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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 210

[INS Number: 1118-88]

Special Agricultural Workers

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: Section 210(b)(3)(B)(ii) of the Immigration Reform and Control Act of 1986 (IRCA) provides for the Attorney General to promulgate regulations relative to securing timely production of employment records from employers or farm labor contractors under the Special Agricultural Worker (SAW) program. This rule identifies Service procedures in securing SAW employment records.

DATES: The interim final rule is effective July 20, 1988. Comments must be received on or before August 19, 1988.

ADDRESSES: Written comments should be mailed in triplicate to Deputy Assistant Commissioner, Legalization, Immigration and Naturalization Service, 425 "I" Street NW., Washington, DC 20536, or delivered to Room 5250 at the same address.

FOR FURTHER INFORMATION CONTACT: Aaron Bodin, Deputy Assistant Commissioner, Special Agricultural Workers, (SAW) (202) 786-3658.

SUPPLEMENTARY INFORMATION: Section 210.3(b)(4) is added to establish procedures for securing SAW employment records. This rule provides uniformity for securing records where a SAW applicant has filed an application, an interview has been conducted, the applicant's testimony appears credible and the Service has determined that the application cannot be adjudicated in the absence of the employment records.

This rule provides for the use of regulatory procedures already in place at 8 CFR 287.4(a)(2) which enables the Service to "issue a subpoena requiring the attendance of witnesses or the production of documentary evidence, or both, for use in any proceeding under this Chapter, other than under Part 335 of this Chapter, or any application made ancillary to the proceedings."

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

This rule contains information collection requirements which have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act. The OMB control numbers for these collections are contained in 8 CFR Part 299.

List of Subjects in 8 CFR Part 210

Aliens, Permanent resident status, Reporting and recordkeeping requirements, Temporary resident status.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 210—SPECIAL AGRICULTURAL WORKERS

1. The authority citation for Part 210 continues to read as follows:

Authority Pub. L. 99-603, 100 Stat. 3359; 8 U.S.C. 1101 note.

2. In § 210.3, a new paragraph (b)(4) added to read as follows:

§ 210.3 Eligibility.

* * * * *

(b) * * *

(4) *Securing SAW employment records.* When an applicant alleges that an employer or farm labor contractor refuses to provide the SAW applicant with employment records, the Service shall attempt to secure the employment records. However, prior to any attempt by the Service to secure the employment records, a SAW application must be filed, an interview must have been conducted, the applicant's testimony must support credibly his or her claim, and the Service must determine that the application cannot be adjudicated in the absence of the employer or farm labor contractor records. If the employer or farm labor contractor refuses to release the needed employment records, District Directors may, after unsuccessful attempts for voluntary compliance, utilize section 235 of the Immigration and Nationality Act and issue a subpoena in accordance with 8 CFR 287.4.

* * * * *

Dated: June 30, 1988.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 88-16355 Filed 7-19-88; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Dkt. 8908]

Encyclopaedia Britannica, Inc., et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order modifies the Preambles to Paragraphs I through IV, Paragraph II.C (Telephone Talk), and Paragraph II.L (No-Contact Period) of the 1976 final order (41 FR 17884) issued against the respondent. The Commission concludes that it is in the public interest to reopen the order and grant some of the modifications sought by the respondent. The modification of the Preambles clarifies that the order applies only to subsidiaries and employees of Encyclopaedia Britannica, Inc. engaged in selling or being recruited to sell via in-home, over-the-counter, direct mail, or telephone solicitations. The modification of Paragraph II.C requires respondent to disclose the sales purpose of a call or an appointment within 30 seconds of beginning a sales call or a call to make a sales appointment. The modification of Paragraph II.L allows respondent to contact purchasers to correct inadvertent errors on sales forms, or to obtain necessary information that respondent inadvertently failed to obtain during a sales presentation.

DATES: Final Order issued March 9, 1976. Modifying Order issued July 5, 1988.

FOR FURTHER INFORMATION CONTACT: Jock Chung, FTC/S-4631, Washington, DC 20580. (202) 326-2984.

SUPPLEMENTARY INFORMATION: In the Matter of Encyclopaedia Britannica, Inc., et al. The prohibited trade practices and/or corrective actions, as set forth at 41 FR 17884, remain unchanged.

List of Subjects in 16 CFR Part 13

Encyclopaedias, 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)

Before Federal Trade Commission

Commissioners: Daniel Oliver, chairman, Terry Calvani, Mary L. Azcuenaga, Andrew J. Strenio, Jr.

[Docket No. 8908]

In the Matter of Encyclopaedia Britannica, Inc., Et Al.

Order Reopening the Proceeding and Modifying Cease and Desist Order

On September 22, 1987, Encyclopaedia Britannia, Inc. ("EB") filed with the Commission a request that the above-referenced proceeding be reopened and that the order issued therein on March 9, 1976, either

(1) Be set aside in its entirety; or

(2) Be modified by setting a date certain when the order would expire and in the interim modifying specific provisions; or

(3) Be modified by altering specific order provisions. The specific modifications requested were alterations to Parts I.B., II. C., II.H., IV., and the Preambles I–IV, and deletion of Parts I.D., I.E., II.L., and V. This petition replaced an earlier petition filed on April 2, 1987, that was subsequently withdrawn.

The petition contends that changed conditions of fact and law and the public interest require that the proceeding be reopened and the order be set aside or modified as respondent requests. One comment was received from placement of the petition on the public record.

On December 11, 1987, EB asserted that its petition has requested sunsetting of the order in its entirety, or, in the alternative, sunsetting of all the affirmative fencing-in provisions of the order. We disagree with EB. The petition sets forth the relief requested in its first page, and does not request sunsetting all of the affirmative fencing-in provisions. If EB has wished to request such action, it could have clearly done so in its subsequent refiling of January 22, 1988 so that the request would have clearly been presented to the public for comment. EB failed to do so. Even if the petition did request such relief, we would deny it for the reasons we here deny a sunsetting of the entire order.

On December 29, 1987, EB submitted alternative language for the requested specific modifications and stated that it would accept whatever modifications the Commission would agree to.

On January 19, 1988, another comment regarding EB was received.

On January 22, 1988, EB withdrew its petition, and simultaneously refiled its petition with the addition of two affidavits, one from the president and one from the general counsel of EB. These affidavits provided clarification and additional evidence of some of the assertions EB made in its petition.

History of The Order Against EB

The complaint against EB and Britannica Home Library Services, Inc., ("BHLS") was issued by the Commission on December 11, 1972. It alleged that EB and BHLS has made certain false and misleading representations to induce consumers to purchase encyclopedias and accessories, to induce job recruits to accept sales positions, and to collect debts.

After several years of litigation, the Commission issued an order on March 9, 1976, which became effective on March 17, 1980, after the company exhausted its appeals. Since its effective date, the order has twice been modified at EB's request, first on October 28, 1980, and again on October 5, 1982.

Description of EB

EB publishes encyclopaedias and continuity book plans, and markets them through in-home sales talks, telephone solicitations, and over-the-counter sales. EB publishes and markets both the Encyclopaedia Britannica and the Compton's Encyclopaedia brands of encyclopedias. BHLS publishes and markets the annual supplements to encyclopaedias published by EB.

Description of the Order

The order comprises nine parts. Part I prohibits certain misrepresentations during employee recruitment and requires that certain information be supplied to prospective recruits. Part II prohibits certain misrepresentations during marketing of merchandise or services and requires that certain information be supplied to prospective buyers. Part III prohibits creation of any training devices or sales aids which are inconsistent with Parts I or II of the order. Part IV prohibits certain misrepresentations in the marketing of continuity book programs and requires that certain information be supplied to prospective buyers. Part V prohibits certain misrepresentations during attempts to collect debts. Part VI requires measures to ensure compliance to the order by all respondents and their agents. Parts VII through IX are standard provisions requiring distribution of the order, notification to the Commission of any change in the corporate respondents, and filing of a compliance report with the Commission.

Summary of EB's Arguments for Reopening and Vacating or Sunsetting the Order

In a request to reopen based on changed conditions or on public interest considerations, the burden is on the respondent to make the requisite satisfactory showing. Both the language of section 5(b) and its legislative history make it clear that the petitioner has the burden of showing, other than by conclusory statements, why an order should be modified. The Commission may properly decline to reopen an order if a request is "merely conclusory or otherwise fails to set forth specific facts demonstrating in detail the nature of the changed conditions and the reasons why these changed conditions require the requested modification of the order." S. Rep. No. 96-500, 96th Cong., 1st Sess. 9–10 (1979). The Commission is not required to reopen the order if the petitioner fails to meet its burden of making the satisfactory showing required by the statute. In the present case, the petitioner has not met its burden to show that the order should be vacated or set to expire, and the Commission now declines to reopen the order to consider granting such relief.

Respondent alleges that three changed conditions of fact require the reopening and setting aside or modification: (1) The ownership and control of EB has been transferred to a private, noncommercial foundation, with profits from its operation going to the University of Chicago; (2) EB has instituted policies and procedures rendering the order unnecessary; and (3) EB has ceased the practices which caused the Commission to issue the complaint.

None of these allegations set forth changed conditions of fact that support reopening this matter. The Commission has previously considered and rejected in the context of EB's 1982 petition the argument that its transfer of ownership to the University of Chicago constitutes a change in fact. The implementation of internal policies to ensure adherence to

an order, and the alleged cessation of the practices giving rise to an order, are not the type of conduct to be rewarded by termination of an order, but are the minimum we require of a respondent for it to avoid civil penalties for violating the order.

Respondent further alleges that two changed conditions of law require the reopening and setting aside or modification: (1) Consumer protection statutes and regulations now render the order unnecessary; and (2) EB's situation is similar to that of various respondents whose orders (in decisions cited) were sunsetted or modified.

EB misconstrues the requirements for reopening an order based upon changed conditions of law. The Commission has consistently declined to reopen proceedings based upon changed conditions of law absent a specific showing that the order prohibits activity that subsequently has been found or made lawful. The petition makes no such showing, and therefore fails to state sufficient cause on this ground.

EB has cited several cases as precedent for reopening and sunsetting or vacating orders on public interest grounds. These cases establish that the petitioner must demonstrate either that an order places it at a competitive disadvantage in the marketplace or that an order is no longer necessary because of changes in the marketplace. EB has shown neither.

EB has similarly not made a sufficient showing to support reopening the order to sunset the affirmative disclosure requirements on public interest grounds.

EB's Requests for Modifications to Specific Provisions

Respondent's petition alternatively alleges that several specific modifications to the order should be made. On December 29, 1987, EB stated that it would accept certain alternative modifications to those proposed in the petition. On January 22, 1988, EB provided additional evidence and clarification of its arguments for specific modifications. On June 9, 1988, EB stated that it would accept a proviso limiting Para. II.L. of the order in lieu of the deletion of that paragraph as EB had originally requested.

The Commission concludes that it is in the public interest to reopen the order and grant some of the modifications sought by the petitioners, but to deny other modifications requested.

Para. II.C. Telephone Talks

Para. II.C. requires EB to disclose the sales purpose of a telephone call before beginning any "sales presentation." The respondent complains that it has expended considerable legal resources in defining what constitutes a "sales presentation." As respondent devises new telephone talks in the future, it is likely that this issue will continue to arise.

To prevent this, EB proposed in its petition that Para. II.C. be modified to require that in any telephone sales call, EB disclose the sales purpose within thirty seconds of the beginning of the call, and that in any call to set a sales appointment, EB disclose the sales purpose of the appointment before setting the date and time of the appointment. However, EB fails to show that it is in the public interest to reopen the order and grant a proposed modification that would, in effect, lessen consumer protection.

In its letter of December 29, 1987, EB indicated that it would accept a more limited modification of Para. II.C., which would require that EB disclose the sales purpose of a call or an appointment within thirty seconds of beginning a sales call or a call to make a sales appointment. This modification would not lessen consumer protection, and would effectively eliminate any conceivable ambiguity by establishing a bright line standard to measure future compliance.

Because of these advantages, we conclude that it is in the public interest to modify Para. II.C. of the order in accordance with the proposal in the letter of December 29, 1987.

Para. II.L. No-Contact Period

Para. II.L. forbids EB from contacting purchasers during the "cooling off" period when purchasers may cancel their contracts. One effect of this paragraph is to prevent EB from correcting certain inadvertent errors during this period.

In its petition, EB alleges that Para. II.L. should be deleted in the public interest to allow EB to contact consumers before the cooling-off period has expired so that EB may expedite corrections in the interests of consumers. EB has stated that this paragraph sometimes prevents it from contacting consumers to correct errors, such as when salespersons calculate incorrectly the date until which a consumer may cancel his or her order under the Commission's *Trade Regulation Rule, Cooling-Off Period for Door-to-Door Sales* (16 CFR 429.1). Such a calculation, if uncorrected, could mistakenly deprive a consumer of his or her rights. Therefore, there would be some benefit to the public if EB were allowed to contact persons to correct inadvertent mistakes or oversights. However, EB has not shown that it would be in the public interest to delete Para. II.L. and allow EB to have unrestricted access to contact purchasers. EB has not shown that allowing such unrestricted access would benefit the public, or that allowing such access would relieve a burden from EB without potentially harming consumers' interests. On the other hand, we find that it would be in the public interest to modify the order to include the proviso to Para. II.L. agreed to by EB in its June 9, 1988 letter. That proviso allows EB to contact purchasers to correct inadvertent errors on sales forms, or to obtain necessary information that EB inadvertently failed to obtain during a sales presentation.

Preambles

The Preambles to paragraphs I through IV define the scope of coverage of the Order. In its petition, EB alleges that changes in fact require that the Preambles to paragraphs I through IV be modified so that the order covers EB subsidiaries only when they are engaged in certain selling practices and only when they are marketing merchandise or services related to encyclopedias, textbooks, reference materials, or educational materials. EB alleges that, because it has diversified its business, this modification is necessary to prevent the order from requiring EB to demand "false statements" from employees, *i.e.*, statements from employees that they will comply with the order when in fact the order does not apply to them. However, the present order merely requires an agreement that the employee will comply with the order, and assumes that they are engaged in practices covered by the order. Obviously if the employee is not engaged in practices covered by the order, no obligation arises. EB has not made a showing sufficient to reopen the Order for this proposed modification, because no requirement exists that employees file "false statements."

In its letter of December 29, 1987, EB indicated that it would accept a more limited modification of the Preambles. This modification would clarify that the order applies only to subsidiaries and employees of EB engaged in selling or being recruited to sell via in-home, over-the-counter, direct mail, or telephone solicitations. Such has been the interpretation FTC staff has worked under, and the more limited modification is therefore a clarification of the coverage of this order.

This proposed modification, which merely states the Commission's interpretation of the order more clearly than does the present language, should

be made for purposes of clarification, and we so modify the order. Consistent with this modification and with our interpretation of the scope of the order, we interpret the phrase "successors and assigns, officers, agents, representatives and employees" in the preambles to Paras. I.–IV. as "excluding independent retailers who derive the majority of their income from products or services not covered by the order, and who sell in-store." We also interpret the phrase "any of the publications, merchandise or services included in this order" in Para. VI.A. of the order as referring only to "any textbook, encyclopedia, reference or educational product or any publication, merchandise or service related thereto." And finally, we interpret the phrase "any person" in Para. VI.A. to exclude independent retailers who derive the majority of their income from products or services not covered by the order, and who sell in-store. We note that the exclusion of retailers is meant only to allow bona fide independent retailers to sell publications or merchandise covered by the order without being required to have their employees or assigns agree to the terms of the order, and without risking liability for infractions of the order. We note, however, that EB and BHLS are still liable under this order for violations of the order incurred "through any * * * device," including those incurred by independent retailers and their successors and assigns, officers, agents, representatives and employees, directly and indirectly.

Paras. I.B., I.D., I.E.

Para. I.B. prohibits EB from making misrepresentations regarding certain factors that would affect a recruit's income. Paras. I.D. and I.E. require certain disclosures be made to prospective sales representatives.

In its petition, EB alleges that Para. I.B. should be modified, and Paras. I.D. and I.E. deleted, to allow EB more flexibility in presenting prospective sales recruits with disclosures regarding employment. EB alleges that this modification would serve the public interest by eliminating needless burdens upon EB.

EB has not demonstrated that any burdens presented by the language it seeks to modify in Para. I. are so great as to outweigh benefits conferred by the language. If the order were modified as proposed, EB would not be required to make the disclosures which are presently required. These disclosures are necessary to inform prospective sales representatives of EB's unusual compensation methods, which in many ways treat the sales representatives as independent contractors rather than employees, and which require sales representatives to bear many costs and risks normally borne by an employer rather than by a salesperson.

Para. II.H. Instant Research Service

Para. II.H. requires EB to disclose conditions and limitations on the use of its research services in writing in promotional materials and orally during sales presentations.

In its petition, EB alleged that Para. II.H. should be modified in the public interest to require respondents to disclose orally only that conditions and limitations upon its Instant Research Service exist. The petition also proposes to confine written disclosures to a single document that would be given to consumers during oral sales presentations, but would not necessarily be left with consumers. EB argues that this change would eliminate the present burden upon EB sales representatives to recite certain disclosures regarding EB's Instant Research Service to prospective purchasers when those same disclosures are given in writing to prospective purchasers. However, EB fails to show that it is in the public interest to reopen and modify the order as proposed.

In its letter of December 29, 1987, EB indicated that it would accept a modification of Para. II.H. that would require all advertising describing the features of a research service to disclose that conditions and limitations exist, and would require that these conditions and limitations be fully described in a written document to be left with purchasers during oral sales presentations. This modification would still lessen consumer protection, though less so than the modification proposed in the petition, because EB would no longer have to orally disclose the features of a research service to consumers. Such oral disclosure is more likely to ensure effective understanding by consumers than is a written disclosure, which may or may not be read by consumers. Therefore, it is not in the public interest to modify Para. II.H.

Para. IV. Continuity Book Sales

Para. IV.C. requires respondents EB and BHLS to make detailed disclosures about EB's continuity book plans on the return coupons, order forms, or any other documents used for responding to those plans.

EB alleges that Para. IV.C. should be modified to require on order forms only directions on where to finding accompanying detailed disclosures of the terms and conditions for continuity book programs, not the detailed disclosures themselves. EB alleges that it is presently at a competitive disadvantage in the marketplace, and that the proposed modification to Para. IV.C. would eliminate this disadvantage. EB further alleges that the proposed modification is consistent with the decisions in *G.R.I. Corp.*, 103 F.T.C. 442 (1984) and *Golden Tabs Pharmaceutical Co.*, 101 F.T.C. 410 (1983). Those decisions involved orders that originally required the companies to disclose all the terms and conditions to a "free" offer every time the offer was repeated within an advertisement and its attached coupon.

The Commission finds that EB has not established that the present order places EB at a substantial competitive disadvantage requiring modification of the order. Furthermore, the proposed modification would lessen consumer protection by lowering the likelihood that consumers will be fully informed about the terms of sale for EB's continuity book programs. In *G.R.I. Corp.* and *Golden Tabs*, the orders contemplated that full disclosure should always be made on or near a coupon. Both orders required that disclosure be made "in close proximity to the coupon," effectively requiring that a coupon either include complete disclosure itself or be a part of a document which includes the complete disclosure. EB's proposed modification, in contrast, would require only that complete disclosure be made in an "accompanying letter or advertisement." This language would allow EB to make its disclosures on a separate document from the coupon, which consumers may lose or not locate easily. Because EB's proposed modification to Para. IV.C. would lessen the likelihood that consumers will make fully informed decisions, it would not be in the public interest to modify the order as requested.

EB alleges that Para. IV.B.2. should be modified: (1) To clarify that EB may offer open-ended continuity book programs where the eventual number of volumes in a program is undetermined and (2) to clarify that the order requries only a disclosure that the eventual number of volumes is undetermined, and that the Para. IV preamble should be modified in accordance with EB's contention that Para. IV was never intended to cover annual supplements.

EB has not made a sufficient showing to reopen the order for either modification. Para. IV has never been interpreted to make it impracticable for EB to offer open-ended continuity programs, and we decline to so interpret it today. If EB does not know the total

number of volumes that will comprise a program, it may so state in its promotional material for that program, and in so doing it will be within the present order. Since the present order does not prevent EB from offering open-ended continuity programs, it is unnecessary to modify the order for the purpose of allowing EB to offer open-ended continuity programs.

We also decline to accept EB's contention that Para. IV was never intended to include annual supplements. EB has not offered any proof of its contention, but has merely pointed out that annual supplements are not mentioned in the documents recording the decisionmaking process leading to the order. However, the language of the preamble unmistakably applies Para. IV to annual supplements. Absent evidence that the Commission intended something other than the plain meaning of this provision, we decline to reopen the order to modify Para. IV.

Para. V. Debt Collection

EB alleges that deletion of Para. V is required by a change of law. It alleges that Para. V is rendered unnecessary by the Fair Debt Collection Practices Act. The order, however, covers EB's collection activities related to its own debts. These activities are not covered by the Fair Debt Collection Practices Act, which primarily covers activities by third party debt collectors.

EB has not demonstrated that the requirements of Para. V are a significant burden upon it, nor has it demonstrated that these practices should not be covered by the order. Therefore, EB has not made a showing sufficient to warrant reopening the order for consideration of this proposed modification.

It is therefore ordered that the Preambles to Paras. I through IV and Paras. II.C. and II.L. of the order be reopened and modified so that the order will read as follows:

This matter having been heard by the Commission upon the cross-appeals of complaint counsel and respondents' counsel from the initial decision and upon briefs and oral argument in support thereof and opposition thereto, and the Commission, for the reasons stated in the accompanying Opinion, having granted the appeals in part:

It Is ordered that pages 1–117 of the initial decision of the administrative law judge be, and they hereby are, adopted as the Findings of Fact and Conclusions of Law of the Commission, with the following exceptions: those portions of pages 103–110 ("The Remedy") which are inconsistent with the opinion of the Commission herein.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

I. It Is ordered that Respondent Encyclopaedia Britannica, Inc., and its successors and assigns, officers, agents, representatives and employees, directly or indirectly, through any corporation, subsidiary, division, or other device, engaged in direct selling to consumers, by means of in-home, over-the-counter, direct mail or telephone sales solicitations, in connection with the recruitment of persons to sell, rent, lease or distribute any textbook, encyclopedia, reference or educational product, or any other publication, merchandise or service, in commerce, or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, either orally or in writing, that:

(1) Respondent is offering positions in such fields as advertising analysis, public relations, marketing, interviewing, or in any field other than door-to-door sales, if door-to-door sales is included, to any extent, in the position for which persons are being recruited; or misrepresenting, in any manner, the job for which any person is being solicited;

(2) Persons will be trained as management trainees, or for other positions of responsibility concerned with administrative office functions unless, in fact, a formal management training program is available to persons accepting employment on the basis of such representations; or misrepresenting, in any manner, the amount and type of training that will be given;

(3) Any person who may be employed will contact prospects in their homes or places of business for the purposes of conducting surveys, advertising promotions, or other nonselling functions; or misrepresenting, in any manner, the purposes for which any person is engaged.

B. Misrepresenting, in any manner, the amount of income to be earned by any person or that may be earned by any person, the expenses that may be incurred by any person, the method of payment, or any condition or limitation imposed upon the compensation of any person.

C. Failing clearly and conspicuously to disclose in all advertising offering employment in any way involving door-to-door sales that respondent is recruiting persons for the sole purpose of soliciting or selling.

D. Failing clearly and conspicuously to provide, both orally and in writing, to any prospective sales employee at the initial face-to-face interview, and prior to executing any employment agreement with any such person, the following information:

(1) (a) That respondent is recruiting persons for the sole purpose of soliciting or selling;

(b) That the products or services being sold are encyclopedias or services to be used in connection therewith, or in the event that encyclopedias or such related services are not being sold, the products and services being sold; and

(c) The basis for compensating persons so engaged;

(2) that conditions or limitations upon the receipt of compensation, if any, do in fact exist, together with an example of such a material condition or limitation, and that all such conditions and limitations will be stated in detail in an interview in the event an offer of employment is made to such person;

(3) where applicable, notification that such person will not be paid for time spent during orientation and training;

(4) that expenses will be incurred by such person in performing required duties, together with an example of such material expense, and that all such expense items will be stated in detail in an interview in the event an offer of employment is made to such person;

(5) (DELETED).

(6) that such soliciting or selling will be on an "in-home" basis, if such is the fact, or will include soliciting or selling on an "in-home" basis, if such is the fact.

E. Failing clearly and conspicuously to provide, both orally and in writing, to any prospective sales employee at an interview at which an offer of employment is made and prior to executing any employment agreement with any such person, the following information:

(1) A complete and detailed description of each condition and limitation imposed upon the receipt of any compensation;

(2) a complete and detailed description of any expense or expenses any such person may incur in performing the required duties;

(3) (a) the total number of sales employees employed by the office offering the position during the most recent calendar quarter, and

(b) the number of sales employees employed by the office who, during the prior calendar quarter, received net earnings equivalent to or greater than the amount represented in the advertisement to which the prospective employee is responding; provided, however, that if the office has been in existence for less than three months or has fewer than five sales employees, respondents shall provide the information described above pertaining to the Division in which the office is located; provided further that such information need not be furnished if the prospective sales employee contacts respondents more than ten days following the dissemination of the most recent advertisement that contains representations of earnings.

Respondent shall afford any prospective sales employee an adequate opportunity to review and consider the above information prior to requesting execution of any employment agreement.

F. Failing to furnish to persons at an interview when an offer of employment is made, and prior to executing any employment agreement with any such person, a copy of Paragraphs I, II, III, and VI of this Order, together with a cover letter as set forth in *Appendix A* attached hereto. Respondent shall afford any prospective sales employee an adequate opportunity to review and consider these provisions of the Order prior to requesting execution of any employment agreement.

II. IT IS FURTHER ORDERED that Respondent Encyclopaedia Britannica, Inc., and its successors and assigns, officers, agents, representatives and employees, directly or indirectly, through any

corporation, subsidiary, division or other device, engaged in direct selling to consumers, by means of in-home, over-the-counter, direct mail or telephone sales solicitations, in connection with the publishing, advertising, offering for sale, sale, rental, lease or distribution of any textbook, encyclopedia, reference or educational product, or any other publication, merchandise or service, in commerce, or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, in any advertisement or promotional material that solicits participation in any contest, drawing, or sweepstakes, or solicits any response to any offer of merchandise, service, or information, and that employs any return card, coupon, or other device to respond to such solicitation, that a person who replies as requested will not be contacted directly by a salesperson for the purpose of selling respondents' products, unless such is the fact. Such advertisements or promotional material shall comply with this Paragraph only if they meet the criteria set forth in Appendix B.

B. Failing, upon the written request of the Associate Director for Enforcement or his designee, to (1) submit any advertisement or promotional material or (2) test any such advertisement or promotional material, using the Procedure set forth in Appendix B, to determine whether it complies with Paragraph II.A.

C. Failing to disclose, clearly and conspicuously, during the first 30 seconds of any telephone contact with prospective customers, the fact that the individual making the call is either soliciting the sale, rental, or lease of publications, merchandise, or services for respondents, or is arranging for a sales solicitation to be made, and that if the prospective customer so agrees, respondents will send a salesperson to visit said prospect for the purpose of soliciting the sale, rental, or lease of said publications, merchandise, or services.

D. Visiting the home or place of business of any person for the purpose of soliciting the sale, rental or lease of any publications, merchandise or service, unless at the time admission is sought into the home or place or business of such person, a business card of at least 2 inches by 3½ inches containing only the following information is presented to such person:

(1) The name of the corporation;

(2) The name of the salesperson;

(3) The term "sales representative";

(4) An address and telephone number at which the corporation or salesperson may be contacted;

(5) The product or the corporation logo or identifying mark.

E. Failing to give the card, required by Paragraph II(D) above, to each person and to provide each such person with an adequate opportunity to read the card before engaging any such person in any sales solicitation.

F. Representing, directly or by implication, either orally or in writing that:

(1) Any person telephoning or visiting the home of any prospective purchaser is:

(a) Engaged in or connected with "advertising," 'marketing," "promotion," "education" or anything other than the door-to-door sale of encyclopedias or other reference materials,

(b) Conducting, taking or participating in a survey, advertising research analysis or any other information gathering activity, or

(c) Telephoning or visiting the home of said prospect for the primary purpose of delivering or disseminating prizes, gifts, gift certificates, chances in any contest, drawing, sweepstakes, educational fund, or any other merchandise or item of chance.

