related actions needed to address them (for CHRBs requesting improvement funding).

4. The amount of relevant professional or organizational experience, including experience in fair housing, available to the CHRB among its membership, its community contacts and working relationships, or staffing, to implement the proposed projects.

5. The extent to which the proposed project does not duplicate other community efforts.

Proposals must be specific and address each criterion. Any reports, documentation and correspondence included with the application must be clear and legible and will not be returned, as these *will be retained* for record purposes.

The relative weights of the criteria for selection will be:

Criteria	Points
Relationship of projects to VAMA goals	30
The extent to which the proposed project will affect the groups the VAMAs are designed to reach	25
Documentation of Resource Board Commitment	15
Experience available to implement projects	20
Extent to which projects do not duplicate other community efforts	10
Total	100

Notification of Applicants

HUD will notify all successful applicants upon selection. Unsuccessful applicants will be notified after the awards have been made. No information will be made available to applicants during the period of HUD review and evaluation, except for notification to

those applicants that are declared ineligible or late.

This program is listed in the Catalog of Federal Domestic Assistance under program number 14.403, Community Housing Resource Board Program. The requirements of the Paperwork Reduction Act of 1980 [44 U.S.C. 3504 (h)] have been met, and the information collection requirements contained in this notice have been approved under OMB Control Number 2529–0022.

Authority: Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601–3619).

Date: April 26, 1988.

Judith Y. Brachman,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 88–10804 Filed 5–12–88; 8:45 am]

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H.J. Res. 545/Pub. L. 100-313

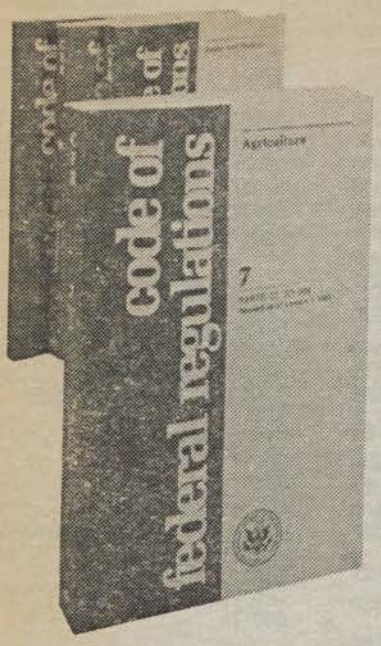
Designating May 8–14, 1988, as "Just Say No Week." (May 10, 1988; 102 Stat. 463; 1 page) Price: $1.00

S.J. Res. 59/Pub. L. 100-314

To designate the month of May, 1988 as "National Foster Care Month." (May 10, 1988; 102 Stat. 464; 1 page) Price: $1.00

S.J. Res. 250/Pub. L. 100-315

Designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988." (May 10, 1988; 102 Stat. 465; 2 pages) Price: $1.00



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