(2) Only a few minutes will be required to complete the visit inside the prospective purchaser's home or place of business; or misrepresenting, in any manner, the period of time required to complete the sales or other presentation;

(3) An offer is limited, must be accepted immediately or within any specified time period, or is a special offer, unless such is a fact; or misrepresenting, in any manner, the duration of any sales offer;

(4) Any publication, merchandise or service is being offered free, without cost, or is given as a bonus or otherwise to any prospective purchaser of respondent's publications, merchandise or services agreeing to perform any advertising, promotional or selling function, including but not limited to, any of the following acts or similar acts:

(a) Permit their names to be listed as local owners of the product or service;

(b) Provide the name of any person who may be interested in purchasing any publication, merchandise or service;

(c) Write a letter evaluating the merits of any publication or other item which may be used in advertising; or

(5) Any publication, merchandise, or service is being offered free, without cost, or is given as a bonus or otherwise to any purchaser of respondents' publications, merchandise, or services, pursuant to any agreement to purchase, rent, or lease any other publication, merchandise, service, or combination thereof from respondent, unless respondent complies with all of the terms of the Federal Trade Commission's "Guide Concerning Use of the Word 'Free' and Similar Representations," 16 C.F.R. Part 251, which is hereby incorporated into this Order, and with any modifications or changes that are made to this Guide. All of the provisions of the aforesaid Guide shall be construed as mandatory and binding upon the respondents.

G. Representing, directly or by implication, either orally or in writing that:

(1) Any person using any research service will receive answers to questions regarding all subjects other than legal or medical advice; or misrepresenting, in any manner, the research service that will be furnished to subscribers;

(2) Any answer provided by any research service is the product of detailed, exhaustive or original research generated by the specific question asked by any person utilizing said service, unless such is the fact; or misrepresenting, in any manner, the extent of research, preparation or quality of any answer furnished by any such research service.

H. Failing to disclose, clearly and conspicuously, in writing on all promotional materials describing any research service, and orally during the course of any sales or other presentation relating to said service, each condition or limitation placed upon the use of such research service.

I. Representing to any person, directly or by implication, either orally or in writing that:

(1) Any price is the retail, regular, usual, or words of similar import or effect, price for any publication in any binding, merchandise or service, unless such price is an actual, bona fide price for which each such publication has been openly and actively offered for sale in the recent and regular course of business for a reasonably substantial period of time.

(2) Any price is the retail, regular, usual or words of similar import or effect, price for any set of publications in any binding and in combination with any other publication, merchandise or service, unless such price is an actual, bona fide price for which each such publication has been openly and actively offered for sale in the recent and regular course of business for a reasonably substantial period of time.

(3) Savings may be realized by the purchase, rental or lease of any publication, merchandise or service, or any combination thereof, from respondent's former prices for its products unless:

(a) Such savings claims are based upon retail, regular, or usual prices, or combination prices, arrived at in accordance with Paragraph II (1) and (2) above;

(b) Respondent clearly and conspicuously specifies the publication, merchandise or service, or combination thereof, and the price from which the savings are to be realized; and

(c) The publication, merchandise or service is of comparable quality in all material respects with the publication, merchandise or service sold at the higher price;

(4) Savings may be realized by the purchase, rental or lease of any publication, merchandise or service, or any combination thereof, from comparable products of competitors unless:

(a) Respondent clearly and conspicuously specifies the publication, merchandise or service, or combination thereof, from which the savings are to be realized;

(b) The price utilized for comparison purposes is the price at which a substantial number of persons have purchased the item referred to in (a) immediately above;

(c) The item referred to in (a) above is of comparable quality in all material respects to the product being sold.

J. Misrepresenting in any manner, either orally or in writing:

(1) The amount of savings to be realized by any person who enters into an agreement with respondent for any publication, merchandise or service; or

(2) That any publication, merchandise or service is being offered free or without charge, or is given to any such person.

K. Failing to comply with any and all provisions of the Commission's *Trade Regulation Rule, Cooling-Off Period For Door-To-Door Sales*, (16 CFR 429.1), which are in effect on the date this Order becomes effective, and with any modifications or

changes in the aforesaid Rule which may be made from time to time. A copy of the said Rule shall be made a part of this Order for purposes of complying with other provisions hereof.

L. Initiating contact with any purchaser through any means for any reason from the time said purchaser enters into any agreement containing a NOTICE OF CANCELLATION, as required by Paragraph II K of this Order, until said buyer's cancellation period has expired. Provided, however, that nothing in this paragraph shall be construed to prevent respondent from contacting any purchaser to correct inadvertent errors on necessary sales forms, or to obtain necessary information that respondent inadvertently failed to obtain during the sales presentation.

M. Failing to maintain a copy of each NOTICE OF CANCELLATION received pursuant to Paragraph II.K. of this Order, and making said documents available for inspection and copying by the Commission's staff upon reasonable notice. Any such NOTICE shall be maintained for a period of three (3) years from date of receipt by respondent.

N. Failing to keep adequate records, which shall be maintained for a period of three (3) years and made available to the Commission's staff for inspection and copying upon reasonable notice, from which the validity of any savings claims, retail price claims, comparative value claims, or other representations of the type described in Paragraphs II.F.(5), II.I and II.J of this Order can be determined.

O. (DELETED).

P. (DELETED).

III. It is further ordered that Respondent Encyclopaedia Britannica, Inc., and its successors and assigns, officers, agents, representatives and employees, directly or indirectly, through any corporation, subsidiary, division, or other device, engaged in direct selling to consumers, by means of in-home, over-the-counter, direct mail or telephone sales solicitations, in connection with the recruitment, training, or orientation of any person to sell, rent, lease or distribute any textbook, encyclopedia, reference or educational product, or any other publication, merchandise or service, in commerce, or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making, distributing, or using any training tapes, sales manuals, or any other document, method or device which contains any representation or instruction inconsistent with any provision of Paragraph I or Paragraph II of the Order.

IV. It is further ordered that Respondents Encyclopaedia Britannica, Inc. and Britannica Home Library Services, Inc. and their successors and assigns, officers, agents, representatives and employees, directly or indirectly, through any corporation, subsidiary, division or other device, engaged in direct selling to consumers, by means of in-home, over-the-counter, direct mail or telephone sales solicitations, in connection with the advertising, offering for sale, sale or distribution of any textbook, encyclopedia, reference or educational product, or any other publication, merchandise or service, through the use of any program, plan, method, or device, that provides or purports to provide for the sale or distribution of any of said items to any person at intervals on an approval basis, in commerce, or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, either orally or in writing that:

(1) Any person has the option to receive each publication, merchandise or service, separately and individually, and to accept or reject same, unless such person is allowed in all instances to receive and to purchase or reject each such publication, merchandise or service separately and individually;

(2) Any person will not receive any further publication, merchandise or service after he notifies respondents of his cancellation of any such program, plan or method of sale of distribution, unless such is the fact; or misrepresenting, in any manner, any consequence resulting from any person's cancellation of his participation in any such program, plan, or method of sale or distribution; and

(3) Any person incurs no risk or obligation by joining or participating in any such program, plan, or method of sale or distribution; or misrepresenting, in any manner, any condition, right, duty or obligation imposed on any person.

B. Disseminating, or causing the dissemination of, any advertisement which fails to disclose in a clear and conspicuous manner:

(1) A description of the conditions and terms of any such program, plan, or method of sale or distribution, and the duties, risks and obligations of any subscriber thereto; and

(2) A description of each publication, merchandise or service to be offered for sale, the billing charge to be made therefor, the anticipated total number of publications, merchandise or services included in any such program, plan or method of sale or distribution, the number of publications, merchandise or services that will be included in each shipment of such items, and the number of and the intervals between each such shipment.

C. Failing to disclose, clearly and conspicuously, on any return coupon, order form or any other document used for responding to any such program, plan, or method of sale or distribution, the following information:

(1) The anticipated total number of publications, merchandise or services included in any such program, plan, or method of sale or distribution;

(2) The number of publications, merchandise or services that will be included in each shipment of such items; and

(3) The number of and the intervals between each such shipment.

D. Failing to disclose, clearly and conspicuously, in immediate conjunction with any publication, merchandise, service or notice thereof sent to any subscriber, the anticipated date on which respondents will initiate processing of the next shipment of any such item.

E. Failing to provide to any person in conjunction with each notice of any shipment of any publication, merchandise or service, a clear and conspicuous means by which said person may exercise his option or right to cancel said shipment, if such is his right.

V. It is further ordered, that respondents Encyclopaedia Britannica, Inc. and Britannica Home Library Services, Inc. and their successors and assigns, officers, agents, representatives and employees, directly or indirectly, through any corporation, subsidiary, division or other device, in connection with the collection or attempted collection of any debt allegedly owing to respondents for the purchase or other receipt of any textbook, encyclopedia, reference or educational product, or any other publication, merchandise or service, in commerce, or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, either orally or in writing that:

A. Any letter, notice or other communication which has been prepared, originated or composed by respondents has been prepared, originated or composed by any other person, firm or corporation; and

B. Suit will be instituted to recover any delinquent debt, or that any delinquent debt will be transferred to any attorney with instructions to institute suit, or that any other legal step to collect any outstanding debt will be taken, unless a definite date is set forth for such action and such are the facts; or misrepresenting, in any manner, respondents' relationship with, or instructions to, any attorney, or the course of action that will be taken by any attorney.

VI. It is further ordered, That respondents, Encyclopaedia Britannica, Inc. and Britannica Home Library Services, Inc., do the following:

A. Deliver, by registered mail, a copy of this order to each of their salesmen, agents, solicitors, independent contractors, or to any person engaged in the promotion, sale or distribution of any of the publications, merchandise or services included in this order, and to any person engaged by respondents to perform such duties in the future at the time such person is so engaged;

B. Obtain from each person described in Paragraph VI(A) a signed statement setting forth his intention to conform his business practices to the requirements of this order; retain said statement during the period of three (3) years thereafter; and make said statement available to the Commission's staff for inspection and copying upon reasonable notice;

C. Advise each such present and future salesman, agent, solicitor, independent contractor or any person engaged in the promotion, sale or distribution of any of the publications, merchandise or services included in this order that respondents will terminate the engagement or services of any such person, unless such person agrees to and does furnish to respondents a statement required by Paragraph VI(B), above; and

D. If any such person will not agree to file a statement with respondents as required by Paragraph VI(B) above and be bound by the provisions of this order, the respondents shall

immediately terminate the services of such person.

VII. It is further ordered, That the respondents shall forthwith distribute a copy of this order to each of their operating divisions.

VIII. It is further ordered, That respondents shall notify the Commission at least thirty (30) days prior to any proposed change in any of the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of which may affect compliance obligations arising out of this order.

IX. It is further ordered, That respondents shall, within sixty (60) days after the effective date of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

APPENDIX A

Notice

Attached hereto are the pertinent provisions of a cease and desist order entered against Encyclopaedia Britannica by the Federal Trade Commission, an agency of the Federal Government. Violation of any provision of this Order can result in severe monetary penalties to Encyclopaedia Britannica. If you are employed by Encyclopaedia Britannica, you will be required to observe the provisions of this Order. Violation of any provision of this Order by an employee constitutes a violation of Federal law.

You should carefully read this Order before agreeing to any employment arranged with Encyclopaedia Britannica.

[President]
Encyclopaedia Britannica

APPENDIX B

This Appendix sets forth the methodology respondents shall employ to determine whether advertisements or promotional materials represent that a person who replies as requested may be contacted directly by a salesperson for the purpose of selling respondents' products, and the criteria for determining whether such advertisements or promotional materials comply with Paragraph II.A.

1. Format—Respondents shall test the comprehension level of advertisements or promotional material by conducting a mall-intercept test, using the questionnaire attached hereto as exhibit 1.

2. Sample Size—The sample shall consist of at least 150 subjects.

3. Demographics—Test subjects must:

(a) Be between 25 and 49 years of age;

(b) Have at least one child fifteen years of age or younger living at home;

(c) Have household incomes of at least $15,000 per year; provided that, upon respondents' request, the Division of Enforcement shall increase this figure by increments of $5,000 whenever the percentage of households earning at least the requested amount equals or exceeds the percentage of households that, according to the 1980 United States Census, have household incomes of at least $15,000 per year. The data for future changes shall be based on the most recently published edition of the *Statistical Abstract of the United States*.

4. Location of Markets—The interviewing will be conducted in four geographically dispersed markets. The same central location facilities will be used wherever possible. If it is necessary to change any interviewing facility, the new facility shall have demographic characteristics similar to those of the facility it is replacing.

5. Criteria for acceptability of new coupon copy—New coupon copy shall comply with Paragraph II.A if at least seventy-five percent of the test subjects answer "yes" to question 6(b) of the questionnaire (exhibit 1).

Modifications to this Appendix, including the questionnaire, may be made upon a request by respondents and the approval of the Associate Director for Enforcement.

EXHIBIT 1

STUDY: *COUPON COMPREHENSION STUDY*
MARKETS:
Cleveland ( )—1
Boston ( )—3
(9)
New York ( )–2
Kansas City ( )–4
CARD: _____
INTERVIEWER'S NAME: _____
DATE: _____
TIME INTERVIEW BEGINS: _____
Hello, I'm _____ from _____. Today we are conducting a survey among men and women between the ages of 25 and 49 years of age.

1. Please tell me your approximate age. (READ LIST) (11)

Under 25 ..... *Terminate.*
25 to 29 years ..... ( )–1.
30 to 34 years ..... ( )–2.
35 to 39 years ..... ( )–3.
40 to 44 years ..... ( ).
45 to 49 years ..... ( ).
50 years and older ..... *Terminate.*
Refused ..... *Terminate.*

2. Do you have any children living at home *15 years of age or younger?*

Yes ..... ( ).
No ..... Terminate.

3. What are the ages of your children who live at home? (CHECK AS MANY AS APPLY) (12)

16 years or above ..... ( )–1.
12 years to 15 years ..... ( )–2.
8 years to 11 years ..... ( )–3.
4 years to 7 years ..... ( )–4.
3 years or younger ..... ( )–5.

4a. Is your total family income:

$15,000 and above ..... ( ).
Below $15,000 ..... Terminate.
Refused ..... Terminate.

4b. Sex:

Male ..... ( )–1.
Female ..... ( )–2.

TAKE RESPONDENT TO A *PRIVATE INTERVIEWING AREA* IN YOUR CENTRAL LOCATION FACILITY FOR THE BALANCE OF THE INTERVIEW.

(HOLD UP AD IN A MANNER THAT PERMITS RESPONDENT TO SEE IT—COLOR CODED WITH QUESTIONNAIRE—AND SAY:)

"Suppose you saw this ad, and the coupon that was attached to it".

(*HAND COUPON CARD*—COLOR CODED WITH QUESTIONNAIRE—TO RESPONDENT AND SAY:)

"Now, using your imagination for a moment, assume you want to fill in and return this coupon which would be part of this ad for ENCYCLOPAEDIA BRITANNICA".

"*Read this coupon as though you were interested enough to fill it in*".

(DO NOT RUSH RESPONDENT. TAKE COUPON CARD FROM RESPONDENT WHEN HE/SHE HAS FINISHED READING.)

BE SURE TEST COUPON CARD AND AD ARE OUT OF SIGHT BEFORE ASKING:

5a. Based on your reading of the coupon, what would you expect to happen if you send in the coupon? (PROBE FULLY AND CLARIFY)

_____
(14)
_____
(15)
_____
(16)
_____
(17)

5b. What else would you expect to happen? (PROBE FULLY AND CLARIFY)

_____
(18)
_____
(19)
_____
(20)
_____
(21)

5c. Is there anything else you would expect to happen?

_____
(22)
_____
(23)
_____
(24)
_____
(25)

"Now, I'd like to ask you a few more questions".

(*INTERVIEWER*: START AT THE "X" MARKED QUESTION AND PROCEED TO NEXT ONE, AND THEN BACK TO THE FIRST ONE, ETC.)

( ) 6a. Based on your reading of the coupon, would you expect to receive *a free booklet*, if you send in the coupon? (26)

Yes ..... ( )–1.
No ..... ( )–2.

Don't know (Volunteered)..... ( )-3.

( ) 6b. Based on your reading of the coupon, would you expect *a sales representative for ENCYCLOPAEDIA BRITANNICA to contact you*, if you senc in the coupon? (27)

Yes..... ( )-1.
No..... ( )-2.
Don't know (Volunteered)..... ( )-3.

( ) 6c. Based on your reading of the coupon, would you expect to get *a free book rack*, if you send in the coupon? (28)

Yes..... ( )-1.
No..... ( )-2.
Don't know (Volunteered)..... ( )-3.

( ) 6d. Based on your reading of the coupon, would you expect to get *a free globe of the world*, if you send in the coupon? (29)

Yes..... ( )-1.
No..... ( )-2.
Don't know (Volunteered)..... ( )-3.

If yes to Q. 6b.

7. If someone sent in the coupon, how likely do you think it would be that a sales representative from ENCYCLOPAEDIA BRITANNICA would contact that person? (READ FIRST FOUR RESPONSES ONLY) (30)

Very likely..... ( )-1.
Fairly likely..... ( )-2.
Not too likely..... ( )-3.
Not likely all all..... ( )-4.
Don't know (Volunteered)..... ( )-5.

RESPONDENT'S NAME _____
ADDRESS: _____
CITY/STATE/ZIP: _____
TELEPHONE: _____
TIME INTERVIEW ENDED: _____
(Area Code) _____
VALIDATED BY: _____
(31) _____
(32) _____
(33) _____
(34) _____
(35) _____

By the Commission, Commissioner Calvani dissenting.

Benjamin I. Berman,

Acting Secretary.

Statement of Chairman Daniel Oliver Concurring in Part and Dissenting in Part In the Matter of Encyclopaedia Britannica, Inc., et al. Petition to Reopen and Modify Consent Order

This is the third time in eight years the Commission has found it necessary to modify the order issued against Encyclopaedia Britannica, Inc. ("EB"). That experience should teach us something about the wisdom of entering orders of such length and excruciating detail. I doubt that it is necessary for the Commission to micro-manage a respondent's business so closely in order to achieve effective relief. Nevertheless, that issue is water under the bridge. Accepting the EB order as a given, I turn to the merits of EB's latest modification petition.

I agree with the conclusion that EB has failed to demonstrate that changed conditions of fact or law require vacating, sunsetting, or modifying the order. I also agree that EB has not shown that public interest considerations support vacating or sunsetting the entire order, but that such considerations do support modifying specific provisions of the order. I therefore concur in the modifications and interpretations set forth in the Commission's order reopening this proceeding. I would go further, however, and grant two of EB's other requests.

First, I would grant EB's request to modify Paragraph II.H of the order.[1] Paragraph II.H requires detailed disclosure of all conditions and limitations on the use of EB's research services, both orally during sales presentations and in any written promotional materials. EB proposes to streamline this requirement. The requested modification would require all advertising describing the features of a research service to disclose that conditions and limitations exist, and would require that the conditions and limitations themselves be spelled out in a document left with consumers during oral sales presentations. Sales representatives would also be required to disclose orally that conditions and limitations exist and to refer consumers to the disclosure document for complete details.

In my view, this modification would not lessen the protection consumers derive from Paragraph II.H. The Commission order asserts that "oral disclosure is more likely to ensure effective understanding by consumers than is a written disclosure," but no support is offered for that assertion. Even assuming its truth, however, I would not automatically conclude that consumers would be less informed under the modification. It seems to me that a system in which consumers are alerted not once, but twice (in advertising and orally during the sales presentation), to the existence of conditions and limitations, are twice directed to a document explaining those conditions and limitations in full, and are then left with the document to study at their leisure, is reasonably calculated to ensure effective understanding. I fail to see how requiring EB to duplicate the disclosures orally produces additional benefits.

At the same time, the costs of complying with Paragraph II.H would decrease dramatically under the proposed revision. EB would no longer be required to train sales representatives to memorize and recite detailed disclosures. Neither EB's counsel nor FTC enforcement staff would have to devote as many resources to reviewing ads and sales scripts. And oral sales presentations would be shortened, reducing opportunity costs for consumers—who, according to EB, often prefer not to listen to long-winded disclosures—and allowing EB's representatives to increase productivity by conducting a greater number of presentations in a given amount of time.

Because the costs imposed on a firm by a Commission order presumably are passed on to consumers in the form of higher prices, consumers benefit from modifications that increase an order's economic efficiency (i.e., achieve the same level of protection at lower cost or achieve a greater level of protection with no increase in costs). EB's proposed change to Paragraph II.H, which would maintain the current level of protection at less cost, is just such an efficiency-enhancing modification. Thus, I believe the public interest would be served by making this modification.

For similar reasons, I would also grant EB's request to modify Paragraph IV.C of the order. That provision requires EB to place detailed disclosures about its continuity book plans on return coupons and order forms. The respondent urges that Paragraph IV.C be modified so that order forms are required only to refer to full disclosures in accompanying materials or advertisements. Like the proposed change to Paragraph II.H, this approach would eliminate needless duplication while still providing ample safeguards to ensure that consumers understand the terms of EB's offer. Granting the request would therefore be in the public interest.[2]

[1] I refer here to the revised request presented in EB's December 29, 1987 letter, not to the request as presented in its original petition.

[2] Granting this request would also be consistent with the Commission's actions in *G.R.I. Corporation*, 103 F.T.C. 442 (1984), and *Golden Tabs Pharmaceutical Co.*, 101 F.T.C. 410 (1983). Those cases both involved orders requiring disclosure of the terms of a "free" offer every time the offer was repeated within a single ad and attached coupon. The Commission modified each order to eliminate the need to repeat the conditions on the coupon, as long as the coupon referred the reader to the text of the accompanying ad for a full disclosure of the conditions.

Finally, although I concur in the decision not to modify Paragraphs I.B, I.D and I.E of the order in the specific manner requested by EB, I have no doubt that those provisions also could be modified in a way that reduces costs without lessening the protection afforded consumers. The Commission's order states that EB has not demonstrated that the burdens imposed by the language it seeks to modify outweigh the benefits conferred by that language. That may be so, but that observation skips over the question whether the burdens could be reduced while maintaining the same level of benefits.

For the reasons stated above, I dissent from the portions of the Commission's order denying the requests to modify Paragraphs II.H and IV.C. I also urge the Commission to consider carefully before issuing another order as detailed as this one. While we must ensure that law violations are effectively remedied, we should be conscious of the enormous amount of staff resources consumed in judging compliance with such detailed requirements—and in reviewing the repeated order modification petitions they spawn. This case is already a prime example of that type of resource commitment, and I doubt that we have seen the last of EB.

Dissenting Statement of Commissioner Calvani

The majority modifies the order against Encyclopaedia Britannica (EB) in several respects. I agree that most of these changes are justified. However, I do not agree that the modification to paragraph II.L. of the EB order, described on pages eight and nine of the majority's opinion, is justified. Therefore, I have voted against the majority's order.

Statement of Commissioner Azcuenaga Concurring in Part and Dissenting in Part in Encyclopaedia Britannica, Inc. (D. 8908)

I concur in the Commission's decision to deny Encyclopaedia Britannica's petition to set aside the order in Docket No. 8908 or "sunset" that order. I also concur in the Commission's decision that the requested modifications of Paragraphs II.C. and II.L. and the Preambles to Paragraphs I through IV are in the public interest.

I dissent only from the Commission's denial of the requested modification of Paragraph II.H., which requires both oral and written disclosures of all conditions and limitations on the use of Encyclopaedia Britannica's research service. I believe that the requested modification (which would require EB salespeople to disclose orally that conditions and limitations exist and are described fully in a written document that will be given to each prospective customer, and also would require that such a document actually be provided to the prospective customer) is in the public interest. The modified provision would give consumers sufficient information about the conditions and limitations on the research service, and would spare Encyclopaedia Britannica's salespeople and their prospective customers from a lengthy and perhaps unwanted oral recitation of those conditions and limitations.

Issued: July 5, 1988.

[FR Doc. 88-16293 Filed 7-19-88; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Cefadroxil Powder for Oral Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Fort Dodge Laboratories, Inc., providing for safe and effective use of cefadroxil powder for oral suspension for treating certain genitourinary tract and skin and soft tissue infections of dogs, and skin and soft tissue infections of cats.

EFFECTIVE DATE: July 20, 1988.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Center for Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Fort Dodge Laboratories, Inc., Division of American Home Products Corp., 800 Fifth St. NW., Fort Dodge, IA 50501-0508, filed NADA 140-684 providing for safe and effective use of Cefa-Drops® (cephadroxil powder for oral suspension). When reconstituted to an aqueous suspension, the drug is given orally to dogs for treating genitourinary tract infections (cystitis) caused by susceptible strains of *Escherichia coli, Proteus mirabilis,* and *Staphylococcus aureus;* and skin and soft tissue infections including cellulitis, pyoderma, dermatitis, wound infections, and abscesses caused by susceptible strains of *Staphylococcus aureus.* The reconstituted drug is given orally to cats for treating skin and soft tissue infections including abscesses, wound infections, cellulitis, and dermatitis caused by susceptible strains of *Pasteurella multocida, Staphylococcus aureus, Staphylococcus epidermidis,* and *Streptococcus* spp.

The NADA is approved and the regulations are amended by adding new § 520.315 to reflect this approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(iii) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 520 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. Part 520 is amended by adding new § 520.315 to read as follows:

§ 520.315 Cefadroxil powder for oral suspension.

(a) *Specifications.* Cefadroxil powder is reconstituted to form a 50 milligram-per-milliliter aqueous suspension.

(b) *Sponsor.* See No. 000856 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) For use in dogs as follows:

(i) *Indications for use.* For treating genitourinary tract infections (cystitis) caused by susceptible strains of *Escherichia coli, Proteus mirabilis,* and

Staphylococcus aureus; and skin and soft tissue infections including cellulitis, pyoderma, dermatitis, wound infections, and abscesses caused by susceptible strains of *Staphylococcus aureus.*

(ii) *Amount.* 10 milligrams per pound of body weight, twice daily.

(2) For use in cats as follows:

(i) *Indications for use.* For treating skin and soft tissue infections including abscesses, wound infections, cellulitis, and dermatitis caused by susceptible strains of *Pasteurella multocida, Staphylococcus aureus, Staphylococcus epidermidis,* and *Streptococcus* spp.

(ii) *Amount.* 10 milligrams per pound of body weight, once daily.

(3) *Limitations.* Discard unused portion of reconstituted product after 14 days. Treatment should continue for 48 hours after animal is afebrile or asymptomatic. If no response after 3 days, discontinue treatment and reevaluate therapy. Not for use in animals raised for food production. Safe use in pregnant or breeding animals has not been established. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: July 12, 1988.

Richard H. Teske,

Deputy Director, Center for Veterinary Medicine.

[FR Doc. 88-16298 Filed 7-19-88; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Monensin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to remove that portion of the regulations reflecting approval of a new animal drug application (NADA) held by Central Soya Co., Inc. The NADA provides for the use of a Type A medicated article containing 265.5 or 281.7 grams of monensin per ton for making Type C medicated feeds for broiler chickens. Elsewhere in this issue of the **Federal Register**, FDA is withdrawing approval of the NADA.

EFFECTIVE DATE: August 1, 1988.

FOR FURTHER INFORMATION CONTACT: Mohammad I. Sharar, Center for Veterinary Medicine (HFV-216), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the **Federal Register**, FDA is withdrawing approval of Central Soya Co., Inc.'s NADA 119-546. The NADA provides for manufacturing Type A medicated articles for export which contain 265.5 or 281.7 grams of monensin per ton for use in making Type C medicated feeds for broiler chickens. The feeds are used as an aid in the prevention of coccidiosis. This document removes 21 CFR 558.355(b)(10), which reflects approval of the NADA.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

§ 558.355 [Amended]

2. Section 558.355 *Monensin* is amended by removing paragraph (b)(10) and reserving it.

Dated: July 12, 1988.

Richard H. Teske,

Deputy Director, Center for Veterinary Medicine.

[FR Doc. 88-16294 Filed 7-19-88; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1926

[Docket No. H-330]

Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Extension of partial stay and amendment of final rule.

SUMMARY: OSHA is hereby extending the partial administrative stay of the revised final standards for occupational exposure to asbestos, tremolite, anthophyllite and actinolite for general industry (§ 1910.1001) and construction (§ 1916.58), insofar as they apply to occupational exposure to non-asbestiform tremolite, anthophyllite and actinolite. The current partial stay, originally set to expire on April 21, 1987 and extended until July 21, 1988, is being further extended until July 21, 1989 to allow OSHA to conduct supplemental rulemaking limited to the issue of whether non-asbestiform tremolite, anthophyllite and actinolite should continue to be regulated in the same standard as asbestos, or should be treated in some other way. OSHA also is making minor conforming amendments to notes to the affected standards.

DATES: The partial stay of §§ 1910.1001 and 1926.58 is extended until July 21, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Director, Office of Information and Consumer Affairs, OSHA, U.S. Department of Labor, Room N3647, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION: In June 1986, OSHA issued revised standards governing occupational exposure to asbestos, tremolite, anthophyllite and actinolite for general industry and construction which were to be effective on July 21, 1986. (See 51 FR 22812 *et seq.*, June 20, 1986).

On October 17, 1986 OSHA issued a partial stay of the revised standards insofar as they apply to occupational exposure to non-asbestiform tremolite, anthophyllite and actinolite, in order to enable the Agency to review new submissions raising questions about the appropriateness of regulating these minerals in the revised asbestos standards, and to allow sufficient time to reopen the rulemaking record and conduct supplemental rulemaking proceedings limited to this issue (51 FR 37002).

OSHA extended the stay until July 21, 1988 in a notice published on April 30, 1987. (52 FR 15722). At that time OSHA stated that it was beginning to draft a notice of proposed rulemaking and was collecting data relating to the issue of whether and how to regulate these non-asbestiform minerals including the feasibility of regulating all impacted industries. The length of the initial partial stay had proven inadequate for the Agency to complete the rulemaking procedures contemplated because of the variety of the impacted industries.

Because of the problems described in the previous notice, OSHA now anticipates that it can publish a notice of proposed rulemaking concerning how to regulate rulemaking concerning how to regulate the non-asbestiform minerals in October 1988. Thus, the stay extension

announced in this notice is necessary to continue to collect and analyze sufficient health and feasibility data, to draft a supplemental rulemaking proposal and to complete the rulemaking called for. The agency believes, based on its current priorities and the estimates of agency staff and contractors, that the extension announced in this notice, *i.e.* until July 21, 1989, realistically reflects the time needed to conclude supplemental rulemaking on the regulation of non-asbestiform tremolite, anthophyllite and actinolite.

As was the case with the initial partial stay, the 1972 standard governing occupational exposure to asbestos (redesignated 29 CFR 1910.1101) will remain in effect to the extent of the stay during the period of the extension.

The full text of the stay with respect to these non-asbestiform minerals was published in the October 17, 1986 **Federal Register** (51 FR 37002).

With respect to the extension of the partial stay, OSHA finds that advance notice and opportunity for comment are impractical and unnecessary within the meaning of 5 U.S.C. 553 in view of the limited duration of the extension and the continued applicability of the 1972 standard (29 CFR 1910.1101) to cover the gaps in coverage created by the partial stay.

The minor amendments to the notes to 29 CFR 1910.1001, 1910.1101, and 1926.58, similarly are made without advance notice and opportunity for comment. OSHA finds such process unnecessary and impracticable in that the changes merely reference the extension of the stay and restate the applicability of the 1972 standard.

No evidentiary issues are involved.

List of Subjects in 29 CFR Parts 1910 and 1926

Asbestos, Occupational safety and health.

Authority and Signature

This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC, 20210.

It is issued pursuant to sections 4, 6(b), 8(c) and 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333), the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941), 29 CFR Part 1911, Secretary of Labor's Order No. 9–83 (48 FR 35736), and 5 U.S.C. 551 *et seq.*

Signed at Washington, DC, this 14th day of July, 1988.

John A. Pendergrass,

Assistant Secretary for Occupational Safety and Health.

Amended Standards

Part 1910 of Title 29 of the Code of Federal Regulations is hereby amended as follows:

PART 1910—[AMENDED]

1. The authority citation for Subpart Z of Part 1910 continues to read as follows:

Authority: Secs. 6 and 8, Occupational Safety and Health Act, 29 U.S.C. 655, 657; Secretary of Labor's Orders Nos. 12–71 (36 FR 8754), 8–76 (41 FR 25059, or 9–83 (48 FR 35736), as applicable; and 29 CFR Part 1911.

Section 1910.1000 Tables Z–1, Z–2, Z–3 also issued under 5 U.S.C. 653.

Section 1910.1000 not issued under 29 CFR Part 1911, except for "Arsenic" and "Cotton Dust" listings in Table Z–1.

Section 1920.1002 not issued under 29 U.S.C. 655 or 29 CFR Part 1911; also issued under 5 U.S.C. 553.

Section 1910.1003 through 1910.1018 also issued under 29 U.S.C. 653.

Section 1910.1025 also issued under 29 U.S.C. 653 and 5 U.S.C. 556.

Section 1910.1043 also issued under 5 U.S.C. 551 *et seq.*

Sections 1910.1045 and 1970.1047 also issued under 29 U.S.C. 653.

Section 1910.1499 and 1910.1500 also issued under 5 U.S.C. 553.

§ 1910.1001 [Amended]

2. Section 1910.1001 is hereby amended by revising the note after Appendix H to § 1910.1001 to read as follows:

Note: Pursuant to an administrative stay effective July 21, 1986, published on October 17, 1986, (51 FR 37002) extended to July 21, 1988, (52 FR 15722), and to July 21, 1989 (at 53 FR ____ July 20, 1988) enforcement of this section is stayed as it applies to non-asbestiform tremolite, anthophyllite and actinolite. During the period and to the extent of this stay, the 1972 standard governing occupational exposure to asbestos (redesignated as 29 CFR 1910.1101) will remain in effect.

3. Section 1910.1101 is hereby amended by revising the note preceding § 1910.1101 (a) to read as follows:

§ 1910.1101 Asbestos.

Note: This section applies in lieu of the revised standards governing occupational exposure to asbestos, tremolite, anthophyllite, and actinolite (29 CFR 1910.1001; 29 CFR 1926.58), during the period and to the extent that the revised standards have been partially stayed. (See 51 FR 37002, Oct. 17, 1986, 52 FR 15722, Apr. 30, 1987, and 53 FR ____, July 20, 1988, for a description of the stay).

Part 1926 of the Code of Federal Regulations is hereby amended as follows:

PART 1926—[AMENDED]

Subpart D—[Amended]

4. The authority citation for Subpart D of Part 1926 continues to read as follows:

Authority: Secs. 4, 6, and 8, Occupational Safety and Health Act of 1970, 29 U.S.C. 653, 655, 657; sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act), 40 U.S.C. 333, and Secretary of Labor's Orders 12–71 (36 FR 8754), 8–76 (41 FR 25059), or 9–83 (48 FR 35736), as applicable. Sections 1926.55(c) and 1926.58 also issued under 29 CFR Part 1911.

§ 1926.58 [Amended]

5. Section 1926.58 is hereby amended by revising the note after Appendix I to § 1926.58 to read as follows:

Note: Pursuant to an administrative stay effective July 21, 1986, published October 17, 1986 (51 FR 37002), extended to July 21, 1988 (at 52 FR 15722, Apr. 30, 1987) and to July 21, 1989 (at 53 FR ____, July 20, 1988) enforcement of this section is stayed as it applies to non-asbestiform tremolite, anthophyllite and actinolite. During the period and to the extent of this stay, the 1972 standard governing occupational exposure to asbestos (redesignated as 29 CFR 1910.1101) will remain in effect.

[FR Doc. 88–16251 Filed 7–19–88; 8:45 am]

BILLING CODE 4510–26

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[Region II Docket No. 85; FRL–3414–1]

Designation of Areas for Air Quality Planning—Section 107 Attainment Status Designations for the State of New Jersey; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is correcting errors in the New Jersey Section 107(d) attainment status designations for carbon monoxide (CO) which appeared in the **Federal Register** on March 3, 1978 (43 FR 8962). These corrections insert omitted footnotes indicating that EPA has designated an entire city or borough as being in non-attainment of the CO standard, in place of New Jersey's non-attainment designation of only the Central Business District of the city or borough. In addition, EPA is correcting the omission of two New Jersey Air

Quality Control Regions from the table of 107(d) attainment status designations in the Code of Federal Regulations (40 CFR 81.331).

EFFECTIVE DATE: March 3, 1978.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Room 1005, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: Section 107(d) of the Clean Air Act, as amended in August 1977, directed each state to submit to the Administrator of the Environmental Protection Agency (EPA) a list of the national ambient air quality standards attainment status designations for all areas within the state. EPA received such designations from the State of New Jersey on December 5, 1977, and promulgated them, with the necessary modifications, on March 3, 1978 (43 FR 8962).

In the lists that were promulgated at 40 CFR Parts 81, footnotes were used to indicate that an EPA designation replaced a state recommendation. However, in the March 3, 1978, notice several EPA designations which replaced the New Jersey State recommendations for 107(d) attainment status designations for carbon monoxide (CO) were not so footnoted. Today's notice corrects these omissions by adding the appropriate footnotes to the designations at 40 CFR 81.331.

Consistent with EPA guidance based on the scope of the CO problem, as a minimum, EPA designated entire cities or boroughs as non-attainment of the CO standard. In its submittal New Jersey designated only the Central Business District of each city or borough as non-attainment.

In addition, at the request of the State, on August 18, 1983 (48 FR 37404) EPA approved a revision to the CO designation for the City of Asbury Park in Monmouth County from "does not meet primary standards" to "better than national standards." However, when the 107(d) attainment status designation table which contained this revision was published at 40 CFR Part 81 on July 1, 1984, two of New Jersey's four Air Quality Control Regions (AQCR's), the New Jersey Intrastate AQCR and the Pennsylvania Upper Delaware Valley Interstate AQCR, were missing from the table. The 107(d) attainment status designation table published in today's notice includes all four of New Jersey's AQCRs and, as such, corrects the omission of the New Jersey Intrastate AQCR and the Pennsylvania Upper Delaware Valley AQCR from 40 CFR 81.331.

List of Subjects in 40 CFR Part 81

Air pollution control.

July 6, 1988.

Christopher J. Daggett,

Regional Administrator, Environmental Protection Agency, Region II.

For the reasons set out in the preamble, Title 40, Chapter I, of the Code of Federal Regulations is amended as set forth below.

PART 81—[AMENDED]

1. The authority citation for Part 81 continues to read as follows:

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

2. Section 81.331 is amended by revising the table entitled, "New Jersey-CO" to read as follows:

§ 81.331 New Jersey.

NEW JERSEY—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
New Jersey-New York-Connecticut Interstate AQCR:		
The City of Paterson.	[1]X	
The City of Hackensack.	[1]X	
The City of Jersey City.	[1]X	
The City of Newark.	[1]X	
The City of Elizabeth.	[1]X	
The City of Morristown.	[1]X	
The City of Perth Amboy.	[1]X	
The Borough of Somerville.	[1]X	
The Borough of Freehold.	[1]X	
Remainder of AQCR.		X
Metropolitan Philadelphia Interstate AQCR:		
The City of Trenton.	[1]X	
The City of Burlington.	[1]X	
The City of Camden.	[1]X	
The Borough of Penns Grove (those portions within 100 yards of the intersections of U.S. Route 130 and County Roads 675 and 607).	[1]X	
Remainder of AQCR.		X
New Jersey Intrastate AQCR:		
The City of Atlantic City.	[1]X	

NEW JERSEY—CO—Continued

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Toms River (portion of Dover Township).	[1]X	
Remainder of AQCR.		X
Northeast Pennsylvania Upper Delaware Valley Interstate AQCR.		X

[1] EPA designation replaces State designation.

* * * * *

[FR Doc. 88-16191 Filed 7-19-88; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 7F3517/R972; FRL-3417-1]

Pesticide Tolerance for Fenarimol

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the fungicide fenarimol in or on pears. This regulation, to establish a maximum permissible level of residues of fenarimol in or on the commodity, was requested in a petition submitted by Elanco Products Co.

EFFECTIVE DATE: Effective on July 7, 1988.

ADDRESS: Written objections, identified by the document control number [PP 7F3517/R972] may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. M-3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Lois A. Rossi, Product Manager (PM) 21, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-1900.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of May 25, 1988 (53 FR 18897), which announced that Elanco Products Co., 740 South Alabama St., Indianapolis, IN 46285, submitted pesticide petition (PP) 7F3517 to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act, propose

the establishment of a tolerance for the fungicide fenarimol [alpha-(2-chlorophenyl)-alpha-(4-chlorophenyl)-5-pyrimidinemethanol] in or on the raw agricultural commodity pears at 0.1 part per million (ppm).

There were no comments received in response to the notice of filing.

The data submitted in support of this petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the tolerance include:

1. A 1-year dog feeding study using doses of 0, 1.25, 12.5, and 125 milligrams/kilograms (mg/kg) body weight (bwt)/day. The no-observed-effect level (NOEL) is 12.5 mg/kg bwt/day. The 125 mg/kg bwt/day dose level caused increased serum alkaline phosphatase, increased liver weights, increase in *p*-nitroanisole *o*-demethylase activity, and mild hepatic bile stasis.

2. An initial 2-year chronic feeding/oncogenicity study in rats using dietary concentrations of 0, 50, 130, and 350 ppm (nominal doses of 0, 2.5, 6.5, and 17.5 mg/kg bwt/day). The compound did not demonstrate any oncogenic effects under the conditions of the study. Because of the appearance of a low incidence of fatty change of the liver (nonneoplastic pathological lesions) in the low-dose groups in this study, it was unclear if a NOEL for fatty change of the liver was established in this study.

3. Additional 2-year chronic feeding/oncogenicity studies in rats using dietary concentrations of 0, 12.5, 25, and 50 ppm (nominal doses of 0, 0.63, 1.25, and 2.5 mg/kg bwt/day). The purpose of these additional studies was to assist in determining a NOEL for fatty liver changes. The first of these two studies was compromised, however, by an outbreak of chronic respiratory disease which reduced survival in all experimental groups, including control. The study was then repeated with the same dose levels. In the second study, no fatty liver changes or oncogenic effects were observed at the doses tested under the conditions of the study. Using data from all three 2-year studies, a NOEL for fatty liver change of 6.5 mg/kg bwt/day was established.

4. A 2-year oncogenicity study in mice using dietary concentrations of 0, 50, 170, and 600 ppm (equivalent to doses of 0, 7, 24.3, and 85.7 mg/kg bwt/day) that was negative for oncogenic effects at all doses tested under the conditions of the study. At 600 ppm, an increase in fatty change of the liver was demonstrated. The NOEL for this effect was 170 ppm (24.3 mg/k bwt/day).

5. A rabbit teratology study that was negative for teratogenic effects at all doses tested (0, 5, 10, and 35 mg/kg).

6. A rat teratology study that demonstrated hydronephrosis at 35 mg/kg (doses tested were 0, 5, 13, and 35 mg/kg). A second study in rats (with a postpartum evaluation) again demonstrated hydronephrosis at 35 mg/kg, but also indicated that the dose level of 35 mg/kg was associated with a maternal toxic effect (decreased body weight gain during treatment). The Agency considers the NOEL for hydronephrosis and for maternal toxicity to be 13 mg/kg.

7. A multigeneration reproduction study in rats that demonstrated decreased fertility in males and delayed parturition and dystocia in females at 5 mg/kg bwt/day. The NOEL for reproductive effects in this study was 2.5 mg/kg bwt/day.

8. Multigeneration reproduction studies in guinea pigs and mice that were negative for reproductive effects at doses up to 35 mg/kg bwt/day (highest dose tested) and 20 mg/kg bwt/day, respectively.

9. An aromatase inhibition study in rats that showed fenarimol to be a moderately weak inhibitor of aromatase activity.

The adverse reproductive effects observed in the rat multigeneration reproduction study are considered to be a species-specific effect caused by aromatase inhibition. This enzyme promotes normal sexual behavior in rats and mice, but not in guinea pigs, primates, or man. A NOEL of 35 mg/kg bwt/day for reproductive effects relevant to humans was established in the multigeneration reproduction study in guinea pigs.

10. A mouse lymphoma forward mutation assay; a DNA repair synthesis study in rat liver culture systems; gene mutation assays in *Salmonella typhimurium* (Ames test) and in *Escherichia coli;* a dominant lethal assay in Wistar rats; an assay for transformation activity in the C3H/10T 1/2 embryonic mouse fibroblast; and an *in vivo* assay for chromosome aberration in the Chinese hamster. Fenarimol did not demonstrate mutagenic activity in any of these studies.

In a previous **Federal Register** Notice (51 FR 7567, March 5, 1986), the Agency indicated fenarimol to be oncogenic. Since that time, the compound has been reevaluated. A discussion of the findings leading to the conclusion in the reevaluation follows:

The Agency's initial conclusion that fenarimol was oncogenic was based on a finding in the 2-year rat study of a statistically significant increase in hepatic lesions (adenomas and hyperplastic nodules) at the highest dose tested (nominal dose of 17.5 mg/kg bwt/day), when data for male and female rats were combined. Presently, in the analyses of oncogenic activity by the Agency, it is considered more appropriate to separate data for males and females and to also separate hyperplastic nodules from tumors (adenomas and carcinomas). When a reevaluation of the hepatic lesions for males and females was performed separately with the elimination of hyperplastic nodules, the data did not demonstrate a statistically significant increase incidence in adenomas and/or carcinomas in either sex. Moreover, the mouse oncogenicity study did not demonstrate oncogenic potential at dose levels up to and including a nominal dose of 85.7 mg/kg bwt/day (the highest dose level tested).

The mutagenic potential of fenarimol has been evaluated in several assay systems (see item 10 above). Fenarimol did not demonstrate a mutagenic effect in any of these studies. Furthermore, fenarimol did not induce altered foci or neoplastic nodules in an initiation and promotion study in rat liver tissue.

Based on the above findings, the Agency concludes that fenarimol was not oncogenic in long-term studies in rats and mice under test conditions in which the highest dose tested for both species approached a maximum tolerated dose as evidenced by increased fatty change in the liver.

The acceptable daily intake (ADI) based on the 2-year rat chronic feeding study (NOEL of 6.5 mg/kg bwt/day), and using a hundredfold safety factor, is calculated to be 0.065 mg/kg bwt/day. The maximum permitted intake for a 60-kg person is calculated to be 3.9 mg/day. The theoretical maximum residue contribution from the established and proposed tolerances is 0.0001 mg/day and utilizes 0.187 percent of the ADI. Previous tolerances have been established for fenarimol in pecans, apples, apple pomace, milk and byproducts of cattle, goats, hogs, horses, and sheep; fat and liver of cattle, goats, hogs, horses and sheep.

The nature of the residue is adequately understood, and an adequate analytical method is available for enforcement purposes. Because of the long lead time from establishing this tolerance to publication of the enforcement methodology in the *Pesticide Analytical Manual,* Vol. II, the analytical methodology is being made available in the interim to anyone

interested in pesticide enforcement when requested from:

William Grosse, Chief, Information Service Branch, Program Management and Support Division (TS-757C), 401 M Street SW., Washington, DC 20460

Office location and telephone number: Room 223, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2613.

The pesticide is considered useful for the purposes for which the tolerance is sought. Based on the information and date considered, the Agency concludes that the establishment of the tolerance will protect the public health. Therefore, the tolerances are established as set forth below.

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

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

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

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 7, 1988.

Susan H. Wayland,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.421 is amended by adding and alphabetically inserting the raw agricultural commodity pears, to read as follows:

§ 180.421 Fenarimol; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Pears	0.1
* * * * *	

[FR Doc. 88-16331 Filed 7-19-88; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register
Vol. 53, No. 139
Wednesday, July 20, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 88-ANM-14]

Proposed Establishment of a VOR Federal Airway and Alteration of a VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of Federal Airway V-134 and establish Federal Airway V-591 located in the vicinity of Red Table, CO, very high frequency omni-directional radio range (VOR). V-134 and V-591 would have the Carbondale nondirectional radio beacon (NDB), CO, added to their descriptions. This action would improve the departure/arrival flow in the Aspen, CO, area.

DATES: Comments must be received on or before September 6, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Northwest Mountain Region, Attention: Manager, Air Traffic Division, Docket No. 88-ANM-14, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, WA 98168.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88-ANM-14." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the description of V-134 between Grand Junction, CO, and Red Table, CO, by adding the Carbondale, CO, NDB (lat. 39°24'42"N., long 107°09'23"W.) to the route description. New VOR Federal Airway V-591 will be added between Grand Junction and Snow, CO, via the Carbondale NDB. Air Traffic in Aspen, CO, has been increasing and this action would improve the traffic flow in that area. Section 71.123 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, VOR Federal Airways.

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; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 17.123 [Amended]

1. Section 71.123 is amended as follows:

V-134 [Amended]

By removing the words "Grand Junction, CO; 33 miles 12 AGL, 21 miles 127 MSL, 16 miles 120 MSL, 34 miles 12 AGL, Red Table, CO;" and substituting the words "Grand Junction, CO; Carbondale, CO, NDB; Red Table, CO;"

V-591 [New]

From Grand Junction, CO; Carbondale, CO, NDB; to Snow, CO.

Issued in Washington, DC., on July 14, 1988.

Temple H. Johnson,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88-16242 Filed 7-19-88; 8:45 am]

BILLING CODE 4910-13-M

Office of the Secretary

14 CFR Part 221

[Docket 45705; Notice 88-11]
RIN 2105-AB38

Posting of Tariffs; Contract of Carriage

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of Proposed rulemaking.

SUMMARY: The Department of Transportation (the "Department" or "D.O.T.") is proposing to allow carriers an alternative to the current requirement that they post their entire tariffs for passenger and cargo foreign air transportation in hard copy at each ticket sales location. Carriers would be ble to provide more useful information to consumers using summaries, computer terminals, and printed copies of tariff information. This proposal would allow airlines to make tariff information available in an electronic medium rather than in paper medium.

DATE: Comments must be received no later than September 19, 1988.

ADDRESS: Five (5) copies of any comments should be sent to the Documentary Services Division, C-55, U.S. Department of Transportation, 400 7th Street SW., Washington, DC 20590. Comments should refer to Docket 45705. Persons wishing acknowledgment of their comments should include a stamped, self-addressed postcard with their comments. The Docket Clerk will time and date-stamp the card and return it to the commenter.

FOR FURTHER INFORMATION CONTACT: Thomas G. Moore, Chief, Tariffs Division, P-44, Department of Transportation, 400 7th Street SW., Washington, DC 20590. Telephone: (202) 366-2414.

SUPPLEMENTARY INFORMATION:

Background

The Department is concerned that consumers have available to them all terms and conditions with respect to any transportation being purchased or considered. An airline ticket or air waybill embodies the contract of carriage between the carrier and the consumer but, as the Civil Aeronautics Board (C.A.B.) noted on an earlier occasion, "[un]like the situation in many other industries, customers of airlines are governed by contract terms of which they do not have a copy." [1] To this end, going back almost to the beginning of federal airline regulation, the airlines have been required to make available to the public, upon request, all terms of any contract for air transportation, foreign or domestic.

For many years, the only method for making the information available consisted of posting the tariff at airline sales locations. Since all fares, rates, other charges, and rules applying to air transportation, in short, all contract terms, had to be filed formally in tariffs with the C.A.B., or D.O.T., the most straightforward fashion of ensuring that all applicable contract terms were made available to the public was to require the airlines to make copies of the tariffs available for inspection at all airline sales locations.

This was precisely what the regulations required for the period up to the early 1980's. Then, effective January 1, 1983, the Airline Deregulation Act of 1978 (ADA) eliminated domestic tariffs and the related requirement that those tariffs be posted. With the elimination of tariffs as a legal component of the contract of carriage, the C.A.B. recognized that a workable means had to be found to ensure that the public was adeqautely informed of applicables contract terms through the ticketing process.

The C.A.B. adopted a new regulatory approach regarding domestic air transportation, embodied in 14 CFR Part 253 (47 FR 52128, November 19, 1982).[2] In general, Part 253 provides that a domestic airline ticket may incorporate contract terms by reference, *i.e.*, without stating their full text, provided that the ticket so notifies the passenger. It further requires the carrier to make available for inspection at its airport and other ticket offices the full text of all incorporated terms and conditions (fare and non-fare). However, the medium by which the carrier must make this information available is left to the carrier's discretion. Carriers must also provide a copy of any term or condition, free of charge, by mail or other delivery service, to any person requesting it.

Part 253 has worked well. Not only has it accomplished the transition from a tariff to a non-tariff environment, but perhaps even more important, it has enabled the industry to mesh its consumer information obligations with the efficiencies of an electronic age. Specifically, it has permitted the airlines to satisfy the disclosure requirements quickly and economically by largely eliminating the costly and onerous medium of paper. Under Part 253, the airlines furnish information on fares and on rules subject to frequent change through the use of electronic transmissions to display terminals at their sales locations. This process also allows airlines to provide consumers with printed copies of this information upon request. Only those rules subject to infrequent changes are maintained in printed form.

This gain in efficiency has been achieved at no apparent loss in availability of information to the public. During the five years that Part 253 has been in effect, we have received an average of just four complaints a year concerning information on domestic contracts of carriage. Given the total number of enplaned passengers in domestic air transportation for this period, this translates to only one complaint to us per 88.5 million enplaned passengers.[3]

On August 19, 1985, the Department issued an Advance Notice of Proposed Rulemaking (ANPRM) (50 FR 33452, Docket 43343) indicating that it was considering the amendment of Part 221 to allow carriers to file tariffs electronically. As part of that notice, we set forth the possibility that, in an automated environment, carriers could fulfill the posting requirement by making tariffs available in an electronic, computerized format.

The responses the Department received on the posting issue ranged from no comment at all to the belief that the tariff posting requirement "has become obsolete and unnecessary even under our present system." [4] The

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[1] Order 83-9-116, September 28, 1983, CAB Docket 41357, denying the Petition of Certain Members of the Air Transport Association of America to repeal the notice concerning public inspection of tariffs (14 CFR 221.173).

[2] Since the ADA did not relieve airlines of the duty to file international tariffs, there was no inpetus to alter the regulatory requirements on the posting of international tariffs.

[3] Source: Domestic Monthly Air Carrier Traffic Statistics and consumer complaint records of the Civil Aeronautics Board and the Department of Transportation.

[4] Comments of Airline Tariff Publishing Company.

majority of comments were from individual carriers or airline organizations and indicated that there is a need for relief from this requirement independent of our decision on the electronic tariff issue. In general, the comments suggested that it is no longer necessary to require the actual posting of tariffs at carrier offices, since the necessary information can be provided to consumers by other means. These methods include, for example, terminals at sales locations, memorandum tariffs, and summaries of contract terms. [5] They further suggested that passengers or shippers could receive an actual copy of the tariff by contracting the carriers' main office.

At the request of a number of the commenters, we formed an Advisory Committee to assist us in the development of our proposed electronic tariff system.[6] On June 30, 1987, the Advisory Committee formally recommended that the Department allow carriers the option of either (1) continue posting tariffs in the manner now prescribed by our regulations (Subpart N of Part 221 (14 CFR § 221.171)), or (2) provide passengers and shippers notice of any term or condition in the contract of carriage involving foreign air transportation in a manner consistent with Part 253 of the Department's Economic Regulations (14 CFR Part 253).

Although Part 253 is not directly applicable to international air transportation—because, for international air transportation, tariffs are still required—we believe the Committee's recommendation has considerable merit. We propose to provide airlines with an alternative to the current posting requirement by affording them the opportunity to provide notice of and access to tariff information on passenger and cargo foreign air transportation in a manner similar to that now applicable to incorporated contract terms for domestic air transportation. Our proposal recognizes current industry business practices, as well as the need to revise governmental requirements that impose unnecessary costs on airlines and, ultimately the consumer.

Most airlines and tariff filing agents have computerized their international tariff information. They conduct their tariff business quickly and efficiently entirely without the medium of paper. Yet, those airlines and their tariff filing agents must convert this computerized tariff data back into printed form solely to comply with our filing and posting requirements. We estimate that if airlines offering international services were using procedures similar to Part 253 for disseminating their international fare and rate information to consumers, it would reduce their paper retention requirements at each sales location by almost 90%. *See* Regulatory Evaluation, in Docket 45705. *See also* Department of Transportation, Transportation Systems Center, *Preliminary Electronic Tariff ADP Requirements Study*, March 1987, at 2–26 in Docket 43343.

The need to provide carriers with a reasonable alternative to the current international posting rules is reinforced by changes that have occurred in the international marketplace since these rules were first promulgated. For instance, the international air transportation marketplace has become increasingly competitive. Today, there are far more carriers, offering a plethora of fares accompanied by a variety of different rules provisions, from which a passenger or shipper can choose. These fares, rates, and rules are subject to frequent changes. Under current rules, all such changes must be filed in the tariff and posted. This presents genuine and substantial logistical and financial problems to the carriers. They must move considerable amounts of paper around the world on a daily basis and at great cost. For example, over 95 percent of the international air tariffs are now filed on as little as one day's notice. Under our current Regulations, *i.e.* § 221.171(c), carriers are required to post such tariffs on like notice at all of their sales locations both within and without the United States. Considering the growth in competitive tariff filings, the compliance burden of this regulation on the carriers has become severe. In the vast majority of cases, it is likely that these costs are passed on to consumers in the form of higher fares and rates.

Based on the responses to our ANPRM and the views of the Electronic Tariff System Advisory Committee, we have serious reasons to question whether the present posting rule is performing its intended consumer information function. Tariffs, by their very nature, have always been complex, technical documents. Moreover, the number of fares, rates, and rules on file in tariffs has increased dramatically in the past few years, adding to the complexity. In some instances, fares and/or rates are contained in one tariff, while the rules associated with such fares and/or rates are in a separate tariff. Also, finding the applicable fare, rate, or rule is sometimes only an intermediate step; the consumer must sift through a myriad of conditions to find those that apply to the transportation at issue. In addition, we doubt that most consumers today, especially vacation passengers, use tariffs as a price-shopping mechanism. Rather, they will either call the carrier or retail travel agent for this information. In fact, this was the observation of the Advisory Committee in making their recommendation to the Department on June 30, 1987.

The Advisory Committee, in making its recommendation to amend the posting rule, stated that:

> (a) The current international air transportation marketplace, and the resulting large volume of tariff changes, have combined to make it difficult for carriers to keep their tariffs current; (b) The number of requests from passengers or shippers for access to the tariffs at carrier sales locations are very infrequent; (c) Tariffs are not really conducive to easy use by the average consumer; and (d) The current posting requirement does not truly benefit the majority of consumers since, for passenger travel at least, most ticketing is accomplished through retail travel agents, not carrier offices.

Regarding that last point, we note that retail travel agents have never been required by statute or regulation to post airline tariffs. We are not proposing to change that here. However, in light of the increased role that agents play in the sale of air transportation, we feel that they should be required to provide consumers of international travel with information akin to that they provide for buyers of domestic travel. Thus, we propose that travel agents must make explanations of certain "key terms" available to passengers in the same manner as they are required to do for domestic air transportation under Part 253. The "key terms" are those terms set forth in § 221.177(b)(2)(i) through (v) and (d), of our proposed rule. Under the latter section, a clear and conspicuous notice of "the salient features" of any terms restricting refunds, imposing monetary penalties on passengers, or permitting the carrier to raise the price, must also be provided on or with the ticket.

This proposal should not represent any appropriate increase in the cost of doing business to the travel agents, since it is our understanding that this information is already being made available. If such is not in fact the case,

[5] A memorandum tariff is an unofficial compilation of carrier fares, rates and rules, generally published in a bound volume and produced by an airline or a tariff publishing company.

[6] The committee is made up of representatives of a variety of interests, including U.S. air carriers, foreign air carriers, tariff publishing agents, airline associations, the information industry and consumer groups.

we would welcome comments on this aspect of the proposed rule.

Part 253 allows carriers flexibility in the manner in which explanation of the "key terms" are to be made available to consumers. This requirement may be met in any manner that the carriers and their agents and ticket outlets consider practical and reasonable. It may consist of keeping ready for passenger inspection at ticketing locations a concise summary of the terms in question. (They could, for example, be included in the Official Airline Guide.) Or, it may consist of a telephone number, where informed personnel will give immediate answers to agents' questions, for the agents to then relay to consumers. It might even be displayed upon queries through agents' computer terminals. If the ticket is mailed to the passenger, it should include a reasonable and quick method for the passenger to obtain the information.

Regarding the example that such terms could be included in the Official Airline Guide, we note that the Air Traffic Conference of America publishes a booklet describing these terms on behalf of numerous air carriers. We are placing a copy of this booklet in Docket 43343 for inspection.

We emphasize that under our proposed rule, carriers (but not travel agents) are also obligated to maintain for public inspection at each airport or other ticket office the full text of all terms and conditions incorporated by law into the contract of carriage. As a practical matter, this will probably be accomplished most efficiently by keeping on display a printed copy of those terms and conditions which change infrequently, referenced for easy access. Terms and conditions which do change frequently may be displayed electronically and copies made upon request, when feasible.

Because of our commitment to the consumer's right to be informed of the terms of the contract of carriage, and pending our completion of the proposed electronic tariff system, we have been reluctant to tamper with the posting requirements. Now, in light of the recent recommendation of the Advisory Committee, it appears to us that it is an appropriate time to take steps to bring these requirements in line with today's airline environment, especially since we are convinced we can do so while protecting the public's rights. For these reasons, we believe that it is in the public interest to move forward with this proposed alternative to the current paper-based posting system.

Our proposed rule alternative would not relieve the international carriers from their statutory obligation to file and to observe their tariffs filed with the Department. This proposal merely responds to the need to give the carriers greater flexibility in the marketplace to disseminate their tariff information to the public in a more meaningful and timely fashion.

Proposed Rule

Our proposed rule is, for the most part, similar to the notice scheme currently in effect for domestic air transportation. Specifically, it provides for the following:

a. Carriers and their agents are responsible for providing timely notice and explanation of important terms of each contract of carriage for foreign air transportation.

b. A passenger, shipper or consignee may inspect the full text of *all* incorporated terms and conditions (fares and non-fare) at any airport or other ticket office of the carrier. The medium, *i.e.*, printed or electronic, in which the incorporated terms and conditions are made available to the consumer shall be at the discretion of the carrier.

c. Carriers are responsible for providing consumers with a free copy of the complete text of any/all terms and conditions upon request at any airport or other ticket office, immediately, where feasible, or otherwise promptly by mail or other delivery service. They must ensure that agents and other outlets provide consumers with sufficient information to order such copies directly from the carrier.

d. Carriers and their agents must provide explicit notice to the consumer, on or with the ticket or air waybill, of the existence and possible applicability of the key terms specified in § 221.177 (b)(2)(i) through (v), of the proposed rule (set out below), as well as explicit notice of the salient features of any applicable terms specified in § 221.177(d) of the proposed rule.

e. A passenger may obtain an explanation of any of the types of rules listed below and in § 221.177(d) from any place where a carrier's tickets are sold, and a shipper or consignee may obtain an explanation of any of the types of rules listed below and in § 221.177(d) from any place where an air waybill is issued:

1. Limits on the carrier's liability for personal injury or death of passengers, and for loss, damage, or delay of goods and baggage, including fragile or perishable goods;

2. Claim restrictions, including time periods within which passengers or shippers must file a claim or bring action against a carrier for its acts or omissions or those of its agents;

3. Rights of the carrier to change the terms of the contract. (Rights to change the price, however, are governed by § 221.177(d);

4. Rules about re-confirmation of reservations, check-in times, and refusal to carry; and

5. Rights of the carrier and limitations concerning delay or failure to perform service, including schedule changes, substitution of alternate carrier or aircraft, and rerouting.

There are some differences between Part 253 and the rule we are proposing. For example, we would not differentiate between sales locations within and outside of the United States. Our experience under Part 253 suggests that, once having summarized the identified categories of key terms and conditions, carriers will not incur significant obstacles to their dissemination to all of their ticket offices and agency locations, wherever located.

We would also extend this notice option to cargo air transportation as well as to passenger air transportation. It is our intention to provide any benefits that will accrue to cargo carriers and shippers as well. In 1982, when the Board was considering the adoption of Part 253, airlines were no longer required to file or post tariffs for domestic cargo air transportation. The Board, on its own motion, had eliminated the requirements for those tariffs in 1979, and public comments uncovered no compelling reason for applying Part 253 to domestic cargo air transportation. However, tariff filing requirements still exist for foreign cargo air transportation. For this reason we propose to give the same increased posting flexibility to the airlines for cargo services as we are proposing for passenger services. (See 47 FR 52128, November 19, 1982.)

Part 253 also provides that a passenger cannot be bound by any contract term incorporated by reference if notice of that term has not been provided to the passenger in accordance with that part. This provision provides a valuable protection to the passenger in an environment where there is no longer a tariff filed with the Department. For international transportation, of course, tariffs are still filed with the Department and continue to govern the transportation offered as provided by law.[7] Traditionally, under our tariff

[7] There are, for example, exemptions from the tariff adherence requirements, such as those in 14 CFR Part 296 (payment of fees to shippers), and in C.A.B. Orders 78-12-49 and 79-2-23 (resolution of consumer disputes and claims).

regime, we have given carriers the option of either protecting ticket purchasers from subsequent tariff changes adverse to them through "guaranteed air fare" rules in their tariffs, or providing on each ticket a statement that the price of that ticket is subject to adjustment prior to the commencement of travel. *See* § 221.174. In each case, price has been broadly construed to include conditions of availability and carriage. Most carriers have opted for the filing of such guarantee rules in their tariffs. Section 221.177(d) of our proposed rule similarly requires direct, conspicuous notice of the salient features fo price change as well as penalty terms affecting a ticket. We are proposing to provide carriers with the same option of providing guaranteed air fare rule protection against contract changes as is available under § 221.174.[8] We also propose to amend § 221.174 to clarify our longstanding interpretation and to make its language consistent with the alternative direct notice requirement in § 221.177(d).

We also propose to make a technical amendment to the notice requirements in § 221.173 to reflect changes in retention requirements promulgated in 14 CFR Part 249 (46 FR 25415, May 6, 1981). In order to reduce the regulatory burden on carriers, in May 1981, the Board eliminated a requirement that carriers maintain canceled tariffs for a specific period of time after cancellation or expiration on the tariff. At that time, the Board neglected to amend § 221.173 to reflect the elimination of that requirement. We propose to amend § 221.173 in this rulemaking to reflect the action taken by the Board in 1981.

A principal feature of our proposed rule is that it would be permissive. It would provide carriers wishing to adopt the new approach the option of doing so. It would not, however, eliminate the alternative of using the current, paper-based tariff posting system. Carriers preferring to post tariffs exactly as they have been doing could continue to do so. Accordingly, our proposed action would in no way add to any carrier's burden. We believe the proposed rule could potentially reduce economic and paperwork burdens both on the industry and on government. The key point is that this proposal need have no impact on any carrier whatsoever unless the carrier so chooses. To the extent that there is impact it promises to be positive. We have also prepared and placed in Docket 45705 a comprehensive Regulatory Evaluation Analysis. (A copy may be obtained by contacting Thomas G. Moore, Chief, Tariffs Division, P–44, Department of Transportation, 400 7th Street SW., Washington, DC 20590, Telephone: (202) 366–2414)).

Executive Order 12291, Regulatory Flexibility Act, Paperwork Reduction Act, and Federalism Assessment

This proposed action has been reviewed under Executive Order 12291, and it has been determined that this is not a major rule. It will not result in an annual effect on the economy of $100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State or local governments, agencies, or geographic regions. Furthermore, this proposed rule would not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed regulation is significant under the Department's Regulatory Policies and Procedures, dated February 26, 1979, because it involves important Departmental policies and substantial industry interest.

I certify that this rule will not have a significant economic impact on a substantial number of small entities. Since the proposal simply presents an alternative, rather than mandates a change, the ability of such entities to engage in operations essentially will be unaffected by the proposed regulation. This notice of proposed rulemaking has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the concepts discussed therein do not have sufficient federalism implications to warrant the preparation of a federalism assessment.

With respect to the Paperwork Reduction Act of 1980, Pub. L. 96–511, the proposal should lessen substantially the paperwork burden on the airlines. Carriers would no longer be required to post the paper tariff at all of their offices and stations. This means that the hundreds, even thousands, of pages of tariff revisions that carriers are now required to circulate worldwide, could be largely eliminated.

We realize that this alternative posting rule may require some reprinting of ticket stock, and/or forms of notice given on or with the ticket. There is, however, no way prior to comment that we could ascertain the extent to which this may be necessary. In addition, it must be borne in mind that this proposal is an alternative to the current posting rule and, therefore, we are not in a position to determine which carriers will opt to take advantage of this alternative. However, it is our belief that any cost of reprinting that may be necessary to comply with this proposed rule will be insignificant when weighed against the overall cost-savings that will be achieved by those carriers choosing to use the alternative method being proposed here. We welcome comments on the costs of this minor additional burden.

In 1987, the international airlines filed with the Department 241,230 tariff pages applicable to international air transportation. Of this total 219,503 applied to passenger service and 21,727 applied to cargo service. Each of these tariff pages was required to be posted at each carrier sales location worldwide. Taking into consideration only the passenger sales locations in the 48 contiguous states of the United States and the District of Columbia, we estimate that this necessitated the printing and distribution of approximately 535 million tariff pages. To arrive at our estimate, we checked our tariff files and the January, 1988 *Official Airline Guide (Worldwide Edition)* to determine the cities in the 48 contiguous states with airports at which international journeys might originate or terminate. Our analysis indicated that there are 364 airports for which international tariff posting would be required. Based on the number of airlines serving these airports, this calculated out to 1,787 airport sales locations. To this total we added 654 other ticket offices in 24 selected international gateways. The other ticket offices were determined from the latest telephone directories available in the Department's library. Combining the airport and other ticket locations, we arrived at a total of 2,441 airline sales locations. We multiplied this figure by the total number of applicable tariff pages, 219,503.

If our assumptions and estimates are correct, we estimate that, if the carriers had been able to use the proposed alternative tariff posting method in 1987, they could have reduced by 482 million the number of tariff pages that had to be printed and distributed for tariff posting.

We invite comments, especially from the industry, on our assumptions and estimates.

[8] Refund/penalty terms must still be disclosed, however. In addition, we would note that the alternative direct notice requirement in proposed § 221.177(d) is intended to complement, rather than supersede, the disclosure requirements made applicable to passenger cancellation penalties by the CAB in Orders 79–12–130, 81–4–8 and 81–6–133.

Economic Analysis

We believe the proposed rule will have a generally beneficial impact on the industry and the public, while imposing little, if any, cost. We expect the proposed rule to achieve substantial cost savings for the industry and ultimately for the consumer.

We estimate that the carriers spend approximately $7,500 per sales location in direct labor costs just to maintain the current tariffs. The estimated cost of $7,500 was determined as follows. We drew an analogy between the work performed by the Department's senior tariff filing clerk and the same type of work, *i.e.*, filing current tariff pages, that would have to be performed by an airline employee at each airline sales location. We have determined that our tariff filing clerk spends one-third of his/her time performing this function. The direct labor costs for this senior tariff filing clerk is approximately $22,500 annually. We then applied these estimates of time and cost to each airline sales location with the assumption there is a correlation between the Department's costs and the airline's costs. See also, Bulletin 2241, *Industry Wage Survey: Certificated Air Carriers, June 1984*, issued by the U.S. Department of Labor, Bureau of Labor Statistics (August 1985), Table 6, Page 9.

Assuming that this estimated cost per location is within acceptable parameters, we estimate that the carriers are currently spending around 18.3 million dollars annually within the 48 contiguous states of the United States and the District of Columbia to maintain the posted paper tariffs. We assume that substantially all of these costs would disappear if carriers choose the alternative provided under our proposed rule.

We invite comments, especially from the industry, on our assumptions and estimates.

Moreover, the proposed rule would allow the airline industry increased flexibility in disseminating tariff information to the public. The public, for its part, would have ready access to the basic information it needs through the carrier-prepared key terms of incorporated tariff terms. All other relevant consumer or tariff information would be made available by the carrier to consumers through electronic or paper medium. Under the former option, the consumer would be able to view substantially all information on a computer display screen for that data subject to frequent change. This option would also allow the carriers to make printed copies from the computer display screen for the consumer, when feasible.

The proposed alternative would enable the public to be better informed and to make wiser economic choices. The tariff data available on the computer promises to be more up to date and readily available than the data currently being provided under the paper-based system, due to simply practicalities.

Our proposed rule presents compelling dual attributes. First, it offers an optimum balance between the need to ease the industry's burden and our desire to preserve the requisite degree of consumer information. Second, it is modeled on a rule that exists and that has been working well for five years. We thus have every reason to expect that a comparable rule, in the international sphere, would produce similarly favorable results. Moreover, because of our domestic experience, we are confident that these results could be achieved quickly.

Alternative Considered

Against this background, we see no alternatives as equally atractive. We specifically considered such alternatives as (a) maintaining the status quo; (b) eliminating the posting requirements; (c) deferring modification of the posting requirements until a final rule is issued in the Electronic Tariffs Docket; (d) transferring the responsibility for tariff posting to the tariff agents; (e) transferring the responsibility for tariff posting to the Department; (f) allowing carriers to maintain the posted tariff at their headquarters rather than at each sales location; or (g) using carrier memorandum tariffs to satisfy the posting requirements.

None of these possibilities combines the above-cited dual attributes of our proposed rule. Moreover, some of them would be inconsistent with our enabling statute.

Discussion of Alternatives

1. Maintaining the Status Quo

We are convinced that with the huge growth in tariff filings and the associated complexities of ascertaining the correct information from the posted tariff, the consumer is not being well served by the status quo. The status quo is inefficient, expensive and labor-intensive, constituting an unnecessary burden on the industry with limited benefits to the public.

2. Elimination of the Posting Requirements

Several respondents to the ANPRM on electronic tariff filing stated a preference for total elimination of the posting requirement. Those in favor of this option have described the requirement as obsolete, unnecessary, and otherwise expensive and burdensome. Not surprisingly, all such arguments were advanced by the industry. While we may agree that the requirement should be reviewed for possible modification, we have obligations to consumers as well as the industry. The tariff is legally incorporated into the contract of carriage, and therefore some form of notice of contractual terms must continue to be available to consumers. Thus, the elimination of the posting requirement would be inconsistent with the general intent of the tariff posting requirements of section 403 of the Federal Aviation Act of 1958, as amended.

3. Defer Modification of Posting Requirement Until Issuance of a Final Rule on Electronic Filing of Tariffs

As we have noted, most carriers already have their tariffs computerized and could readily make this information available to the consumers at the airport and other ticket locations. We do not believe that we should make the public or the industry wait to enjoy the benefits of this enhanced electronic capability. While we are actively working towards completion of our electronic tariff rulemaking, that completing is not so imminent as to justify a deferral of the change in our posting rules.

4. Transfer Posting Requirement to Tariff Agents or to the Department

The posting of tariffs is a statutory requirement which is clearly the responsibility of the carrier. This reflects the fact that the carrier, as the real party in interest on the contract, is the party responsible for providing the contract terms.

Furthermore, either of these alternatives would entail a completely new regulatory approach, rather than allowing us to rely on the Part 253 model. The result would almost certainly be an unacceptable regulatory lag. Furthermore, these alternatives would necessitate a change in the statute, which would not provide any near term relief.

5. Allowing Carriers to Maintain the Posted Tariffs only at their Headquarters

This alternative would eliminate the requirement that the entire tariff be available at all carrier sales locations without any workable replacement; therefore this alternative would fail to

ensure adequate consumer notice and protection.

6. Use of Memorandum Tariffs

Memorandum tariffs, because of their preparation time, can be expected to run two or more weeks behind in reflecting currently effective tariff matter. Therefore, we do not believe that this is a viable alternative to our proposal, which would allow immediate dissemination of tariff changes.

List of Subjects in 14 CFR Part 221

Air fares and rates, Explosives, Freight, Handicapped, Contracts, Claims, Consumer protection, Travel.

This rule is being issued under the authority delegated to the Assistant Secretary for Policy and International Affairs contained in 49 CFR 1.56(j)(2)(ii). For the reasons set forth herein, the Department of Transportation proposes to amend 14 CFR Part 221 as follows.

PART 221—TARIFFS

1. The authority citation for Part 221 would continue to read as follows:

Authority: Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, Pub. L. 85–726, as amended, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482.

2. Section 221.4 would be amended to add the following definitions in alphabetical order:

§ 221.4 Definitions.

* * * * *

"Consignee" means the person whose name appears on the air waybill as the party to whom the shipment is to be delivered by the carrier.

"Contract of carriage" means those fares, rates, rules, and other provisions applicable to the foreign air transportation of passenger, baggage, or property, as defined in the Federal Aviation Act.

* * * * *

"Passenger" means any person who purchases, or who contacts a ticket office or travel agent for the purpose of purchasing, or considering the purchase of, air transportation.

* * * * *

"Shipper" means the person whose name appears on the air waybill as the party contracting with, or a person who contacts a carrier or ticket agent for the purpose of contracting with, the carrier for carriage of a shipment.

* * * * *

"Ticket Office" means a station, office, or other location where tickets are sold, or air waybills or other similar documents are issued, that is under the charge of a person employed exclusively by the carrier, or by it jointly with another person.

* * * * *

3. Section 221.170 would be added as follows:

§ 221.170 Public notice of tariff information.

Carriers must make tariff information available to the general public, and in so doing must comply with either:

(a) Sections 221.171, 221.172, 221.173, 221.174, 221.175, and 221.176 or

(b) Sections 221.175, 221.176, and 221.177 of this subpart.

§ 221.173 [Amended]

4. Section 221.173 would be amended by removing the phrase "including canceled tariffs" from paragraph two of the Notice reading "PUBLIC INSPECTION OF TARIFFS".

5. Section 221.174 would be revised to read as follows:

§ 221.174 Notification to the passenger of status of fare, rule, charge or practice.

A carrier or ticket agent shall print, stamp upon, or affix to every purchased passenger ticket a notice stating that the terms and conditions of the contract of carriage including the price of the ticket are subject to adjustment prior to the commencement of transportation, except that such notice is not required where a passenger ticket is sold pursuant to an effective tariff rule which provides that the terms and conditions of the contract of carriage including the price of the ticket are not subject to any future adjustment during the validity of the ticket or the ticket is sold for transportation commencing on the same day.

6. A new § 221.177 would be added to read as follows:

§ 221.177 Alternative notice of tariff terms.

(a) Terms incorporated in the contract of carriage. (1) A ticket, air waybill, or other written instrument that embodies the contract of carriage for foreign air transporation shall contain or be accompanied by notice to the passenger, shipper, or consignee as required in paragraphs (b) and (d) of this section.

(2) Each carrier shall make the full text of all terms that are incorporated in a contract of carriage readily available for public inspection at each airport or other ticket office of the carrier *provided,* that: The medium, *i.e.,* printed or electronic, in which the incorporated terms and conditions are made available to the consumer shall be at the discretion of the carrier.

(3) Each carrier shall display continuously in a conspicuous public place at each airport or other ticket office of the carrier a notice printed in large type reading as follows:

Explanation of Contract Terms

All passenger (and/or cargo as applicable) contract terms incorporated by law to which this company is a party are available in this office. These provisions may be inspected by any person upon request and for any reason. The employees of this office will lend assistance in securing information, and explaining any terms. In addition, a file of all tariffs of this company, with indexes thereof, from which the incorporated contract terms are obtained is maintained and kept available for public inspection at _____. (Here indicate the place or places where tariff files are maintained, including the street address and, where appropriate, the room number.)

(4) Each carrier shall provide to the passenger, shipper or consignee a complete copy of the text of any/all terms and conditions applicable to the contract of carriage, free of charge, immediately, if feasible, or otherwise promptly by mail or other delivery service, upon request at any airport or other ticket office of the carrier. In addition, all other locations where the carrier's tickets or air waybills may be issued shall have available at all times, free of charge, information sufficient to enable the passenger, shipper or consignee to request a copy of such term(s).

(b) Notice of incorporated terms. Each carrier and ticket agent shall include on or with a ticket, or other written instrument given to the passenger, shipper, or consignee, that embodies the contract of carriage, a conspicuous notice that:

(1) The contract of carriage may incorporate by law terms and conditions filed in public tariffs with U.S. authorities; passengers, shippers and consignees may inspect the full text of each applicable incorporated term at any of the carrier's airport locations or other ticket offices of the carrier; and passengers, shippers and consignees have the right to receive, upon request at any airport or other ticket office of the carrier, a free copy of the full text of any/all such terms by mail or other delivery service;

(2) The incorporated terms may include, among others, the terms shown in paragraphs (b)(2)(i) through (v) of this section. Passengers may obtain a concise and immediate explanation of the terms shown in paragraphs (b)(2) (i) through (v) of this section from any location where the carrier's tickets are sold, and a shipper or consignee may obtain the same information at any location where an air waybill or any similar document may be issued:

(i) Limits on the carrier's liability for personal injury or death of passengers (subject to § 221.175), and for loss, damage, or delay of goods and baggage, including fragile or perishable goods.

(ii) Claim restrictions, including time periods within which passengers, shippers, or consignees must file a claim or bring an action against the carrier for its acts or omissions or those of its agents.

(iii) Rights of the carrier to change the terms of the contract. (Rights to change the price, however, are governed by paragraph (d) of this section).

(iv) Rules about re-confirmation or reservations, check-in times, and refusal to carry.

(v) Rights of the carrier and limitations concerning delay or failure to perform service, including schedule changes, substitution of alternate carrier or aircraft, and rerouting.

(3) The salient features of any applicable terms that restrict refunds of the transportation price, impose monetary penalties on passengers, shippers or consignees, or permit a carrier to raise the price, are also being provided on or with the ticket.

(c) *Explanation of incorporated terms.* Each carrier shall ensure that any passenger, shipper, or consignee can obtain from any location where its tickets are sold, or air waybills or any similar documents are issued, a concise and immediate explanation of any term incorporated concerning the subjects listed in paragraph (b)(2) or identified in paragraph (d) of this section.

(d) *Direct notice of certain terms.* A passenger, shipper or consignee must receive conspicuous written notice, on or with the ticket, air waybill, or other similar document, of the salient features of any terms that (1) restrict refunds of the price of the transportation, (2) impose monetary penalties on passengers, shippers, or consignees, or (3) permit a carrier to raise the price: *Provided,* That the notice specified in paragraph (d)(3) of this section is not required where a passenger ticket is sold pursuant to an effective tariff rule which provides that the terms and conditions of the contract of carriage including the price of the ticket are not subject to any future adjustment during the validity of the ticket or the ticket is sold for transportation commencing on the same day.

§ 221.240 [Amended]

7. Section 221.240(a)(4) would be amended by changing that part of the *Letter of tariff transmittal* which now reads:

Sufficient copies of the above-named publication of posting in accordance with Subpart N of your Economic Regulations have been sent to each carrier participating in the above named publication.

To read:

Sufficient copies of the above-named publication have been sent to each carrier participating in the above-named publication for posting purposes in accordance with Subpart N of your Economic Regulations, where required.

Issued in Washington, DC, on July 15, 1988.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 88-16305 Filed 7-19-88; 8:45 am]

BILLING CODE 4910-62-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-2774]

Period for Public Comment on Petition To Reopen and Terminate or Modify Order; Lindal Cedar Homes, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Notice of period for public comment on petition to reopen and terminate or modify order.

SUMMARY: Lindal Cedar Homes, Inc. has filed a petition on July 1, 1988, requesting the Commission to reopen and vacate or modify the order. This document announces the public comment period on the petition.

DATE: The deadline for filing comments in this matter is August 15, 1988.

ADDRESS: Comments should be sent to the Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580. Requests for copies of the petition should be sent to the Public Reference Branch, Room 130.

FOR FURTHER INFORMATION CONTACT: Sarah L. FitzGerald, Attorney, Enforcement Division, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, (202) 326-3037.

SUPPLEMENTARY INFORMATION: The order in Docket No. C-2774 was published at 41 FR 6720 on February 13, 1976. The order settled FTC charges that Lindal misrepresented the ease of assembling the kits; used unfair contract terms; failed to make timely and complete deliveries; misled potential franchisees; violated credit terms and misled purchasers as to their warranty rights. The order requires Lindal to have a reasonable basis for ad claims; modify its sales agreements; offer a warranty; establish a complaint-handling system; provide complete information to potential franchisees and comply with the credit law. The petition to vacate or modify was filed on July 1, 1988.

List of Subjects in 16 CFR Part 13

Pre-cut home kits, Trade practices.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 88-16290 Filed 7-19-88; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[File No. 861 0117]

Thomas L. Looby, M.D., et al.: Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, eleven physicians practicing in the Sioux Falls, S.D., area from continuing to act in combination to interfere with the operation of the University of South Dakota School of Medicine's obstetrical/gynecological (OB/GYN) program, and from further restricting competition for the provision of OB/GYN care in the Sioux Falls area.

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

ADDRESS: Comments should be directed to: FTC/Office of the Secretary, Room 136, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: M. Elizabeth Gee, FTC/S-3115, Washington, DC 20580. (202) 326-2756.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Physicians, Obstetricians, Gynecologists, Trade practices.

Before Federal Trade Commission

[File No. 861-0117]

Agreement Containing Consent Order to Cease and Desist

In the matter of Thomas L. Looby, M.D., Dean L. Madison, M.D., Milton G. Mutch, Jr., M.D., James P. Ingvolstad, M.D., Russell T. Orr, M.D., C. Roger Stoltz, M.D., Patricia S. Wirtz, M.D., Samir Z. Abu-Ghazaleh, M.D., Si G. Lee, M.D., Buck J. Williams, M.D., Gilbert L. English, M.D.

The Federal Trade Commission having initiated an investigation of certain acts and practices of the proposed respondents named in the caption hereof, and it now appearing that respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between proposed respondents, by their attorneys, and counsel for the Commission that:

1. Proposed respondents are physicians licensed and doing business under and by virtue of the laws of the State of South Dakota.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. The proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft complaint contemplated thereby and related materials pursuant to Rule 2.34, will be placed on the public record for a period of sixty days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision in disposition of this proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents, except to the extent described in Paragraph Two, that the facts as alleged in the draft complaint are true or that the law has been violated as alleged in the draft complaint.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to respondents, (1) issue its complaint corresponding in form and substance with the draft complaint and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to the address of each of the proposed respondents as stated in the draft complaint shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that when the order has been issued, they will be required to file one or more compliance reports showing they have fully complied with the order. Proposed respondents further understand they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

For purposes of this Order, the following definitions shall apply:

A. "Respondents" means Samir Z. Abu-Ghazaleh, M.D.; Gilbert L. English, M.D.; James P. Ingvolstad, M.D.; Si G. Lee, M.D.; Thomas L. Looby, M.D.; Dean L. Madison, M.D.; Milton G. Mutch, Jr., M.D.; Russell T. Orr, M.D.; C. Roger Stoltz, M.D.; Buck J. Williams, M.D.; and Patricia S. Wirtz, M.D.

B. "Medical School" means University of South Dakota School of Medicine.

C. "OB/GYN center" means any medical facility or program established to provide obstetrical or gynecological care, research or education.

II

It is ordered, that each respondent shall forthwith, directly, indirectly, or through any corporate or other device, in connection with the provision of health care services in or affecting commerce, as "commerce" is defined in section 4 of the Federal Trade Commission Act, as amended, cease and desist from entering into, attempting to enter into, organizing, continuing or acting in furtherance of any agreement or combination, either express or implied, with any physician(s), to refuse or threaten to refuse to deal with, or otherwise coerce, any person or entity for the purpose of with the effect of interfering with the operation of the academic or clinical programs of the Medical School's obstetrical/gynecological ("OB/GYN") department or faculty, or of preventing or restricting competition from any person or entity for the provision of OB/GYN care in the Sioux Falls, South Dakota, area, including but not limited to any agreement or combination to:

(1) Refuse or threaten to refuse to serve on the faculty of the Medical School;

(2) Make joint demands or joint decisions as to any term or condition for serving on the faculty of the Medical School;

(3) Refuse, or threaten to refuse, to refer patients to, receive referrals of patients from, or provide any other form of professional cooperation to, any physician, based on his or her affiliation or prospective affiliation with the Medical School, or with any OB/GYN center, or on his or her treatment of, or attempts to attract, private patients;

(4) Interfere in a coercive manner with any attempt by the Medical School to recruit physicians to work in the Sioux Falls area, or to negotiate jointly with the Medical School concerning any term or condition with respect to its recruitment or hiring of such physicians;

(5) Refuse or threaten to refuse to admit patients to any hospital or other medical facility, based on the relationship of the hospital or facility with the Medical School, or based on the actual or prospective operation or funding, in whole or part, of any OB/GYN center by the hospital or facility; or

(6) Coerce the Medical School, any physician, or any other entity to eliminate, limit or restrict advertising for OB/GYN services in the Sioux Falls area.

Provided that nothing in this Order shall prohibit any respondent from entering into an agreement of combination with any physician with whom the respondent practices medicine in partnership or in a professional corporation, or who is employed by the same person as the respondent.

III

It is further ordered that:

A. Respondent shall, within thirty (30) days after this Order becomes final, mail a copy of this Order and of the Complaint in this proceeding to the Administrator, the Chairman of the Board of Directors, and the chief officer of the medical staff of Sioux Valley Medical Center and McKennan Hospital, in Sioux Falls.

B. Each respondent shall, within (60) days after service of this Order, and at any time the Commission, by written notice, may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which the respondent has complied with this Order.

C. If a respondent, at any time, discontinues his or her present business or employment, he or she shall promptly notify the Commission of such discontinuance. In addition, for a period of seven (7) years after this order becomes final, each respondent shall promptly notify the Commission whenever he or she enters into any new business or employment whose activities involve the provision of OB/GYN services in the Sioux Falls area. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from eleven physicians practicing in the Sioux Falls, South Dakota, area. The agreement would settle charges by the Commission that the proposed respondents, who are obstetrician/gynecologists practicing in six separate private medical practices, violated section 5 of the Federal Trade Commission Act by, among other things, concertedly refusing to teach residents in the University of South Dakota School of Medicine's (the "Medical School") residency program in obstetrics and gynecology, in order to force the Medical School to eliminate or limit the provision of obstetrical/gynecological ("OB/GYN") care by members of its full-time faculty in competition with the proposed respondents.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Complaint

A complaint has been prepared for issuance by the Commission with the proposed order. According to the complaint, the Medical School expanded its OB/GYN residency program in Sioux Falls to a year-round program in July 1985, because Sioux Falls is the only location in South Dakota with the facilities, personnel and patients needed to give OB/GYN residents sufficient training in complex, subspecialty fields—for example, perinatology, which involves maternal-fetal medicine and the treatment of high-risk pregnancies. To make an adequate number of patients available to residents for instructional purposes, the Medical School needs the services of private practice OB/GYN specialists in the local community who would serve as "clinical"—part-time—faculty members. The complaint alleges that the eleven proposed respondents, along with one other physician (the "other obstetrician") who allegedly acted in combination with them (and has been charged in a separate complaint), were the only obstetricians in private practice in Sioux Falls in 1985, and were therefore the only physicians available to serve as OB/GYN clinical members. Eight of the proposed respondents served as clinical faculty members for the 1985–1986 school year.

The complaint also explains that the Medical School hired an obstetrician/gynecologist whose subspecialty is perinatology for its full-time faculty in Sioux Falls in 1984. The professor was the first practicing perinatologist in Sioux Falls; prior to his arrival, patients needing high-risk pregnancy care were treated by local obstetricians who were not trained in perinatal medicine or were sent to perinatologists out of state. Most members of the Medical School's full-time faculty members treat private patients through the School's Medical Service Plan ("MSP"), a group practice composed of full-time faculty members, in which fees are split between the School and the physician. The vast majority of the physicians on the full-time faculty did not compete in any significant way with private practitioners for paying patients, instead they practiced in a manner "complementary" to local private practitioners. Unlike other members of the full-time faculty, the perinatologist began to advertise and directly solicit patients shortly after he joined the faculty. He indicated his availability to provide general OB/GYN services as well as perinatal services.

The Medical School planned, according to the complaint, to recruit additional subspecialty obstetricians/gynecologists to its Sioux Falls faculty in fields that were underserved in the State, and to establish treatment centers in those fields. The complaint alleges that such recruitment posed a competitive threat to respondents, as they might lose business to the full-time faculty members or find hiring subspecialists for their own practices to be less profitable or more difficult.

The complaint also alleges that, in reaction to the competitive threat posed by the full-time faculty, the eleven respondents, along with the other obstetrician, participated in a combination or conspiracy to restrict competition by concertedly refusing to teach in the Medical School's OB/GYN residency program after June 30, 1986. The conduct of the twelve obstetricians allegedly involved, among other things, sending a letter signed by each of them (the "resignation letter") to the dean of the Medical School and administrators of the two Sioux Valley hospitals, in which they opposed the Medical School's hiring of additional perinatologists and announced their "withdrawal" of support from the residency program—meaning that none of them would teach residents after June 30, 1986. The letter was, according to the complaint, an attempt by proposed respondents (and the other obstetrician) to use their control over clinical faculty services to force the Medical School to limit the practice of its full-time faculty.

The complaint further alleges that proposed respondents made numerous joint demands on the School—most involving restrictions on the private practice and recruitment of full-time faculty—as conditions for their teaching in the OB/GYN residency program. The Medical School responded to the demands by putting a number of limitations on the advertising and the private practices of its full-time faculty. The complaint also alleges that the

respondents and the other obstetrician tried to close down the OB/GYN residency program in Sioux Falls after it became clear that the Medical School would not accede to all of their demands and, on June 30, 1986, those respondents who were on the clinical faculty stopped teaching in the Medical School's OB/GYN residency program. The actions of the proposed respondents have, according to the complaint, significantly hindered the operation of the residency program and threatened its accreditation by causing a lack of faculty, patients, subspecialty training and funds; these deficiencies have led the national accrediting body to place the program on probation for four years.

The complaint alleges further that the conduct of the proposed respondents constitutes an unlawful conspiracy to eliminate or limit competition in the provision of OB/GYN care through the use of coercive conduct. It further alleges that the purposes or effects of the combination or conspiracy have been to restrict competition for the provision of OB/GYN care and for the provision of OB/GYN instruction among obstetrician/gynecologists in the Sioux Falls area, and thereby to deprive consumers of the benefits of competition.

With respect to anticompetitive effects in the provision of OB/GYN care, the complaint alleges, among other things, that (a) the Medical School and its full-time faculty have been restrained from competing for patients needing routine or subspecialty care; (b) the Medical School has been restrained from hiring full-time faculty and establishing needed subspecialty centers; and (c) consumers in South Dakota and neighboring states have been limited in their ability to choose among physicians and receive subspeciality care in Sioux Falls.

The Proposed Consent Order

Part II of the order describes the conduct prohibited; proposed respondents are prevented from agreeing or combining to refuse, or threaten to refuse, to deal with any person or entity for the purpose or with the effect of interfering with the operation of the academic or clinical programs of the Medical School's OB/GYN department or faculty, or of preventing or restricting competition from any person or entity for the provision of OB/GYN care in Sioux Falls, South Dakota. Subsections (1) through (6) of Part II list examples of the joint coercive conduct that is prohibited by the order, including: (1) Refusing or threatening to refuse to serve on the faculty of the Medical School, (2) refusing or threatening to refuse to refer patients to, or receive referrals of patients from, any physician based on his or her affiliation with the Medical School; (3) refusing or threatening to refuse to admit patients to any hospital or other medical facility based on the relationship of the hospital or facility with the Medical School; (4) making demands or decisions as to any condition for serving on the faculty of the Medical School; (5) interfering in a coercive manner with any attempt by the Medical School to recruit physicians to work in the Sioux Falls area; and (6) coercing the Medical School, any physician, or any other entity to eliminate, limit or restrict advertising for OB/GYN services in the Sioux Falls area.

Part II also contains a provision that explains that the order does not prohibit any respondent from engaging in concerted conduct with any physician with whom he or she practices medicine in partnership or in a professional corporation, or who is employed by the same person as the respondent.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

This proposed consent order has been entered into for settlement purposes only and does not constitute an admission by the respondents that the law has been violated as alleged in the complaint.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 88-16292 Filed 7-19-88; 8:45 am]

BILLING CODE 6750-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1625

Employee Benefit Plans

AGENCY: Equal Employment Opportunity Commission (EEOC, Commission).

ACTION: Withdrawal of proposed rule.

SUMMARY: This notice terminates the Commission's court-ordered rulemaking under section 4(f)(2) of the Age Discrimination in Employment Act of 1967, as amended (ADEA), 29 U.S.C. 623(f)(2), relating to the cessation of contributions and accruals to pension plans for employees who continue to work beyond normal retirement age. The Commission published a Notice of Proposed Rulemaking in the **Federal Register** on April 2, 1987, 52 FR 10584, pursuant to an order entered on February 26, 1987 by Judge Harold Greene in *American Association of Retired Persons v. Equal Employment Opportunity Commission*, Civil Action No. 86-1740, United States District Court for the District of Columbia. For the reasons stated below, the Notice of Proposed Rulemaking is hereby withdrawn.

FOR FURTHER INFORMATION CONTACT: Paul E. Boymel, Office of Legal Counsel, Room 214, EEOC, 2401 E Street NW., Washington, DC 20507, (202) 634-6423.

SUPPLEMENTARY INFORMATION: The provisions of the Regulatory Flexibility Act and Executive Order 12291 do not apply to this notice.

Background

In 1979 the Department of Labor (DOL) published the "Employee Benefit Plans: Amendment to Interpretative Bulletin," 29 CFR 860.120, 44 FR 30648 (May 25, 1979), which provided comprehensive guidance on employee benefit plans covered under the ADEA. The Interpretative Bulletin contained "Special Rules" that allowed employers to cease contributions and accruals to pension plans for employees who continued to work beyond normal retirement age. When the Commission assumed responsibility for the ADEA in 1979, it stated that the IB would remain in effect pending review.

After a detailed analysis of the "Special Rules" and the legislative history of the ADEA, the Commission decided to develop regulations under section 4(f)(2) of the ADEA that would replace the "Special Rules" with rules prohibiting the cessation of contributions and accruals to pension plans on account of age. The Commission voted on March 5, 1985 to circulate draft rules to other affected agencies under Executive Order 12067. As the result of technical comments received from the Internal Revenue Service, the draft rules were restructured in 1986. The Commission was prepared to vote at its November 10, 1986 meeting regarding the publication of the proposed rules in the **Federal Register** for public comment after the coordination of the rules with the Office of Management and Budget under Executive Order 12291.

On October 17, 1986, however, Congress passed the Omnibus Budget Reconciliation Act of 1986 (OBRA), Pub. L. 99-509. In sections 9201-9204 of OBRA, Congress amended the ADEA by the addition of a new section 4(i) to require continuing contributions and accruals in a pension plan regardless of

an employee's age. In section 9204, Congress set forth the effective date of such rules. The amendments will be effective "only with respect to plan years beginning on or after January 1, 1988 * * *" with special rules for some collectively bargained plans. The Commission is currently engaged in a separate rulemaking under OBRA.

As the result of the passage of OBRA, the Commission reconsidered its intention to promulgate rules under section 4(f)(2) and at its meeting of November 10, 1986 decided that it would not be appropriate to continue the rulemaking begun in 1985 since: (1) Congress, in setting a 1988 or later implementation date, had set forth its clear desire to grant a grace period to allow employers time to implement a complex change to their pension programs; (2) the draft rules of March 1985, a modified in 1986, imposed an "equal cost" requirement while the OBRA amendments imposed an "equal benefit" requirement, a significant difference that would require employers to amend their plans twice within a one- or two-year period; (3) reviewing two sets of amendments within such a short period of time would prove to be a burden for the Internal Revenue Service, which has the responsibility for approving the tax aspects of such plan amendments; and (4) as the Commission was required under OBRA to issue final regulations relating to the amended sections prior to February 1, 1988, the Commission's resources would best be spent in developing the OBRA rules rather than the rules under section 4(f)(2) which would be rescinded in 1988.

Notwithstanding the Commission's decision of November 10, 1986, on February 26, 1987 the district court ordered the Commission to rescind the "Special Rules" and, after an extremely abbreviated period for notice, comment, and analysis, to publish regulations mandating continuing contributions and accruals regardless of age. The district court did not make a finding of law that the "Special Rules" violated the ADEA. On March 18, 1987, after the Commission's request for a stay pending appeal was denied, the Commission rescinded the "Special Rules" but appealed the balance of the order. On July 10, 1987, the United States Court of Appeals for the District of Columbia Circuit reversed the district court's decision and vacated the part of the order directing the Commission to publish rules. The Court of Appeals instructed the district court to remand the case to the Commission for further assessment of its vote of November 10, 1986 in light of the court-ordered rescission of the "Special Rules." On April 7, 1988, the district court remanded the case to the Commission.

On June 1, 1988, the Commission met and reconsidered the question of whether to inssue pension regulations under section 4(f)(2). The Commission reviewed the history of the ADEA and the regulatory project and carefully considered the effect of the rescission of the "Special Rules." The Commission concluded that the reasons set forth on November 10, 1986 for terminating the rulemaking were still valid.

The Commission believes that any minimal problems resulting from the lack of regulations would be far outweighed by the problems (listed above) that would be brought about by the promulgation of rules. Finally, the Commission realized that it would be irresponsible to make any section 4(f)(2) rules effective immediately (or retroactively). The rules under the ADEA and ERISA governing pension benefits are extraordinarily complex. Pension plans, particularly those developed through collective bargaining, need ample lead time to implement significant changes in regulatory positions such as envisioned by the Commission prior to its vote of November 10, 1986. In addition, any regulatory change should be effective on the first day of a pension plan's fiscal year, to avoid the necessity of making two complex sets of actuarial calculations in one plan year. Accordingly, as recommended by numerous commentators, the most appropriate effective date for each pension plan would be the first day of the first plan year beginning on or after January 1, 1988, with special extensions for plans covered by collective bargaining agreements, which is precisely the effective date provided by OBRA. Since the provisions of OBRA would supersede the provisions of section 4(f)(2), the Commission believes the promulgation of regulations under section 4(f)(2) would be an unwarranted and imprudent use of its discretionary rulemaking power.

It should be noted that the Commission does not normally publish a notice of this nature after each Commission vote. An exception is being made in this case in light of the litigation involved.

Decision

For the reasons stated above, the Commission announces that the court-ordered rulemaking under section 4(f)(2) of the ADEA relating to pension contributions and accruals is hereby terminated and the notice of proposed rulemaking dated April 2, 1987, 52 FR 10584, is hereby withdrawn.

Signed on behalf of the Commission at Washington, DC on this 30th day of June, 1988.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 88-16286 Filed 7-19-88; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 736, 740 and 750

Surface Coal Mining and Reclamation Operations; Application Fee for Permit To Conduct Surface Coal Mining and Reclamation Operations; Application Fee for Coal Exploration Permit; Fee for Processing Permit Revisions, Transfers and Renewals

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

ACTION: Reopening of public comment period.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) of the U.S. Department of the Interior (DOI) is reopening the public comment period on the proposed rule concerning permit fees for OSMRE permitting actions, for a period of 60 days, in response to several requests from interested parties.

DATE: The comment period is reopened until September 19, 1988. Comments will be accepted until 5:00 p.m. Eastern time on that date.

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

FOR FURTHER INFORMATION CONTACT: Adele Merchant, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Ave. NW., Washington, DC 20240; Telephone (202) 343-1864 (Commercial or FTS).

SUPPLEMENTARY INFORMATION: On May 17, 1988, OSMRE published in the Federal Register a proposed rule to establish a system of fees to be paid to OSMRE by applicants to obtain processing and issuance of surface coal

mining and reclamation permits and coal exploration permits, and renewals, revisions and transfers of existing permits, in Federal program States, on Federal lands where OSMRE issues a permit, and on Indian lands (53 FR 17568). The proposed regulations would establish a system of fees to implement the requirement at section 507(a) of the Surface Mining Reclamation and Control Act of 1977 (SMCRA) and 30 CFR 777.17 that permit fees shall accompany an application for a permit.

That notice stated that comments would be accepted on the proposed rule until 5:00 p.m. on July 18, 1988.

A public hearing on the proposed rule was held July 11, 1988, in Washington, DC; and on July 13, 1988, in Denver, Colorado.

This extension is being granted in response to several requests from interested parties that the comment period be extended from an additional 60 days, to allow commenters additional time to prepare their written comments on the proposed rule.

Date: July 14, 1988.

Robert E. Boldt,

Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 88-16241 Filed 7-19-88; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 915

Iowa Permanent Regulatory Program; Reopening and Extension of Public Comment Period on Proposed Amendments

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

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: OSMRE is announcing the receipt of revisions to previously proposed amendments to the Iowa permanent regulatory program (hereinafter referred to as the Iowa program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendments pertain to coal exploration, operations permit, and inspection and enforcement.

This notice sets forth the times and locations that the Iowa program and proposed amendments to that program are available for public inspection and the extended comment period during which interested persons may submit written comments on the proposed amendments.

DATES: Written comments relating to Iowa's proposed modification of its program not received on or before 4:00 p.m. on August 4, 1988, will not necessarily be considered in the Director's decision to approve or disapprove the amendment.

ADDRESSES: Written comments should be mailed or hand delivered to Mr. William J. Kovacic at the address listed below. Copies of the Iowa program, the proposed amendments to the program, and all written comments received in response to this notice will be available for public review at the addresses listed below, during normal business hours, Monday through Friday, excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendments by contacting OSMRE's Kansas City Field Office.

Mr. William J. Kovacic, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, 1103 Grand Avenue, Room 502, Kansas City, Missouri 64106.

Office of Surface Mining Reclamation and Enforcement, Administrative Record Office, Room 5131, 1100 L Street NW., Washington, DC 20240; Telephone: (202) 343-5492.

Department of Agriculture and Land Stewardship, Division of Soil Conservation, Wallace State Office Building, East 9th and Grand Streets, Des Moines, Iowa 50319; Telephone: (515) 281-6142.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Kovacic, Director, Kansas City Field Office at the address listed in "ADDRESSES"; Telephone (816) 374-5527.

SUPPLEMENTARY INFORMATION:

I. Background

On January 21, 1981, the Secretary of the Interior approved the Iowa program. Information regarding general background on the Iowa program, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Iowa program can be found in the January 21, 1981, **Federal Register** (46 FR 5885). Subsequent actions with regard to Iowa's approved program and program amendments can be found at 30 CFR 915.15.

II. Proposed Amendments

By letter dated February 9, 1988, Iowa submitted proposed amendments to its permanent regulatory program under SMCRA (Administrative Record No. IA-304). Iowa submitted the proposed amendments in response to an August 1, 1986, letter (Administrative Record No. IA-280) that OSMRE sent in accordance with 30 CFR Part 732. The proposed changes would rescind rules at 780—Chapter 4 within the Soil Conservation Department of the Iowa Administrative Code (IAC) and adopt Chapters 40 through 49 within the Agriculture and Land Stewardship Department of the IAC. The Iowa Division of Soil Conservation (DSC) has incorporated by reference into the Iowa program, applicable sections of the July 1, 1987, Code of Federal Regulations (CFR) at 30 CFR Part 700 through Part 850.

OSMRE published a notice in the March 31, 1988, **Federal Register** (53 FR 10397) announcing receipt of the amendments and inviting public comment on the adequacy of the proposed amendments. The public comment period ended May 2, 1988.

Iowa revised certain portions of its amendment prior to final adoption by the DSC. By letter dated June 9, 1988, Iowa has requested that OSMRE include these revisions in the amendment submitted February 9, 1988. The revisions include: 43.1(2), Coal Exploration; 43.2(3), 43.3(1), 43.4(3), 43.6(2), (3), and (6), and 43.8(4), Operations Permit; 46.3, Permanent Program Performance Standards; and 47.4(83), Inspection and Enforcement. The full text of the proposed program amendment is available for review at the locations listed above under "ADDRESSES."

The Director, OSMRE, is now seeking public comments on the adequacy of the State's submissions.

Accordingly, OSMRE is reopening and extending the comment period on Iowa's revised amendments. This action is being taken to provide the public with an opportunity to reconsider the adequacy of the proposed amendments.

List of Subjects in 30 CFR Part 915

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Raymond L. Lowrie,

Assistant Director, Western Field Operations.

Date: July 7, 1988.

[FR Doc. 88-16302 Filed 7-19-88; 8:45 am]

BILLING CODE 4310-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50, 51, and 58

[AD FRL-3417-4]

Proposed Decision Not To Revise the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment period.

SUMMARY: On April 26, 1988 (53 FR 14926), EPA proposed not to revise the national ambient air quality standards (NAAQS) for sulfur oxides (sulfur dioxide). 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. The April 26, 1988 notice also announced proposed revisions to the Significant Harm Levels and associated episode contingency plan guidance (40 CFR Part 51), the Pollutant Standards Index for sulfur dioxide (40 CFR Part 58, and certain monitoring and reporting requirements (40 CFR Part 58). The notice established a deadline for receiving public comment on these proposals of July 25, 1988.

In response to a request from the public, today's notice extends the period for public comment on the proposals until September 23, 1988.

DATES: Written comments on these proposals must be received by September 23, 1988.

ADDRESSES: Submit comments on the proposed action on the NAAQS (40 CFR Part 50) (duplicate copies are preferred) to: Central Docket Section (A-130), Environmental Protection Agency, Attn: Docket No. A-84-25, 401 M Street SW., Washington, DC 20460. Comments on the proposed revisions to the monitoring and reporting requirements and Pollutant Standards Index (40 CFR Part 58) should be separate from those pertaining to the standards and sent to the same address, Attn: Docket No. A-87-06. Comments on the proposed revisions to the Significant Harm Level and episode criteria (40 CFR Part 51) also should be sent separately to the same address. Attn: Docket No. A-87-12. These dockets are located in the Central Docket Section of the U.S. Environmental Protection Agency, South Conference Center, Room 4, 401 M St. SW., Washington, DC. The docket may be inspected between 8:00 a.m. and 3:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. John Haines, Air Quality Management Division (MD-12), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone (919) 541-5533 (FTS 629-5533).

Date: July 14, 1988

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 88-16330 Filed 7-19-88; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[FRL-3416-5]

Approval and Promulgation of Implementation Plans; Michigan

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

ACTION: Proposed rulemaking.

SUMMARY: U.S. EPA proposed to disapprove a revision to the Michigan State Implementation Plan (SIP) for Ozone. This revision requests a relaxation of volatile organic compound (VOC) emissions limitations from vinyl coating operations at the Ford Motor Company's Mt. Clemens, vinyl plant located in Macomb County, Michigan. U.S. EPA is proposing to disapprove this SIP revision and supplement because the source is located in an area which lacks a federally approved 1982 Ozone SIP, and Michigan has yet to submit all required elements to this SIP.

DATE: Comments on this revision and on the proposed U.S. EPA action must be received by August 19, 1988.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Ms. Toni Lesser, at (312) 886-6037, 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.

Michigan Department of Natural Resources, Air Quality Division, Steven T. Mason Building, 530 West Allegan, Lansing, Michigan 48909.

Comments on this proposed rule should be addressed to: (Please submit an original and three copies, if possible.) Gary Gulezian, Chief, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ms. Toni Lesser, Michigan Regulatory Specialist, U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6037.

SUPPLEMENTARY INFORMATION:

Background

On March 6, 1985, the Michigan Department of Natural Resources (MDNR) submitted an Ozone SIP revision request for the Ford Motor Company's Mt. Clemens vinyl plant in the form of a Stipulation of Entry of Consent Order and Final Order SIP No. 1-1985. The Consent Order concerned VOC emissions from coating lines at the vinly plant in the City of Mount Clemens, Macomb County, Michigan. Macomb County is an urban ozone nonattainment area.

On August 29, 1985, U.S. EPA prepared a Technical Support Document (TSD) which recommended disapproval of Consent Order No. 1-1985. On September 24, 1985, U.S. EPA sent the State of Michigan a letter addressing the deficiencies associated with the Ford Motor Company's Mt. Clemens vinyl plant Consent Order No. 1-1985.

On November 1, 1985, the State of Michigan sent U.S. EPA a letter requesting that U.S. EPA withhold formal disapproval rulemaking action Consent Order No. 1-1985, because a revised supplementary Consent Order addressing the U.S. EPA concerns identified in the September 24, 1985, letter was being prepared.

On April 29, 1986, the State of Michigan submitted supplemental information in the form of a First Supplement to Final Order Consent Order No. 1-1985. U.S. EPA prepared a TSD dated July 23, 1986, which again recommended disapproval. U.S. EPA reviewed Consent Order No. 1-1985, as modified, and determined that the revision did not change the requirements in Michigan's March 6, 1985, SIP submittal.

On September 8, 1986, U.S. EPA sent the State of Michigan a letter and a copy of the July 23, 1986, TSD recommending disapproval of Consent Order No. 1-1985, as supplemented. On November 20, 1986, the State of Michigan sent U.S. EPA a letter containing additional information and a copy of the Ford Motor Company's November 20, 1986, comment letter. U.S. EPA's response appears later in this notice.

On February 26, 1987, the State of Michigan sent U.S. EPA a letter which stated that the State no longer sought U.S. EPA approval of the shutdown schedule provided in the original Final Order SIP No. 1-1985 for the Mt. Clemens vinyl plant.

Summary of Ford-Mt. Clemens Printers and Cast Line

Mt. Clemens vinyl plant contains coating lines for the coating of vinyl

fabrics to be used in automobile seats, headliners, and other automobile applications. The nine vinyl coating lines at the plant are designated as printers 1, 2, 3, 5, 7, 8, 10, 11 and a cast line. Printers 1, 2, 3, 5, 9 and 10 are currently uncontrolled, while printers 7 and 8 are controlled by the Airco inert gas/solvent recovery systems, which is a liquid nitrogen based condensation process that recovers solvents. The expected performance of the Airco Systems was 81 percent overall VOC control, based on a combination of 90 percent fugitive solvent capture, and 90 percent efficiency of the condensation unit treating the captured solvent. However, following installation and operation of the Airco Units, Ford discovered that the optimum overall control efficiency is 53 percent on Printer No. 7, and 57 percent on Printer No. 8. Ford is currently achieving these levels of control. In order to further reduce emissions from Printers No. 7 and 8, additional emission control systems or conversion to water-based coatings would be required. However, because most of the VOC emissions still being emitted from Printers No. 7 and 8 are fugitive, the State of Michigan believes that no further add-on controls would be practical.

The cast line is controlled by a thermal incinerator. Printer No. 11 was installed in 1977 as a major source, subject to offset requirements, and is controlled by an afterburner, which MDNR contends achieves Lowest Achievable Emission Rate (LAER).

With respect to vinyl coating operations at Ford's Mt. Clemens Plant, Michigan's Rule 336.1610(3), Table 63, limits the emission rate to 4.5 pounds of VOC per gallon of coating (minus water) as applied. Compliance with R336.1610 is required on and after December 31, 1982. Consent Order No. 1–1985 sets forth a schedule of installation of control equipment on Printers No. 7 and 8 and the cast line; requires a 250-ton reduction of VOC emissions from other uncontrolled printers by December 31, 1985; and establishes a plant wide annual emissions cap of 440 tons of VOC emissions after January 1, 1986.

Consent Order No. 1–1985 (March 6, 1985)

Consent Order No. 1–1985 for the Mt. Clemens plant contains the following VOC emission limits and shutdown schedules:

Printer No. 1 and 5—After June 30, 1985, coating operations are permanently discontinued.

Printers No. 2, 3, and 9—After February 1, 1985, coating operations are permanently discontinued.

Printer No. 7—As of February 1, 1985, the VOC emissions shall not exceed 46 pounds of VOC per gallon of solids applied, based on a 15-day averaging period, and 55 pounds of VOC per gallon of solids applied, based on a 24-hour averaging period.

Printer No. 8—After February 1, 1985, the VOC emissions shall not exceed 47 pounds of VOC per gallon of solids applied, based on a 15-day averaging period and 51 pounds of VOC per gallon of solids applied, based on a 24-hour averaging period.

Printer No. 10—Until November 30, 1985, the VOC emissions shall not exceed 84 pounds of VOC per gallon of solids applied, based on a 15-day averaging period, and 117 pounds of VOC per gallon of solids applied, based on a 24-hour averaging period. After November 30, 1985, the Company shall permanently discontinue operation of Printer No. 10 and shall not resume operation, unless an approved permit to install is issued by the Michigan Air Pollution Control Commission.

Printer No. 11—Subject to offset requirements and controlled by an afterburner which MDNR believes represents LAER.

Cast line—After February 1, 1985, the VOC emissions from the cast line shall not exceed 9.0 pounds of VOC per gallon of solids applied based on a 15-day averaging period, and 11.0 pounds of VOC per gallon of solids applied, based on a 24-hour averaging period.

Supplemental Consent Order No. 1–1985 (April 29, 1986)

Michigan submitted supplemental information in the form of a First Supplement to Final Order Consent No. 1–1985 on April 29, 1986. This revised submittal does not change the requirements included in the original Consent Order No. 1–1985. Michigan's proposed supplement requested an extended shutdown schedule for the uncontrolled lines and a relaxation for controlled lines No. 7 and No. 8. (The letter of February 26, 1987, removed the request for consideration of the extended shutdown schedule.) Supplemental Consent Order No. 1–1985 for the Mt. Clemens plant contains the following provisions:

Printers No. 7 and 8—Compliance with emission limits for vinyl coaters 7 and 8 (as set forth in paragraph 8.b and 8.c.) of Consent Order No. 1–1985, shall be demonstrated (under paragraph 8.i) by determination of overall average VOC reduction of 53 percent for vinyl coater No. 7 and 57 percent for vinyl coater No. 8.

Shutdown Schedule—After January 21, 1986, the company shall not operate any uncontrolled printers at the facility.

On November 20, 1986, the State of Michigan sent U.S. EPA a letter which contained additional information addressing U.S. EPA's July 23, 1986, evaluation of the Supplemental Consent Order No. 1–1985. Presented below is U.S. EPA's response to Michigan's November 20, 1986, letter.

Review of Michigan's November 20, 1986 Comments

MDNR Comment 1: In summary, Michigan's position is that the proposed limitations constitute RACT for this facility and that, therefore, Printers 7 and 8 should not be characterized as a "permanent relaxation." MDNR concluded that the proposed SIP revision, as supplemented, achieves RACT by requiring the 53 percent and 57 percent overall control.

USEPA Response: Whether the 53 percent and 57 percent overall control constitute RACT for printers No. 7 and No. 8, respectively, need not be determined for present purposes. This level of control is a "relaxation" in that it allows more VOC emissions from lines No. 7 and No. 8 than the limits in Michigan's federally approved SIP. As discussed below, U.S. EPA cannot approve this relaxation because (1) Michigan lacks an approved attainment demonstration as discussed below; and (2) Michigan has not met the EPA policy that relaxations in a nonattainment area lacking an approved attainment demonstration are approvable only if the state demonstrates progress towards attainment. Although Ford has reduced emissions from other plant sources over the last few years, the state has not met its burden of demonstrating that this SIP revision meets those progress requirements.

MDNR Comment 2: MDNR believes that the 53 percent and 57 percent control efficiencies are enforceable in the manner that they are presented in the supplement. The State further believes that the pound per gallon of solids limitations in paragraphs 8(b) and 8(c) of the original order are also enforceable. In other words, both limitations must be met at all times. It is MDNR's position that a violation of either the specified percent reduction or the pound per gallon limitation would constitute a violation of the Order. The company agrees with this interpretation

as stated in the attached letter dated November 20, 1986.

USEPA Response: As stated in the July 23, 1986, TSD, U.S. EPA did not consider Michigan's scheme to require 53 percent and 57 percent overalll control for printers Nos. 7 and 8 to be enforceable. However, both Michigan's and Ford's November 20, 1986, letters take the position that the percent reduction requirements in Michigan's April 29, 1986, submittal of a "First Supplemental to Final Order" are separately enforceable. Therefore, the positions taken by Ford and Michigan (on separate enforceability of the percent reduction requirements) are sufficient to clarify the separate enforceability of the requirements. However, at this point, U.S. EPA does not need to address the positions taken by Ford and Michigan on the enforceability issue because the 1982 Michigan Ozone SIP deficiencies have not been resolved.[1]

MDNR Comment 3: MDNR asserted that emission testing at steady-state operation is appropriate. Steady-state operation is the normal manner in which emission testing of stationary sources is routinely done in the State of Michigan on all stationary facilities. The company outlined a further description of conditions that would be maintained at the facility to achieve steady-state operation. MDNR contended that the same test methodology that was appropriate to establish the standard should also be appropriate to verify compliance.

USEPA Response: U.S. EPA has reviewed Michigan's and Ford's comments and agrees that the language, regarding steady-state operation in the "First Supplement to Final Order" is acceptable. Emission testing is appropriate at those conditions at which Printers No. 7 and No. 8 operate in normal production.

MDNR Comment 4: MDNR defended the extended shutdown dates for the uncontrolled printers by pointing out that these printers are not shut down and that the supplemental Consent Order bars operation of any uncontrolled printer after January 21, 1986. MDNR asserted that the company did proceed to expeditiously shut down the uncontrolled printers as required by the Order, once the Order was entered. While the timeliness of the past shutdown may be an issue to be resolved in pending litigation between Ford and the U.S. EPA, MDNR argued that it is simply not possible now to effect any earlier shutdown of these printers. Thus, MDNR asked that U.S. EPA approve the SIP revision because the company's past actions should not affect a SIP revision which addresses the future operations of the plant.

USEPA Response: U.S. EPA now evaluates the expeditiousness of a VOC compliance extension according to the provisions of the August 7, 1986, memorandum by J. Craig Potter, Assistant Administrator for Air and Radiation, titled "Policy on SIP Revisions Requesting Compliance Date Extensions for VOC Sources." This policy requires a survey of other sources in the same VOC category to evaluate expeditiousness. This survey has not been performed by Michigan; and, therefore, the expeditiousness of the extended shutdown schedule for the uncontrolled printers cannot be determined.

On February 26, 1987, the State of Michigan sent U.S. EPA a letter which stated that the State no longer seeks approval of the shutdown schedule provided in the original Final Order SIP No. 1–1985 for the Mt. Clemens vinyl plant. Thus, the reasonableness of the time extension is not under consideration in this rulemaking.

USEPA's Proposed Rulemaking Action

U.S. EPA is proposing to disapprove Consent Order No. 1–1985, as supplemented, for the Ford Motor Company's Mt. Clemens Vinyl plant because the source is located in an area which currently lacks a federally approved 1982 Ozone SIP.

Under U.S. EPA policy, as indicated in a July 29, 1983, memorandum from Sheldon E. Myers, former Director of the Office of Air Quality Planning and Standards, U.S. EPA will not approve a SIP revision allowing relaxed emission standards in a nonattainment area, unless the State demonstrates that the SIP as a whole, as revised, will result in attainment by the applicable date. This requirement has not been met here. Macomb County, Michigan, is an ozone nonattainer area and, as such, must be subject to an U.S. EPA-approved SIP demonstrating attainment as expeditiously as practicable, but no later than the end of 1987. The Michigan ozone SIP has been submitted to U.S. EPA in large part, but is still undergoing U.S. EPA review. U.S. EPA's preliminary review indicates that the Michigan ozone plan lacks certain required RACT rules and other SIP-related elements. The attainment demonstration that Michigan submitted with its ozone plan purports to show attainment by the end of 1987 on the basis of reductions in VOC emissions in part from those sources for which no RACT rules have been submitted. Michigan's failure to submit these rules means that it has not demonstrated that the associated VOC reductions will occur, and thus that attainment will occur by the end of 1987 or even shortly thereafter.

In addition, under U.S. EPA policy, even if Michigan projected attainment solely from VOC reductions from sources other than those lacking RACT rules, RACT rules for all sources covered by RACT requirements are necessary as an additional safeguard for attainment. For this reason, too, the lack of RACT rules means U.S. EPA cannot approve the Michigan SIP. However, under EPA's emissions trading program, sources covered by RACT emission limits may be allowed to replace those limits with less stringent limits by obtaining emission credits from other sources in the area. Those credits must be obtained in accordance with the procedures established in the emissions trading policy and will generally be obtained by applying control to previously unregulated sources, by applying emission limits that are more stringent than RACT to other sources, or by taking credit from certain source shutdowns. It should be noted that EPA recently notified the Governor of Michigan that its ozone SIP for the Detroit area is substantially inadequate to attain and maintain the national ambient air quality standard for ozone and that Michigan must revise the plan. This action has the effect of reinforcing the area's classification as an area "needing but lacking an approved attainment demonstration" under the emissions trading policy, and thus requires any request for approval of an emissions trade to use a more stringent emissions "baseline" on which to determine surplus emission credits. In a separate notice, U.S. EPA will be addressing the deficiencies associated with the State of Michigan's proposed 1982 Ozone SIP revision.

A 30-day public comment period is being provided on this notice of proposed disapproval rulemaking. Public comments received on or before

[1] The proposed SIP revision does not contain an adequate test method for determining compliance with the 53 percent/57 percent overall control emission limit. The applicable test method is contained in the "First Supplement to Final Order." This method allows calculation of the pounds of VOC per gallon in the coatings (EPA Method 24) and the calculation of the pounds of VOC recovered (weighing the solvent and excluding water using the ASTM method). The test method in the "supplement" does not allow calculation of the percentage reduction because the units obtained from EPA Method 24 (pounds per gallon) are not the same as the units obtained from weighing recovered solvent (pounds). In addition, note that the citation for the ASTM test method in the "supplement" is incorrect. It should read ASTM D3792–79.

August 19, 1988 will be considered in U.S. EPA's final rulemaking action.

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

Under 5 U.S.C. 605(b), I certify that this SIP disapproval section will not have a significant economic impact on a substantial number of small entities because this action applies to only one source. In addition, this action imposes no additional requirements on the source.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7642.

Dated: September 23, 1987.

(Editorial Note: This document was received at the Office of the Federal Register on July 15, 1988.)

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 88–16324 Filed 7–19–88; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[FRL–3416–4]

Approval and Promulgation of Implementation Plans; Michigan

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

ACTION: Proposed rulemaking.

SUMMARY: USEPA proposes to disapprove a request to revise the Michigan State Implementation Plan (SIP) for Ozone for the Ford Motor Company's Romeo Tractor Plant. This proposed revisions requests a compliance date extention for a number of paint operations and a relaxation of the volatile organic compound (VOC) emissions limit contained in Michigan's Rule 336.1621 for certain paint operations at the Ford Motor Company's Romeo Tractor and Equipment Plant in Macomb County, Michigan.

USEPA is proposing to disapprove this revision because: (1) The State failed to provide adequate documentation that the December 31, 1986, compliance date extension is as expeditious as practicable in accordance with the Clean Air Act and USEPA's policy; (2) the State has failed to demonstrate that a proposed emission limitation of 4.8 lbs. of VOC per gallon of coating for the final repair operations constitutes reasonably available control technology (RACT), or that the existing RACT-based emission limit is technologically or economically infeasible for these operations; and (3) the State has not demonstrated that this relaxation would not interfere with timely attainment and maintenance of the ozone standard in the Detroit area.

DATE: Comments on this revision and on the proposed USEPA action must be received by August 19, 1988.

ADDRESSES: Copies of the SIP revision are available at the following address for review: (It is recommended that you telephone Ms. Toni Lesser, at (312) 886–6037, 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.

Michigan Department of Natural Resources, Air Quality Division, Stevens T. Mason Building, 530 W. Allegan, Lansing, Michigan 48909.

Comments on this proposed SIP revision request should be addressed to: (Please submit an original and three copies, if possible.) Gary Gulezian, Chief, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ms. Toni Lesser, Michigan Regulatory Specialist, U.S. Environment Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6037.

SUPPLEMENTARY INFORMATION: On May 13, 1985, the Michigan Department of Natural Resources (MDNR) submitted a SIP revision request for the Ford Motor Company's Romeo Tractor and Equipment Plant in the form of a Stipulation for Entry of Consent Order and Final Order No. 3–1985. The Romeo plant is located in Macomb County, Michigan, which is in an urban ozone nonattainment area.

Summary of Ford-Romeo Tractor and Equipment SIP Revision

The Ford Motor Company's Romeo Tractor and Equipment Plant assembles and finishes a wide variety of heavy equipment for agricultural, construction and industrial applications. The plant includes six paint operations which are subject to the Michigan Air Pollution Control Commission (MAPCC) Rule 336.1621. These operations are: A small parts paint system, a flat deck tractor chassis system, a straddle mount tractor chassis system, and a touch-up and repair facility for agricultural and industrial tractor modifications and repairs. A system for painting hydraulic cylinder subassemblies and a modification building paint repair booth are exempted from the requirements of R336.1621 because the annual emissions from these sources are under 10 tons. Primers and top coatings are applied by a "wet-on-wet" basis through conventional air atomized spray. The company uses approximately 160 topcoat colors, most of these consisting of specialty colors with annual usage volumes below 15 gallons. Current plant production is approximately 70 agicultural and 20 industrial tractors per day on two shifts per day, 5 days per week, 50 weeks per year.

Current Federally Approved State Rule Requirements

Michigan's Rule 336.1621 establishes VOC emission limits for miscellaneous metal coating operations and specifies a final compliance date of December 31, 1983. Rule 336.1621 was approved by USEPA as part of Michigan's Part D SIP on June 29, 1982 (47 FR 28097). The emission limits in R336.1621 require at least the applicaton of RACT as required by section 172(b) of the Clean Air Act (CAA). The paint operations at the Romeo plant are presently subject to the VOC limit of 3.5 lbs. of VOC/gallon of coating, minus water, as applied, for "extreme performance" coatings set forth in R336.1621(1)(c).

Proposed Emission Limits

Consent Order No. 3–1985 would revise the existing SIP requirements in R336.1621 for the six paint operations at the Romeo Tractor and Equipment Plant described above as follows:

1. Three paint operations covered by the rule (the industrial tractor paint repair booth, the agricultural tractor paint repair booth and the touch-up paint repair booth) would have a higher final emission limit of 4.8 pounds of VOC/gallon, minus water, as applied for standard and specialty colors.

2. The final compliance date for all six paint operations covered by the Order would be extended to December 31, 1986.

3. Interim emission limits established for all six paint operations from 1983 to the final 1986 compliance deadline exceed the 3.5 pound/gallon limit set forth in R336.1621.

4. The MAPCC could establish "equivalent" emission limits expressed in terms of pounds of VOC per gallon of solids applied.

5. Compliance with the emission limits would be determined as a 24-hour weighted average of all the standard and specialty colors used. The current rule requires compliance with the VOC limits to be met on an instantaneous

basis. There is no provision for averaging over time.

Specifically, Consent Order No. 3-1985, includes the following compliance schedule and emission limits for each of the six paint operations covered in the order:

Flat Deck Chassis Paint Booth

• Until December 31, 1984, VOC emissions from application of all standard and specialty colors shall not exceed 5.4 pounds of VOC per gallon of coating, minus water as applied, based on a 24-hour averaging period.

• By December 31, 1984, and until December 31, 1986, the VOC emissions from the application of all standard and specialty colors shall not exceed 3.7 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour averaging period.

• After December 31, 1986, the VOC emissions from the application of all standard and specialty colors shall not exceed 3.5 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour averaging period.

Straddle Mount Chassis Paint Booth

• Until December 31, 1985, VOC emissions from application of all standard and specialty colors shall not exceed 5.2 pounds of VOC per gallon of coating, minus water, as applied.

• By December 31, 1985, and until December 31, 1986, the VOC emissions from the application of all standard and specialty colors shall not exceed 4.3 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour averaging period.

• After December 31, 1986, the VOC emissions from the application of all standard and specialty colors shall not exceed 3.5 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour averaging period.

Small Parts Paint Booth

• Until December 31, 1985, VOC emission from the application of all standard and specialty colors shall not exceed 5.3 pounds of VOC per gallon of coating, minus water, as applied.

• By December 31, 1985, and until December 31, 1986, the VOC emissions from the application of all standard and specialty colors shall not exceed 4.3 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour averaging period.

• After December 31, 1986, the VOC emissions from the application of all standard and specialty colors shall not exceed 3.5 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour averaging period.

Industrial Tractor Paint Repair Booth

• Until December 31, 1985, VOC emissions from the application of all standard and specialty colors shall not exceed 5.9 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour averaging period.

• By December 31, 1985, and until December 31, 1986, the VOC emissions from the application of all standard and specialty colors shall not exceed 5.2 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour averaging period.

• After December 31, 1986, the VOC emissions from the application and specialty colors shall not exceed 4.8 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour averaging period.

Agricultural Tractor Paint Repair Booth

• Until December 31, 1985, VOC emissions from the application of all standard and specialty colors shall not exceed 5.4 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour averaging period.

• By December 31, 1985, and until December 31, 1986, the VOC emissions from the application of standard and specialty colors shall not exceed 5.0 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour averaging period.

• After December 31, 1986, the VOC emissions from the application of all standard and specialty colors shall not exceed 4.8 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour averaging period.

Touch-Up Paint Repair Booth

• Until December 31, 1985, VOC emissions from the application of all standard and specialty colors shall not exceed 5.4 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour average.

• By December 31, 1985, and until December 31, 1986, the VOC emissions from the application of standard and specialty colors shall not exceed 5.2 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour averaging period.

• After December 31, 1986, the VOC emissions from the application of all standard and specialty colors shall not exceed 4.8 pounds of VOC per gallon of coating, minus water, as applied, based on a 24-hour averaging period.

USEPA's Evaluation of the Proposed Revision

Air Quality Considerations

Macomb County, where the Ford Romeo plant is located, is a primary nonattainment area for ozone. Michigan requested and obtained from USEPA an extension for achieving the ozone national ambient air quality standard (NAAQS) for the Detroit Metropolitan area, including Macomb County, to December 31, 1987. Michigan was, therefore, required by the Clean Air Act (CAA) to submit a revised ozone plan for the Detroit area by July 1982, which demonstrated attainment of the ozone NAAQS not later than December 31, 1987. On April 3, 1983, Michigan submitted its 1982 Ozone SIP for the Detroit urban area, which USEPA proposed to disapprove on June 14, 1984, (49 FR 24544) due to the failure of the plan to demonstrate attainment.

Michigan submitted a revised 1982 Ozone SIP on June 12, 1985. The impact of the relaxations in this Consent Order on air quality and maintenance of reasonable further progress (RFP) are taken into account in the ozone attainment demonstration for the Detroit nonattainment area that was part of the June 12, 1985, submittal. The attainment demonstration, as submitted, predicts attainment of the ozone standard by 1987 as required by the CAA and USEPA guidelines. However, USEPA has not approved the State's proposed revised ozone plan for the Detroit Urban area. USEPA's SIP revision policy requires that the SIP include an approvable attainment demonstration, under which it can be determined that a proposed relaxation will not interfere with RFP toward, and timely attainment of, the ozone NAAQS.

The Michigan Ozone SIP has been submitted to USEPA in large part, but is still undergoing USEPA review. USEPA's preliminary review indicates that the Michigan ozone plan lacks certain required RACT rules and other SIP-related elements. In a separate action USEPA will be addressing the deficiencies associated with the State of Michigan's proposed 1982 Ozone SIP revision.

The attainment demonstration that Michigan submitted with its ozone plan purports to show attainment by the end of 1987 on the basis of reductions in VOC emissions in part from sources for which no RACT rules have been submitted. Michigan's failure to submit these rules means that it has not demonstrated that the associated VOC reductions will occur, and thus that attainment will occur by the end of 1987 or even shortly thereafter. In addition, under USEPA policy, even if attainment were projected to result soley from VOC reductions associated with sources other than those for which no RACT rules have been submitted, RACT rules

for all sources covered by RACT requirements are necessary as an additional safeguard for attainment. For this reason, too, the lack of RACT rules means USEPA cannot approve the Michigan SIP.

However, under EPA's emissions trading program, sources covered by RACT emission limits may be allowed to replace those limits with less stringent limits by obtaining emission credits from other sources in the area. Those credits must be obtained in accordance with the procedures established in the emissions trading policy and will generally be obtained by applying control to previously unregulated sources, by applying emission limits that are more stringent than RACT to other sources, or by taking credit from certain source shutdowns. It should be noted that EPA recently notified the Governor of Michigan that its ozone SIP for the Detroit area is substantially inadequate to attain and maintain the national ambient air quality standard for ozone and that Michigan must revise the plan. This action has the effect of reinforcing the area's classification as an area "needing but lacking an approved attainment demonstration" under the emissions trading policy, and thus requires any request for approval of an emissions trade to use a more stringent emissions "baseline" on which to determine surplus emissions credits.

Equivalent Emission Limitations

The consent decree would allow the MAPCC to determine and establish "equivalent" emission limits for the Romeo paint operations expressed in terms of pounds of VOC per gallon of solids applied. A determination of "equivalent" emission limits would require an evaluation of the baseline and actual transfer efficiency of the operations. Determining equivalent emission limits is not straightforward for miscellaneous metal sources because there is no pre-established baseline transfer efficiency (as exists for automotive and large appliance sources). For this reason, the formulation of equivalent emission limits for this type of source would involve the exercise of significant discretion by the State.

Under sections 110(a)(2) and 172(b) of the Clean Air Act, USEPA can approve SIP provisions only if they do not interfere with timely attainment and maintenance of the national ambient air quality standards. USEPA cannot be assured that the State's exercise of discretion in choosing equivalent emission limits for this type of source will be adequate to protect the standard. Consequently, USEPA cannot approve this equivalency provision as a "generic" authorization for the state to adopt new federally enforceable limits without USEPA's subsequent case-by-case approval. Since the state apparently intended that USEPA approve this equivalency provision as such a generic authorization, USEPA proposes to disapprove the provision.

Relaxed Final Emission Limit For Final Repair Operations

Michigan justified the proposed relaxed limit of 4.8 pounds of VOC per gallon for the three tractor paint repair operations by stating that R336.1621 includes this same limit for truck final repair coatings. Michigan believes that the 4.8 limit for truck final repair should also apply to tractor final repair because "the air dry and color match requirements necessitating the 4.8 limit for trucks also exist for tractor final repair."

However, the existence of a 4.8 lbs/gal limit on truck final repair is not a basis for relaxing the tractor final repair limit. Michigan must present a basis for its position that a limit of 3.5 lbs/VOC gallon is not RACT for these sources at the Romeo Plant.

Compliance Date Extensions

USEPA has determined that the State has failed to adequately demonstrate that the December 31, 1986 compliance date extension is as expeditious as practicable in accordance with the Clean Air Act and USEPA's policy on compliance date extensions. In particular, the State has not adequately researched the compliance status of similar sources to determine if compliance by the original deadline was reasonable. Nor has the State demonstrated that the compliance date extension will not interfere with reasonable futher progress toward attainment of the National Ambient Air Quality Standard for ozone. Therefore, USEPA is proposing to disapprove the compliance data extension.

Proposed Action

USEPA is proposing to disapprove Consent Order No. 3–1985 for the Ford Motor Company's Romeo Tractor and Equipment Plant, for the following reasons:

(1) The State failed to demonstrate that the compliance date extension is as expeditious as practicable in accordance with USEPA's August 7, 1986, policy.

(2) The order includes an equivalency provision that would grant the state overbroad discretion to change the SIP unilaterally in a manner that may interfere with timely attainment and mainteance of the ozone standard.

(3) No documentation was provided to demonstrate that a final repair limit of 4.8 lbs. voc/gallon of coatings is consistent with RACT and that the existing SIP limit of 3.5 lbs. of VOC/gallon for these operations is infeasible.

(4) The source is located in Macomb County, an urban nonattainment area which currently lacks an approvable 1982 Ozone SIP.

A 30-day public comment period is being provided on this notice of proposed disapproval rulemaking. Public comments received on or before August 19, 1988 wil be considered in USEPA's final rulemaking action.

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

Under 5 U.S.C. 605(b), I certify that this SIP disapproval action will not have a significant economic impact on a substantial number of small entities because this action applies to only one source. In addition, this action imposes no additional requirements on the source.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7642.

Date: March 31, 1987.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 88–16325 Filed 7–19–88; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[FRL-3417-2; EPA Docket No. 107 PA-47]

Designation of Areas for Air Quality Planning Purposes; Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a request from the Commonwealth of Pennsylvania to revise the attainment status designations of York and Lancaster Counties from "Do Not Meet Primary Standards" to "Better Than National Standards" with respect to ozone. The intent of this notice is to discuss the results of EPA's review of the Commonwealth's redesignation request and to solicit public comments on EPA's proposed action.

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

ADDRESSES: Copies of the proposed redesignation request and accompanying support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Management Division, 841 Chestnut Building, Philadelphia, PA 19107, ATTN: David L. Arnold

Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120 ATTN: Gary Triplett.

All comments on the proposed revisions submitted within 30 days of publication of this notice will be considered and should be directed to David L. Arnold, Chief, Program Planning Section at the EPA, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, EPA docket No. 107PA-47.

FOR FURTHER INFORMATION CONTACT: Larry Budney (3AM13) at the EPA, Region III address above or call (215) 597-0545.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Clean Air Act, the Administrator of EPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for all areas within each State (See 43 FR 8962 (March 3, 1978)). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

On April 16, 1987, the Pennsylvania Department of Environmental Resources (DER) submitted a request to EPA to have York and Lancaster Counties redesignated from "Do Not Meet Primary Standards" to "Better Than National Standards" with respect to ozone. With a May 19, 1987, acknowledgement of receipt of the request, EPA requested that DER provide additional documentation in support of the redesignation request, including information pertinent to control strategy implementation. DER submitted the supplemental information on February 16 and 23, 1988.

When considering a redesignation request for ozone, a number of criteria must be considered. The most important is the National Ambient Air Quality Standard (NAAQS) for ozone is defined to be violated when the annual average expected number of daily exceedances of the standard (0.12 parts per million, 1 hour average) is greater than 1.0. A daily exceedance occurs when the maximum hourly ozone concentration during a given day exceeds 0.124 ppm ("Guidelines for the Interpretation of Ozone Air Quality Standards," EPA-450/4-79-003). The expected number of daily exceedances is calculated from the observed number of exceedances by making the assumption that non-monitored days (invalid or incomplete) have the same fraction of daily exceedances as those observed on monitored days (EPA-450/4-79-003).

Specific criteria for ozone redesignation reviews are given in an April 21, 1983 policy memorandum from Sheldon Meyers, former Director of EPA's Office of Air Quality Planning and Standards (OAQPS), and an April 6, 1987 policy memorandum from Gerald A. Emison, Director of OAQPS. Those memoranda indicate that the average number of expected exceedances for each monitoring site is to be based on ozone concentrations contained in the most recent three years of data, if three years of data are available. They also specify the requirement that observed improvements in air quality must be due to implementation of permanent and enforceable emission control measures, and that the EPA-approved control strategy be fully implemented.

Ambient ozone monitoring data from the York and Lancaster County monitors show one exceedance of the ozone NAAQS at each monitor during the 1985 through 1987 monitoring seasons. The annual average expected number of daily exceedances equals 0.34 at the York County monitor and 0.35 at the Lancaster County monitor during that three year period. Meteorological and economic conditions during the 1985-1987 period were reasonably typical. Therefore, ozone concentrations during that period are believed to be representative of ozone air quality that can be expected in York Lancaster Counties, and the data demonstrate monitored attainment of the ozone NAAQS. EPA examined the 1985 through 1987 air quality data and found that they were collected in accordance with all EPA requirements.

Over the longer term (since 1980), air quality in both counties has improved substantially. During the 1980-1984 period, the York County monitor showed an average of about 2.4 exceedances per year, and 3.6 exceedances per year at the Lancaster County monitor. As discussed above, each monitor has registered less than one exceedance per year since 1984.

In any proposed redesignation to attainment, it is important to be able to demonstrate that the observed improvement in air quality is due to permanent VOC (volatile organic compound) emission reduction measures rather than temporary factors such as changing economic conditions. In the case of York and Lancaster Counties, no significant emission reductions have occurred due to economic downturn or temporary shutdowns. Therefore, economic downturn is not responsible for the observed improvement in air quality. Significant permanent emission reduction measures were implemented at several major point sources in each county since 1980. The total improvement in air quality during the 1980-1987 time period is attributed to implementation of area-wide Group I and II RACT (Reasonably Available Control Technology) controls and year-to-year mobile source emission reductions obtained through the Federal Motor Vehicle Control Program. Those regulations will remain in effect after the redesignation.

In addition to the above, EPA policy provides that redesignation of an area to attainment status for ozone requires that the current EPA approved control strategey for VOC sources be fully implemented. To judge whether this criterion has been satisfied, EPA looks to the Commonwealth to review source inspection and compliance records on file to confirm that all affected sources in the area under consideration have either installed and are operating RACT controls or are on an enforceable compliance schedule.

The Commonwealth conducted this review and determined that the stated criterion has been met in the affected counties. The EPA Region III Air Enforcement Branch, through further discussions with the Commonwealth and through an independent review of the Compliance Data System (CDS) Quick Look Report for those counties determined that, with one exception, all major VOC sources in those counties are in compliance with applicable RACT control requirements. The source in question had installed control equipment, but it was rendered inoperable due to a fire in December 1987. The source has been operating since without controls. The Commonwealth has subsequently negotiated a consent agreement with the source to repair the control equipment. The agreement contains a schedule for compliance by September 1988. In conclusion, EPA has determined that the Comonwealth is fully implementing its control strategy requirements.

Proposed Action

EPA finds that the proposed redesignations of York and Lancaster Counties, Pennsylvania for ozone are approvable, and therefore proposes to redesignate those counties to "Better Than National Standards." The

proposed redesignations are based upon three years (1985–1987) of air quality data, which demonstrate attainment of the ozone NAAQS in both counties, combined with the fact that the approved emission control strategy has been fully implemented.

Interested parties are invited to submit comments on this action. EPA will consider comments received within 30 days of publication of this notice.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401–7642.

Date: May 23, 1988.

James M. Seif,

Regional Administrator.

[FR Doc. 88–16322 Filed 7–19–88; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 180

[PP 8E3605/P456; FRL–3417–5]

Pesticide Tolerance for Metalaxyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the fungicide metalaxyl and its metabolites in or on the raw agricultural commodity papaya. The proposed regulation to establish a maximum permissible level for residues of the pesticide in or on the commodity was requested in a petition submitted by the Interregulational Research Project No. 4 (IR–4).

DATE: Comments, identified by the document control number [PP 8E3605/P456], must be received on or before August 19, 1988.

ADDRESS: By mail, submit written comments to:

Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

In person, bring comments to: Room 246, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Hoyt Jamerson, Emergency Response and Minor Use Section (TS–767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

Office location and telephone number: Room 716H, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557–2310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Burnswick, NJ 08903, has submitted pesticide petition (PP) 8E3605 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project, and the Agricultural Experiment Station of California.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, proposes the establishment of a tolerance for the combined residues of the fungicide metalaxyl, [*N*-(2,6-dimethylphenyl)-*N*[methoxylacetyl) alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, and *N*-(2-hydroxy methyl-6-methyl)-*N*[methoxyacetyl)-alanine methylester, each expressed as metalaxyl in or on the raw agricultural commodity papaya at 0.1 part per million (ppm).

The petitioner proposed that use of metalaxyl on papaya be limited to Hawaii based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include:

1. A 3-month feeding study in rats with a no-observed-effect level (NOEL) at 250 ppm (equivalent to 12.5 milligrams (mg)/kilogram (kg) of body weight/day).

2. A 2-year chronic feeding/oncogenic study in rats with no compound-related oncogenic effects under the conditions of the study at feeding levels up to 1,250 ppm (equivalent to 62.5 mg/kg/day) and an NOEL for systemic effects at 250 ppm (equivalent to 12.5 mg/kg/day).

3. A 2-year oncogenicity study in mice with no compound related oncogenic effects under the conditions of the study at dietary levels up to 1,250 ppm (equivalent to 187.5 mg/kg/day).

4. A 6-month dog feeding study with a NOEL of 250 ppm (equivalent to 6.25 mg/kg/day).

5. A three-generation reproduction study in rats with a NOEL greater than 62.5 mg/kg/day (highest dose tested).

6. A teratology study in rats with NOEL's for maternal and developmental toxicity of 50 mg/kg/day.

7. A teratology study in rabbits with a NOEL of 300 mg/kg/day for maternal toxicity and greater than 300 mg/kg/day for developmental toxicity.

8. Gene mutation assays in bacteria, yeast, and mouse lymphoma cells *in vitro*, with or without metabolic activation, are negative.

9. Structural chromosomal aberration assays are negative in yeast, hamsters (*in vivo* nucleus anomaly assay), and mice (a dominant lethal assay).

The acceptable daily intake (ADI), based on the 6-month dog feeding study (NOEL of 6.25 mg/kg body weight/day) and using a 100-fold safety factor, is calculated to be 0.06 mg/kg of body weight/day. The theoretical maximum residue contribution (TMRC) from existing tolerances is calculated to be 0.010966 mg/kg of body weight/day; the current action will increase the TMRC by 0.0000008 mg/kg of body weight/day (an increase of less than 0.01 percent). Published tolerances utilize 18.3 percent of the ADI; the current action will utilize an additional 0.001 percent.

The nature of the residues is adequately understood and adequate analytical methods, gas-liquid chromatography, are available for enforcement purposes in the *Pesticide Analytical Manual* (PAM), Vol. II, Method I, and in PAM, Vol. I for metalaxyl *per se*. No secondary residues in meat, milk, poultry, or eggs are expected as a result of the proposed use on papayas; papayas are not considered a livestock feed commodity. There are

currently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.408 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

And person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticude, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 8E3605/P456]. All written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: July 11, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.408 is amended by adding a new paragraph (c) to read as follows:

§ 180.408 Metaxayl; tolerances for residues.

* * * * *

(c) Tolerances with regional registration (refer to § 180.1(n)) are established for the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester] and its metabolites containing the 2,6–dimethylaniline moiety, and *N*-(2–hydroxy methyl-6-methyl)-*N*-(methoxyacetyl)-alanine methylester, each expressed as metalaxyl, in or on the following raw agricultural commodity:

Commodity	Parts per million
Papaya	0.1

[FR Doc. 88–16323 Filed 7–19–88; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 300

[FRL–3406–4]

National Priorities List for Uncontrolled Hazardous Waste Sites; Deletion of a Site

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete sites; request for comments.

SUMMARY: Since the Environmental Protection Agency (EPA) has determined that all appropriate response actions have been implemented at the Matthews Electroplating Site it announces its intent to delete the site from the National Priorities List (NPL) and requests public comment. The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan (NCP), which the EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended by SARA. For deletion of this site EPA will accept and evaluate comments before making the final decision to delete.

DATE: Comments may be submitted on or before August 19, 1988.

ADDRESSES: Comments may be mailed to Paul H. Leonard, Remedial Project Manager, Superfund Branch (3HW24), Environmental Protection Agency, 841 Chestnut Street, Philadelphia, PA 19107.

Background information on the site may be obtained from:

EPA Deletion Docket, Superfund Branch (3HW24), U.S. Environmental Protection Agency, 841 Chestnut Street, Philadelphia, PA 19107, Attn: Paul Leonard, (215) 597–8257, Hours: 8 a.m. to 4 p.m.

Local Deletion Docket, Salem Public Library, 28 East Main Street, Salem, VA 24153, (703) 375–3089, Hours: Monday to Thursday 9 a.m. to 8 p.m.; Friday and Saturday, 9 a.m. to 5 p.m.; Sunday 2 p.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Paul Leonard, USEPA (215) 597–8257.

SUPPLEMENTARY INFORMATION:

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I. Introduction
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III. Deletion Procedures
IV. Basis for Intended Site Deletions

I. Introduction

The Environmental Protection Agency (EPA), announces its intent to delete a site from the National Priorities List (NPL), Appendix B, of the National Oil and Hazardous Substances Contingency Plan (NCP), and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to human health or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Fund (Trust Fund) financed remedial actions. Any sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action.

EPA plans to delete the Matthews Electroplating Site in Roanoke County, Virginia, from the NPL.

The EPA will accept comments on this site for thirty days after publication of this notice in the **Federal Register.**

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that the EPA is using for this action and those that the Agency is considering using for future site deletions. Section IV discusses the Matthews Site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

Amendments to the NCP published in the **Federal Register** on November 20, 1985 (50 FR 47912) establish the criteria the agency uses to delete sites from the NPL. Section 300.66(c)(7) of the NCP provides that:

"Sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making this

determination, EPA will consider whether any of the following criteria have been met."

(i) EPA in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed response under CERCLA has been implemented, and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Before deciding to delete a site EPA will make a determination that the remedy or decision that no remedy is necessary, is protective of human health and environment, consistent with section 121(d) of the Superfund Amendments and Reauthorization Act (SARA) of 1986.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such action. Section 300.68(c)(8) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

III. Deletion Procedures

Deletion of sites from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As mentioned in Section II of this notice, § 300.66(c)(8) of the NCP states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

For deletion of this site EPA's Regional Office will accept and evaluate public comments before making the final decision to delete. Comments from the local community surrounding the site are likely to be the most pertinent to deletion decisions.

A deletion occurs when the Assistant Administrator for Solid Waste and Emergency response places a notice in the **Federal Register**, and the NPL will reflect those deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional Office.

IV. Basis for Intended Site Deletions

The following site summary provides the Agency's rationale for intending to delete this site from the NPL.

Matthews Electroplating Site, Roanoke County, VA.

The Matthews Electroplating site is a 1.7 acre site located in Roanoke County, Virginia. From 1972 to 1977, the two-building site operated as an auto bumped repair and replating facility. Local ground water was contaminated by chromium from the facilities process wastes. In 1975 the Virginia State Water Control Board issued orders to the owners of the site to cease and desist further discharging of process wastes to the ground or water. Shortly thereafter the owners declared backruptcy and stopped operations.

To control, the flow of rain water and storm run-off through the contaminated areas, the new owners performed some surface clean-up and a clay cover was placed over a small area of the site where wastes had been discharged.

Based on the ground water and soil contamination, the site was proposed for inclusion on the NPL in October, 1981 and promulgated in September, 1983. EPA conducted a Remedial Investigation and Feasibility Study 1982 to 1983. After reviewing the results of this investigation, construction of a waterline extension from a nearby municipal water distribution system was approved to eliminate the risk to nearby residents by ingesting contaminated drinking water. Approximately 30 homes are being served by the new system. Since the levels fo chromium were expected to decrease naturally, a ground water remedy was deferred at that time to assess the extent of the contaminant plume and whether further remedial actions were necessary.

The design of the new system was completed in 1984 and construction began in early 1985. Construction was completed and inspected in January, 1986. Following the completion of the waterline extension the EPA conducted post remediation sampling for both ground water and soil contamination. The results of these tests showed the level of chromium to have decreased to a point where it no longer posed a significant threat to public health or the environment. As a final measure several open drums were removed and two tanks were evacuated. Based on this action and prior response activities, EPA and the State of Virginia have determined that no further remedial measures are necessary or appropriate. The State of Virginia has agreed to conduct a post-deletion monitoring of the ground water. The Roanoke County Health Department has assurred EPA that the installation of new wells in the area of the site would not be permitted.

Date: July 5, 1988.

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 88-15837 Filed 7-19-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 88-326; FCC 88-202]

Access Tariff Filing Schedules

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking revising access tariff filing schedules.

SUMMARY: The proposed rules would revise and consolidate existing schedules for local telephone companies to file amended rates for the access they provide to long distance companies, and for long distance companies to amend the rates they charge telephone subscribers. The current rules provide for three separate filings within a four-month period, and a fourth nine months later. This would be burdensome to the companies and confusing to subscribers. The proposed consolidation is intended to reduce the burdens for companies and the number of rate changes for subscribers.

DATES: Comments shall be due not later than July 22, 1988 and reply comments shall be due not later than August 5, 1988.

ADDRESS: Federal Communications Commission, Secretary's Office, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Dan Grosh, Tariff Division, Common Carrier Bureau (202) 632-6387.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking adopted June 20, 1988 and released June 21, 1988. The full text of this Notice may be obtained from the Commission's contract copier, International Transcription Service, Inc. (ITS), Room 246, 1919 M Street NW., Washington, DC 20554. The full text is also on file and available for public inspection in the Tariff Division, Common Carrier Bureau, Room 518, 1919 M Street NW.

Summary of Notice of Proposed Rulemaking

Under our current Rules, local telephone companies would be required to prepare and file three major revisions of their interstate access tariffs to be effective within a four-month period

from December 1, 1988 through April 1, 1989. The annual 1989 access tariffs updating and retargetting the LEC access tariff rates are required to be filed October 3, 1988 to be effective January 1, 1989. Changes to customer rates and access rates are scheduled to be effective December 1, 1988 and April 1, 1989. These access rate changes (charged primarily to long distance carriers) are expected to be accompanied by reductions in long distance rates. These access and long distance rates would, in turn be replaced nine months later, when the annual 1990 access tariffs become effective January 1, 1990.

The Commission believes a more consolidated schedule, with fewer effective dates, should reduce the burdens of preparing separate but interrelated filings, the number of filings that the interested public and this Commission must review, and the number of rate changes to which subscribers must adjust.

Accordingly, the Commission proposes to consolidate the annual 1989 access tariff filings with the filings to become effective April 1, 1989 and to delay the annual 1990 access tariffs to a July 1, 1990 effective date. The scheduled December 1, 1989 effective date would not be changed.

In addition, experience with the annual access tariff filings has increasingly led us to the conclusion that January 1 is not the most practical effective date for annual access tariff filings. The Notice proposes to use a permanent July 1 annual effective date starting in 1990.

We certify that the Regulatory Flexibility Act is not applicable to the rule changes we are proposing in this proceeding. As part of our analysis, however, this Commission has considered the impact of the proposal on small telephone companies, *i.e.*, those serving 50,000 or fewer access lines. The action proposed herein would have a beneficial economic impact on all such telephone companies because it would reduce the number of filings required to be made by or on behalf of those companies, and thereby reduce their administrative costs.

The rulemaking proposed in this Notice has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection, or recordkeeping, labeling, disclosure, or record retention requirements as contemplated under the statute. The rulemaking will not increase the collection of information burden imposed on the public.

For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* presentations are permitted except during the "Sunshine Agenda" period. *See generally* § 1.120(a) of this Commission's Rules. During the Sunshine Agenda period, no presentations, *ex parte* or otherwise, are permitted unless specifically requested by this Commission or Commission staff for the clarification or adduction of evidence or the resolution of issues in the proceeding. *See* Section 1.1203 of this Commission's Rules.

In general, an *ex parte* presentation is any presentation directed to the merits or outcome of the proceeding made to decision-making personnel which (1) if written, is not served on the parties to the proceeding; or (2) if oral, is made without advance notice to the parties to the proceeding and without opportunity for them to be present. See § 1.1202 of this Commission's Rules. Any person who submits a written *ex parte* presentation must provide on the same day it is submitted a copy of that presentation to this Commission's Acting Secretary for inclusion in the public record. Any person who makes an oral *ex parte* presentation that presents date or arguments not already reflected in the person's previously filed written comments, memoranda, or filings in this proceeding must provide on the day of the oral presentation a written memorandum to the Acting Secretary (with a copy to the Commissioner or staff member involved) which summarizes the data and must state on its face that the Acting Secretary has been served with a copy and must also state by docket number the proceeding to which it relates. See § 1.1206 of this Commission's Rules.

All relevant and timely comments and reply comments will be considered by this Commission. In reaching our decision, we may take into account information and ideas not contained in the comments, provided that such information or a writing containing the nature and source of such information is placed in the public file, and provided that the fact of our reliance on such information is noted in the Order.

H. Walker Feaster III,

Acting Secretary.

Proposed Changes

47 CFR Part 69 is proposed to be amended as follows:

PART 69—[AMENDED]

(Material to be deleted is enclosed in [brackets]. New material is in italics.)

1. The authority citation for Part 69 would continue to read as follows:

Authority: Secs. 4, 201, 202, 203, 218, 403, 48 Stat. 1066, 1070, 1072, 1077, 1094, as amended, 47 U.S.C. 154, 201, 202, 203, 205, 218, 403.

2. Section 69.2 would be amended by revising paragraphs (v) and (w) to read as follows:

§ 69.2 Definitions.

* * * * *

(v) Level II Contributors—A telephone company or group of affiliated telephone companies with fewer than 300,000 access lines and less than $150 million in annual operating revenues that is not an association Common Line tariff participant, *that* files its own Common Line tariff effective [January 1, 1990] *July 1, 1990,* and that had a lower than average Common Line revenue requirement per minute of use in 1988 and thus was a net contributor (i.e., had a negative net balance) to the association Common Line pool in 1988.

(w) Level II Receivers—A telephone company or group of affiliated telephone companies with fewer than 300,000 access lines and less than $150 million in annual operating revenues that is not an association Common Line tariff participant, *that* files its own Common Line tariff effective [January 1, 1990] *July 1, 1990,* and that had a higher than average Common Line revenue requirement per minute of use in 1988 and thus was a net receiver (i.e., had a positive net balance) from the association Common Line pool in 1988.

3. Section 69.3 would be amended by revising paragraphs (a), (b), (e) introductory text, (6), and (9), and (f) to read as follows:

§ 69.3 Filing of access service tariffs.

(a) Except as provided in § 69.3(f) of this chapter, a tariff for access service shall be filed with this Commission for an annual period. Such tariffs shall be filed so as to provide a minimum of 90 days notice with a scheduled effective date of [January 1] *July 1.*

(b) The requirements imposed by paragraph (a) of this section shall not preclude the filing of revisions to those annual tariffs that will become effective on dates other than [January 1] *July 1.*

(e) A telephone company or group of telephone companies may file a tariff that is not an association tariff. Such a tariff may cross-reference the association tariff for some access elements and include separately computed charges of such company or companies for other elements. Any such

tariff must comply with the requirements hereinafter provided:

* * * * *

(6) A telephone company or companies that elect to file such a tariff shall notify the Association not later than December 31 of the preceding year, if such company or companies did not file such a tariff in the preceding annual period or cross-reference Association charges in such preceding period that will not be cross-referenced in the new tariff.

* * * * *

(9) A telephone company or group of affiliated telephone companies that elects to file its own Carrier Common Line tariff effective April 1, 1989 shall notify the association not later than August 30 of the preceding year that it will no longer participate in the association tariff. A telephone company or group of affiliated telephone companies that elects to file its own Carrier Common Line tariff effective [January 1, 1990] *July 1, 1990* or thereafter pursuant to § 69.3(a) shall notify the association not later than [June 30] *December 31* of the preceding year that it will no longer participate in the association tariff. A telephone company or group of affiliated telephone companies that elect to file its own Carrier Common Line tariff for one of its study areas shall file its own Carrier Common Line tariff for all of its study areas.

(f) A tariff for access services shall be filed with this Commission for an annual period. Such tariffs shall be filed so as to provide a minimum of 90 days notice with a scheduled effective date of [January 1] *July 1.* A tariff for access service provided by telephone companies with 50,000 lines or fewer in a study area, as determined under § 67.611 of this chapter, may be filed for a biennial period, with a minimum of 90 days notice, to begin on [January 1] *July 1* of any odd-numbered year. For purposes of computing end user charge access elements and carrier's carrier charges other than for the Carrier Common Line element to be effective on [January 1] *July 1* of any even-numbered year, the association may propose rate changes based upon statistical methods which represent a reasonable equivalent to the cost support information otherwise required under Part 61 of this chapter.

* * * * *

Section 69.201 would be revised to read as follows:

§ 69.201 General.

Notwithstanding §§ 69.4, 69.104 through 69.108 and 69.111 through 69.112, charges for the access elements described in this subpart shall be computed in accordance with this subpart during the period commencing January 1, 1984 and ending [May 31, 1990] *June 30, 1990.* This subpart does not supersede § 69.107 (f) through (h).

* * * * *

5. A new § 69.209 would be added and read as follows:

§ 69.209 Annual 1989 access tariff filings.

Notwithstanding §§ 69.3, tariffs for access service shall be filed to be effective April 1, 1989 for a period extending through June 30, 1990. Such tariffs shall be filed so as to provide a minimum for 90 days notice.

* * * * *

6. Section 69.606 would be amended by revising paragraph (b) to read as follows:

§ 69.606 Computation of average schedule company payments.

* * * * *

(b) The association shall submit a proposed revision of the formula for each annual period subsequent to December 31, 1986 or certify that a majority of the directors of the association believe that no revisions are warranted for such period on or before [June 30] *December 31* of the preceeding year.

7. Section 69.612 would be amended by revising paragraph (a) introductory text, the opening clause of the first sentence of (a) (1) and (2), and (b)(1) and the opening clause of the first sentence of (b)(2) to read as follows:

§ 69.612 Long term and transitional support.

A telephone company that does not participate in the association Common Line tariff shall have computed by the association:

(a) Long Term Support Obligation.

* * * * *

(1) For the period from April 1, 1989 through [December 31, 1993] *June 30, 1994,* the long Term Support payment obligation shall be funded by all telephone companies that are not association Common Line tariff participants and do not receive transitional support pursuant to § 69.612(b) * * *

(2) Beginning [January 1, 1994] *July 1, 1994* and thereafter, the Long Term Support payment obligation shall be funded by each telephone company that files its own Carrier Common Line tariff and does not receive transitional support * * *

(b) Transitional Support. (1) Telephone Companies categorized as Level I and Level II Receivers that file their own Common Line tariffs effective April 1, 1989 shall receive Transitional Support for a four year period commencing April 1, 1989. Level II Receivers that file their own Common Line tariffs effective [January 1, 1990] *July 1, 1990* shall receive Transitional Support for a four year period commencing [January 1, 1990] *July 1, 1990.* Transitional Support for each of these telephone companies shall be computed on the basis of its net revenues less revenue requirement amounts for 1988 (adjusted for the additional revenues resulting from an increase in End User Common line charges to $3.50). Transitional Support for these telephone companies during the transition period shall be as follows:

Year 1—80% of the adjusted 1988 frozen amount

Year 2—60% of the adjusted 1988 frozen amount

Year 3—40% of the adjusted 1988 frozen amount

Year 4—20% of the adjusted 1988 frozen amount

(2) For the period from April 1, 1989 through [December 31, 1993] *June 30, 1994,* the Transitional Support Fund shall be funded by all telephone companies or groups of affiliated telephone companies that are not association Common Line tariff participants and do not qualify under § 69.612(b)(1) for Transitional Support payment * * *.

[FR Doc. 88-16369 Filed 7-19-88; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1201

[No. 40047]

Revision to Minimum Rule for Railroads' Property Units

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to revise its minimum rule for capitalization of railroad property units to $3200 and to annually adjust this amount by the Producer Price Index for all commodities. The purpose and intended effect of the revision is increase the current $2,000 minimum rule in order to reduce the burden associated with the accounting for minor items of property. This index and adjusted minimum capitalization level would be published in the **Federal Register** each year. This revision is proposed to be effective for the reporting year beginning January 1, 1988

DATE: Written comments are due on September 6, 1988.

ADDRESS: An original and 10 copies of any comments referring to No. 40047 should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Brian A. Holmes, (202) 275-7510. [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write the Office of the Secretary, Room 2215, Interstate Commerce Commission, Washington, DC 20423, or call (202) 275-7428. [TDD for hearing impaired: (202) 275-1721].

Regulatory Flexibility Act

This proposed rule will not have a significant impact on a substantial number of small entities. This proceeding relates to only the Class I railroads. There is no impact on smaller railroads because they are not required to file reports with the Commission. We request comments on this issue.

This decision will not significantly affect the quality of the human environment or the conservation of energy resources.

The information collection requirements contained in this proposal will be submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act of 1980 (5 U.S.C. Chapter 35). Respondents may direct comments on any paperwork burden to OMB by addressing them to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for Interstate Commerce Commission, Washington, DC 20503.

List of Subjects in 49 CFR Part 1201

Railroads, Uniform system of accounts.

Decided: July 12, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lamboley.

Noreta R. McGee,

Secretary.

Title 49 of the Code of Federal Regulations is proposed to be amended to read as follows:

PART 1201—RAILROAD COMPANIES

1. The authority citation for Part 1201 would continue to read as follows:

Authority: 5 U.S.C. 553 and 49 U.S.C. 11166.

2. Instruction 2-2, "Minimum rule applicable to additions to property," is proposed to be revised to read as follows:

Instructions for Property Accounts

2-2 *Minimum rule applicable to additions to property.* An exception to the rule in instruction 2-1 is that when the cost of acquisition of units of road property and of additions to existing units of road property (other than land) is less than $3200, such costs shall be charged to operating expenses. The minimum rule will be adjusted annually by the Producer Price Index for all commodities. The annual revision will be effective as of January 1 of each year and shall be published in the **Federal Register.** The Carrier shall not parcel expenditures under a general plan bringing the accounting for such expenditures within this minimum rule. An amount of less than the current minimum capitalization level may be adopted for purposes of this rule provided the carrier first notifies the Commission of the amount it proposes to adopt and thereafter makes no change in the amount unless authorized to do so by the Commission.

3. Paragraph (a) of Instruction, 2-9, "Additions and retirements of other than units of property," is proposed to be revised to read as follows:

2-9 *Additions and retirements of other than units of property.* (a) When an item of road or equipment property, other than a complete unit, is added to the plant and the addition is not a replacement, the cost thereof shall be accounted for in the same manner as an addition of a complete unit of property, subject to the minimum rule applicable to road property (see Instruction 2-2). When an item of property other than complete unit (minor item) is replaced, independent of the complete unit of which it is a part, the cost of replacement shall be treated as maintenance and charged to operating expenses. (See instruction 2-8(b) covering retirement of a minor item not replaced.)

* * * * *

[FR Doc. 88-16179 Filed 7-19-88; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 53, No. 139
Wednesday, July 20, 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

Office of Inspector General

Privacy Act of 1974; Public Notice of Computer Matching Programs—State Agency Food Stamp Program Participant Files

AGENCY: Office of Inspector General, USDA.

ACTION: Notice of computer matching programs.

SUMMARY: The Office of Inspector General (OIG), United States Department of Agriculture (USDA), is providing notice that it intends to conduct continuing matching programs to detect and prevent fraud and abuse in USDA programs. The matches will compare State agency Food Stamp Program (FSP) participant records against FSP participant records and wage and income records from other States to identify participants who are receiving FSP benefits to which they are not entitled. The matches will be made under written agreements between OIG and each of the State agencies involved. Set forth below is the information required by paragraph 5f(1) of the Revised Supplemental Guidance for Conducting Computerized Matching Programs issued by the Office of Management and Budget, 47 FR 21656 (May 19, 1982). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

FOR FURTHER INFORMATION CONTACT: Dianne Drew, Assistant Inspector General for Administration, U.S. Department of Agriculture, Office of Inspector General, Washington, DC 20250, telephone (202) 447-6915.

Report of Matching Programs: State Agency Food Stamp Program Participants

(a) *Authority:* Pub. L. No. 95-452, Inspector General Act of 1978, 5 U.S.C. App.

(b) *Program Description and Purpose:* One of the responsibilities of OIG under the Inspector General Act of 1978 (Pub. L. No. 95-452) is to prevent and detect fraud and abuse in USDA programs. As part of the effort to meet this responsibility, OIG plans to match State agency files of FSP participants between States. State agencies will provide to OIG lists of State FSP participants to be matched against FSP participant lists and wage and other income information records from other States to determine whether ineligible persons are receiving FSP benefits.

All matches will be accomplished through the use of computer files and will identify ineligible persons who are receiving FSP benefits. Common identifiers such as name, date of birth, and social security number will be used to identify common elements or "hits." OIG will follow up on matches of common elements or "hits" through review of program records and matching source records, and interviews of the "matching" individuals, as necessary. Instances where possible fraud or abuse are identified will be referred to the program agency for corrective action or to the proper authorities for prosecution, as appropriate.

(c) *Files to be used in this matching program:* State agency FSP master files for Arkansas, California, Colorado, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, and Washington; and State wage and income records for the District of Columbia, Illinois, Indiana, Kansas, Kentucky, Maryland, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Virginia.

(d) *Projected starting and ending dates:* This matching will be done on a continuous basis and is projected to begin in fiscal year 1988 and continue through fiscal year 1990.

(e) *Security safeguards:* Computer files used in the matching program will be stored in secure libraries and access will be restricted to those individuals who have a legitimate need to handle the material in order to accomplish the matches. The personal privacy of individuals identified on the files will be protected by strict compliance with the Privacy Act of 1974. Information concerning "nonmatching" individuals will not be extracted for any purpose and source files will not be used for any matches without specific written agreement between USDA and the respective source agency.

(f) *Disposition of source records and "hits":* All files received will be destroyed or returned to their source at the completion of the matches. Resulting "hit" information may be retained in audit workpapers and referred as noted above.

Dated: July 13, 1988.

Robert W. Beuley,

Inspector General.

[FR Doc. 88-16279 Filed 7-19-88; 8:45 am]

BILLING CODE 3410-23-M

Privacy Act of 1974; Public Notice of Computer Matching Programs—State Agency Food Stamp Program Participant Records and Federal Personnel Records

AGENCY: Office of Inspector General, USDA.

ACTION: Notice of computer matching programs.

SUMMARY: The Office of Inspector General (OIG), United States Department of Agriculture (USDA), is providing notice that it intends to conduct continuing matching programs to detect and prevent fraud and abuse in USDA programs. The matches will compare State agency Food Stamp Program (FSP) participant records against the personnel records of the Office of Personnel Management (OPM), the Defense Manpower Data Center (DMCD), and the United States Postal Service (USPS), for the purpose of identifying Federal personnel (civilian and military, active duty and retired) who are receiving FSP benefits to which they are not entitled. The matches will be made under written agreements between USDA and DMDC, USPS, and OPM. Set forth below is the information required by paragraph 5f(1) of the Revised Supplemental Guidance for Conducting Computerized Matching Programs issued by the Office of

Management and Budget, 47 FR 21656 (May 19, 1982). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

FOR FURTHER INFORMATION CONTACT: Dianne Drew, Assistant Inspector General for Administration, U.S. Department of Agriculture, Office of Inspector General, Washington, DC, 20250, telephone (202) 447-6915.

Report of Matching Programs: State Agency Food Stamp Program Participant Records and Federal Personnel Records

(a) *Authority:* Pub. L. No. 95-452, Inspector General Act of 1978, 5 U.S.C. App.

(b) *Program Description and Purpose:* One of the responsibilities of OIG under the Inspector General Act of 1978 (Pub. L. No. 95-452) is to prevent and detect fraud and abuse in USDA programs. As part of the effort to meet this responsibility, OIG plans to match lists of State FSP participants with Office of Personnel Management (OPM) personnel records and also provide the Defense Manpower Data Center (DMDC) and the U.S. Postal Service (USPS) with lists of State FSP participants to be matched against DMDC and USPS personnel records to determine whether ineligible Federal personnel (civilian and military, active duty and retired) are receiving FSP benefits. These matches will be done on a continuous basis throughout the United States.

All matches will be accomplished through the use of computer files and will identify Federal personnel receiving FSP benefits. Income data will be compared to FSP requirements to determine whether ineligible Federal personnel are receiving FSP benefits. Common identifiers such as name, social security number, and date of birth will be used to identify the common elements or "hits." DMDC and USPS will provide to OIG a list of matches of common elements or "hits." OIG will follow up on "hits" through review of program records and matching source records, and interviews of the "matching" individuals, as necessary. Instances where possible fraud or abuse are identified will be referred to the program agency for corrective action or to the proper authorities for prosecution, as appropriate.

(c) *Files to be used in this matching program:*

(1) State agency FSP master files for selected States;

(2) Office of Personnel Management Central Personnel Data Files (CPDF) within the General Personnel Records System (OPM/Govt-1), 49 FR 36954, and Civil Service Retirement and Insurance Files within the Civil Service Retirement and Insurance Records Systems (OPM/Central-1), 49 FR 36950;

(3) U.S. Postal Service, USPS 050.020, Finance Records—Payroll System, 52 FR 6251; and

(4) Department of Defense, Defense Logistics Agency (DLA), System Identification: S322.10 DLA-LZ, System Name: Defense Manpower Data Center Data Base, 53 FR 4442.

(d) *Projected starting and ending dates:* This matching will be done on a continuous basis throughout the United States and is projected to begin in fiscal year 1988 and continue through fiscal year 1990.

(e) *Security safeguards:* Computer files used in the matching program will be stored in secure libraries and access will be restricted to those individuals who have a legitimate need to handle the material in order to accomplish the matches. The personal privacy of individuals identified on the files will be protected by strict compliance with the Privacy Act of 1974. Information concerning "nonmatching" individuals will not be extracted for any purpose and source files will not be used for any matches without specific written agreement between USDA and the respective source agency.

(f) *Disposition of source records and "hits":* All files received will be destroyed or returned to their source at the completion of the matches. Resulting "hit" information may be retained in audit workpapers and referred as noted above.

Dated: July 13, 1988.

Robert W. Benley,

Inspector General.

[FR Doc 88-16280 Filed 7-19-88; 8:45 am]

BILLING CODE 3410-23-M

Rural Electrification Administration

Finding of No Significant Impact; Oglethorpe Power Corp.

AGENCY: Rural Electrification Administration, USDA.

ACTION: Finding of no significant impact relating to the construction of 230 kV transmission and substation facilities in Coffee County, Georgia.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and REA Environmental Policies and Procedures (7 CFR Part 1794), has made a Finding of No Significant Impact (FONSI) with respect to construction of a 20 mile, 230 kV transmission line on steel H-frame support structures and a new 230/25 kV substation. Olegthorpe Power Corporation (OPC), of Tucker, Georgia, has requested approval to use general funds to construct the project.

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

SUPPLEMENTARY INFORMATION: REA, in conjunction with a request from OPC for approval to use general funds to construct the project, required that OPC develop a Borrower's Environmental Report (BER) reflecting the potential impacts of the project. The BER, which includes input from certain state and Federal agencies, has been adopted by REA as its Environmental Assessment (EA). REA has concluded that the BER represents an accurate assessment of the environmental impacts of the proposed project. The project will allow OPC to continue to meet its responsibilities to serve its load in a reliable and economical manner.

The length of the proposed transmission line is approximately 20 miles. It originates at an existing substation near Douglas in Coffee County, and terminates at a proposed substation near Wilsonville in Coffee County. The single circuit 230 kV line will require new right-of-way 125 feet in width. The Wilsonville Substation will require less than 2 aces of area that will be cleared and fenced to accommodate the facility.

REA has concluded that the proposed project will have no significant impact on wetlands, prime farmland, floodplains, threatened or endangered species or critical habitat, property listed or eligible for listing in the National Register of Historic Places, air quality, water quality and the health of humans or animals. Floodplains of numerous streams, wetlands, and potential prime farmland (soil surveys for Coffee County not complete) are located in the perferred line ROW. Some transmission line support structures may be located within these areas; however, REA believes that transmission line structure placement will have no significant impact to these areas. No practical alternative routes that could avoid these areas were identified. The substation will not be located in the 100-year floodplain or wetlands. The substation will be located on land that is

prime farmland; however, the site alternative with the least amount of impact to agricultural use was selected. Certain other impacts resulting from the proposed project are unavoidable such as the cutting of trees and vegetation for the right-of-way clearing and the aesthetic impact on the visual quality of the area.

Alternatives examined for the purposed project included no action, electrical alternatives, alternative line routes and alternative substation sites. REA determined that there is a demonstrated need for the project and constructing it within the perferred ROW will have no significant impact to the environment. Therefore, REA has concluded that its approval to allow OPC to use general funds to construct the proposed project does not constitute a major Federal action significantly affecting the quality of the human environment. REA has reached a FONSI with respect to the proposed project.

Copies of the EA and FONSI can be obtained from the offices of REA in the South Agriculture Building, Room 0270, 14th and Independence Avenue SW., Washington, DC 20250 or at the office of Oglethorpe Power Corporation, P.O. Box 1349, tucker, Georgia 30085-1349.

In accordance with the REA Enviromental Policies and Procedures, 7 CFR Part 1794, OPC had a notice and advertisement published in *The Douglas Enterprise* which has a general circulation in Coffee County. The notice appeared in the February 24, 1988 issue. The notice described the project, announced the availability of the BER and gave information where the BER could be obtained for review and where comments could be sent. The advertisement appeared in the same issue of the newspaper and briefly described the project and referred the reader to the legal notice. The public was given at least 30 days to respond to the notice. No responses to the notice were received by OPC or REA.

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

Date: July 13, 1988

John H. Arnesen,

Assistant Administrator—Electric.

[FR Doc. 88-16307 Filed 7-19-88; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Finding of No Significant Impact; Elk River Watershed Protection Plan, MI

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Elk River Watershed, Charlevoix and Antrim Counties, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-337-6702.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. A contact has been made with the State Historical Preservation Officer and concludes that it will have no effect or any cultural resources either eligible for or listed on the National Register of Historic Places. The State Archaeologist will be contacted if any land disturbance associated with this project and archaeological sites, features, or materials are encountered during actual construction. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation and treatment of practices for watershed protection. The practices will include: Conservation tillage, critical area treatment, greased waterways, stripcropping, diversions, water and sediment control basins, wildlife plantings and water quality improvement measures. Total financial assistance cost is estimated to be $2,803,700; $1,613,200 Pub. L. funds and $1,190,500 local funds.

The Notice of a Finding of No Significant Impact (FONSI) has been fowarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FONSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program, Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is available.)

Date: July 6, 1988.

Homer R. Hilner,

State Conservationist.

[FR Doc. 88-16268 Filed 7-19-88; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OMB)

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

Agency: Bureau of the Census.

Title: Questionnaire for Building Permit Official.

Form Numbers: Agency—SOC-903; OMB—0607-0125.

Type of Request: Extension of a currently approved collection.

Burden: 835 respondents; 209 reporting hours.

Average Time Perm Response: 15 minutes.

Needs and Uses: This questionnaire will be used in personal interviews with building permit officials to obtain information on the operating procedures of their offices. Census interviewers use this information to locate, classify, list, and sample building permits for residential construction. Census' Construction Division uses the information to verify and update the geographic coverage of permit offices. The information is also used by economic policymakers to monitor residential construction.

Affected Public: State or local governments.

Frequency: Usually once a year.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Francine Picoult, 395-7340.

Agency: Bureau of the Census.

Title: October 1988 School Enrollment Supplement.

Form Numbers: Agency—CPS-1; OMB—0607-0464.

Type of Request: Reinstatement of a previously approved collection.

Burden: 53,200 respondents; 5,320 reporting hours.

Average Time Perm Response: 6 minutes.

Needs and Uses: This survey is needed to (1) obtain current data on high school graduates or dropouts (ages 16–24); (2) measure the differences between social and economic groups as far as young children being exposed to nursery school and kindergarten before entering regular school (ages 3 and 4); and (3) obtain data on persons recently graduated from high school and enrolled in college or vocation school (all ages). This school enrollment supplement is a continuing part of a data series that provides basic information on enrollment status of various segments of the population. In addition to BLS, other users include educational institutions, and employers and analysts who need current information to anticipate the composition of the labor force in the future.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Francine Picoult, 395–7340.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to Francine Picoult, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20530.

Dated: July 12, 1988.

Edward Michals,

Department Clearance Officer, Office of Management and Organization.

[FR Doc. 88–16319 Filed 7–19–88; 8:45 am]

BILLING CODE 3510-07-M

Commercial Space Advisory Committee; Partially Closed Meeting

AGENCY: Office of the Associate Deputy Secretary, Commerce.

SUMMARY: Pursuant to the Federal Register notice of June 16, 1988, the Commercial Space Advisory Committee has been established to advise the Secretary of Commerce on matters of implementation and institutionalization of the National Space Policy and Commercial Space Initiative, as announced February 11, 1988, and to attempt to determine the most productive course to be taken by this country relating to its commercial space goals.

Time and Place: July 29, 1988 from 9:30 a.m. to 4:00 p.m. The meeting will take place in the Secretary's Conference Room, U.S. Department of Commerce.

Agenda for Open Session: 9:00–11:30 a.m.

Members will receive and discuss briefing materials on the various sectors of the commercial space market and the President's National Space Policy and Commercial Space Initiative.

Closed Session: 1:00–4:00 p.m.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the act relating to open meetings and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552(c)(4), (6), and (9)(B). The discussions are likely to disclose: Privileged or confidential commercial information and premature disclosure of information which would be likely to significantly frustrate the implementation of proposed agency actions and confidential recommendations to be made to the President of the United States. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

FOR FURTHER INFORMATION CONTACT: Laura L. Boyle, Program Director, Office of Commercial Space Programs, U.S. Department of Commerce, Room 7064, Washington, DC 20230. Telephone: 202/377–8125.

Shellyn McCaffrey,

Associate Deputy Secretary.

Date: July 14, 1988.

[FR Doc. 88–16270 Filed 7–18–88; 4:41 pm]

BILLING CODE 3510-CW-M

Bureau of Export Administration

Computer Systems Technical Advisory Committee; Open Meeting

A meeting of the Computer Systems Technical Advisory Committee will be held August 9, 1988, 9:00 a.m. in the Herbert C. Hoover Building, Room B–841, 14th & Constitution Avenue NW., Washington, DC. The Committee advises the Office of Technology & Policy Analysis with respect to technical questions which affect the level of export controls applicable to computer systems or technology.

Agenda

1. Opening Remarks by the Chairman.
2. Presentation of Papers or Comments by the Public.
3. Discussion of Virtual Memory.
4. Presentation by National Bureau of Standards on Super-Computers.
5. Discussion of Definition for Microcomputers/PCs.
6. Discussion of Technical Data Proposal.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting and can be directed to: Technical Support Staff, Office of Technology & Policy Analysis, Room 4606, 14th & Constitution Avenue NW., Washington, DC 20230.

For further information or copies of the minutes, contact Betty Anne Ferrell, 202–377–2583.

Date: July 14, 1988.

Betty Anne Ferrell,

Acting Director, Technical Support Staff, Office of Technology & Policy Analysis.

[FR Doc. 88–16271 Filed 7–19–88; 8:45 am]

BILLING CODE 3510-DT-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

A meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held August 9, 1988, 1:00 p.m. in the Herbert C. Hoover Building, Room B–841, 14th Street and Constitution Avenue NW., Washington, DC. The meeting will continue to its conclusion on August 10, 1988, in Room B–841. The Hardware Subcommittee was formed to study computer hardware with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of

meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes, call Betty Ferrell at (202) 377-2583.

Date: July 14, 1988.

Betty Anne Ferrell,

Acting Director, Technical Support Staff, Office of Technology & Policy Analysis.

[FR Doc. 88-16272 Filed 7-19-88; 8:45 am]

BILLING CODE 3510-DT-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Marine Mammals; Application for Permit; Dr. J. Ward Testa (P420)

Notice is hereby given that the Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. *Applicant:* Dr. J. Ward Testa, Institute of Marine Science, University of Alaska, Fairbanks, AK 99775-5106.

2. *Type of Permit:* Scientific Research.

3. *Name and Number of Marine Mammals:* Weddell seal *Leptonychoates weddellii, 1,000*; crabeater seal *Lobodon carcinophagus*, 30; leopard seal *Hydrurga leptonyx*, 30; Ross seal *Ommatophoca rossii*, 30; southern elephant seal *Mirounga leonina*, 30.

4. *Type of Take:* The Applicant requests permission to (1) capture with physical restraint using a canvas bag placed over the head and tagged in the both rear flippers; (2) collect and import foreflipper claws from up to 100 subadult animals for age estimation; (3) weigh up to 200 pups and up to 200 adults and subadults of both sexes using a mobile platform sled; (4) conduct up to 7 censuses of the eastern McMurdo Sound population to count all seals present on the surface of the ice and record tag numbers; and (5) salvage and import any parts of natural fatalities of the five species. The research will provide continuing knowledge of the accurate estimation of reproductive rates, survivorship, and population size.

5. *Location and Duration of Activity:* McMurdo Sound, Antarctica over a 1-year period.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC., within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

Office of Protected Resources, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Washington, DC; and

Director, Alaska Region, National Marine Fisheries Service, 709 West 9th Street, Federal Building, Juneau, Alaska 99802.

Date: July 14, 1988.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs.

[FR Doc. 88-16283 Filed 7-19-88; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of the Meeting: Intermittently 15-19 August 1988.

Time of Meetings: 0830-1630 hours each day.

Place: Concepts Analysis Agency, Bethesda, Maryland.

Agenda: The Army Science Board Ad Hoc Subgroup for Army Analysis will meet for briefings and discussions with Army agencies and elements of the Army staff and Secretariat which perform analysis or use analytical input for decision making. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined as to preclude any portion of the meetings to be opened to the public. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88-16314 Filed 7-19-88; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Open Meeting

In accordance with section 10a(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 16-19 August 1988.

Time:

0900-1700 hours, 16 August, 1988, Ft. Sill.
0900-1200 hours, 17 August, 1988, Ft. Sill.
0900-1700 hours, 18 August, 1988, Ft. Benning.
0900-1200 hours, 19 August, 1988, Ft. Benning.

Place: Ft. Sill, OK and Ft. Benning, GA.

Agenda: The Army Science Board Ad Hoc Subgroup on Close Combat Training Strategy for the 1990's will meet to gather information for their current study. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88-16315 Filed 7-19-88; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Partially Closed Meeting

In accordance with section 10a(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 22 August 1988.

Time: 0700-1700 hours.

Place: The Pentagon, Washington, DC.

Agenda: The Army Science Board Ad Hoc Subgroup on Army Family Programs will be hosted by the Deputy Chief of Staff for Personnel, Headquarters, Department of the

Army. The subgroup will be provided with selected briefings on soldier and family issues to include a review of current research findings. At the conclusion of the briefings, the chair will meet in closed executive session with subgroup members from 1300-1700 hours to review the arrangements and protocol to be used for their study effort. This last session is closed to the public because classified matters will be discussed. The other portions of the meeting are open to the public. Any person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The closed portions of the meeting are closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88-16316 Filed 7-19-88; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 25 and 26 August 1988.

Time:

0800—1700 hours, 25 August

0800—1430 hours, 26 August.

Place: Fort Rucker, Alabama.

Agenda: The Army Science Board Ad Hoc Subgroup on Human Dimensions in Army Safety will conduct its initial meeting at the United States Army Safety Center (USASC), Fort Rucker, Alabama. Briefings will be conducted by various members of the USASC staff as well as a representative from the Army General Counsel. Past, current and planned actions will be discussed in accordance with the Terms of Reference. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88-16317 Filed 7-19-88; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Date of Meeting: 26 August 1988.

Time of Meeting: 0830-1600 hours.

Place: Picatinny Arsenal, Dover, New Jersey.

Agenda: The Army Science Board Ad Hoc Subgroup for Tactical Explosive Systems (TEXS) will conduct its initial meeting at Picatinny Arsenal. Briefings will be conducted by various members of Project Manager Mines, Countermines and Demolitions, U.S. Army Armaments, Munitions and Chemical Command as well as a representative from the Army General Counsel. Past, current and planned actions will be discussed in accordance with the Terms of Reference. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88-16318 Filed 7-19-88; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Marin County Shoreline, San Rafael Canal Flood Control Study (Feasibility Phase) at San Francisco Bay, CA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The Corps of Engineers, San Francisco District is beginning the Feasibility Phase of studying possible solutions to flooding in the City of San Rafael in Marin County. The flooding occurs when winter rain storms fall during periods of high tides in San Francisco Bay, which causes San Rafael Creek/Canal to overflow its banks.

2. Reasonable alternatives that have been identified to date are:

a. A miter gate tide barrier structure at one of two locations at the mouth of the canal, which could block in-coming tides during periods of high storm run-off. Maximum duration of closure during once-in-a-hundred years event is expected to be 8-10 hours. Excess water upstream of the barrier would be pumped directly into the Bay. With one alternative location, localized flood protection would be added along Summit Avenue and Marina Vista Canal.

b. Flood walls on the South Bank, downstream of Highway 101, and possible limited flood walls on the North Bank will localized protection for vulnerable structures.

3.a. During the Reconnaissance phase, a public meeting was held January 15, 1987. Extensive input to project planning has also been made by the local sponsors of the project, the City of San Rafael.

b. The following significant issues have been identified as needing more in-depth analysis during the current phase of the project and addressing in the DEIS:

Aesthetics—tide barriers may be highly visible from certain vantage points

Architectural—impact of flood protecting individual structures

Endangered species—possibly Salt marsh harvest mouse, California clapper rail, Pt. Reyes bird's beak (plant)

Habitat loss—if flood walls eliminate shallow waters under buildings and docks

Historic properties—remnants of historic period structures

Navigation—effect of barrier closure during storm periods

Public access (including handicapped)—to boat docks, canal

Siltation—effect of barrier closure, impact on benthic organisms

Water quality—salinity alteration in canal and on wetlands during barrier closure periods

Wetlands—impacts on tidal and seasonal wetlands

c. A biological assessment concerning project area wetlands shall be prepared, and coordinated with the U.S. Fish and Wildlife Service in compliance with 50 CFR Part 402 (16 U.S.C. 662).

d. Because endangered species may be present in the wetlands, coordination with the U.S. Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

e. A consistency determination request shall be filed with the San Francisco Bay Conservation and Development Commission (BCDC) in accordance with section 307(c) of the Coastal Zone Management Act (16 U.S.C. 1456).

4.a. In order to further clarify issues and identify potential new ones that should be addressed in the DEIS, a scoping meeting will be held. Notice of the meeting is being widely distributed in the San Rafael Area, and to environmental groups in the greater San Francisco Bay Area.

b. The meeting will be held on Wednesday, August 17, 1988 in the City

Council Chambers, City of San Rafael, 1400 Fifth Avenue, San Rafael, Registration for those wishing to speak will begin at 7:00 pm. The agenda will be: 7:30—8:00 pm, project presentation; 8:00—8:30 pm, Federal, State and Regional agency plans and concerns; 8:30 pm, public comments begin.

c. Submission of written comments is encouraged, and may be sent to the address given below up to September 30, 1988.

5. It is estimated that the DEIS will be available for review in the spring of 1990.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Roderick A. Chisholm, II, Chief, Environmental Branch; U.S. Army Corps of Engineers; 211 Main Street; San Francisco, CA 94105–1905. (415) 974–0443.

Dated: July 12, 1988.

Galen H. Yanagihara,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 88–16267 Filed 7–19–88; 8:45 am]

BILLING CODE 3710-FS-M

Department of the Navy

Intent To Grant Exclusive Patent License Megabyte, Inc.

AGENCY: Department of the Navy; DOD.

ACTION: Intent to grant exclusive patent license; Megabyte, Inc.

SUMMARY: The Department of the Navy hereby gives notice of intent to grant to Megabyte, Inc., a revocable, nonassignable, exclusive license to practice the Government-owned invention described in U.S. Patent Application Serial No. 054, 977 entitled "Block-Line Memory Element and RAM Memory" filed 28 May 1987; inventor: Leonard J. Schwee.

This license will be granted unless within 60 days from the date of this notice written objections to this grant along with supporting evidence, if any, are received by the Office of the Chief of Naval Research (Code OOCCIP), Arlington, VA 22217–5000.

DATE: July 20, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP0, 800 North Quincy Street, Arlington VA 22217–5000, telephone (202) 696–4001.

Date: July 13, 1988.

Jane M. Virga,

Lieutenant, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 88–16255 Filed 7–19–88; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Availability of Draft Environmental Impact Statement, Decontamination and Waste Treatment Facility (DWTF) at the Lawrence Livermore National Laboratory, Livermore, CA, and Public Hearing on the DEIS

AGENCY: Department of Energy.

ACTION: Notice of availability of Draft Environmental Impact Statement (DEIS) and notice to conduct a public hearing on the DEIS.

SUMMARY: The Department of Energy (DOE) announces the availability of a Draft Environmental Impact Statement, "Decontamination and Waste Treatment Facility at the Lawrence Livermore National Laboratory, Livermore, California," DOE/EIS–0133–D, which assesses the environmental effects of the proposed construction and operation of the DWTF. This new facility would provide centralized treatment, processing, and storage of Lawrence Livermore National Laboratory's (LLNL's) non-radioactive (both hazardous and nonhazardous), mixed, and radioactive waste, and would also include a decontamination facility. The proposed DWTF, which would replace existing Hazardous Waste Management (HWM) facilities, would assure that the long term management of waste at LLNL is accomplished in a safe, efficient, and environmentally acceptable manner in compliance with federal, state, and local environmental regulations and DOE orders.

Public comments are invited and a public hearing will be held with respect to the DEIS.

DATES: Written comments to the Department of Energy should be postmarked by September 6, 1988 to ensure consideration in the preparation of the final Environmental Impact Statement. A public hearing will be held on August 23, 1988 as described in this notice. Individuals desiring to make oral statements at the hearing should notify Mr. William Holman at the address below by August 22, 1988 so that the Department may arrange a schedule for presentations.

ADDRESSES: Requests for copies of the DEIS, written comments on the DEIS, requests to present oral statements at the hearing, and requests for further information should be directed to: Mr. William Holman, Environmental Branch—Environment, Safety and Quality Assurance Division, U.S. Department of Energy, San Francisco Operations Office, 1333 Broadway, Oakland, California 94612, (415) 273–6370; ATTENTION: "DWTF DEIS."

For further assistance on the National Environmental Policy Act (NEPA) process contact: Ms. Carol M. Borgstrom, Acting Director, Office of NEPA Project Assistance (EH–25), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–4600.

SUPPLEMENTARY INFORMATION:

I. Previous Notice of Intent

The Department of Energy published a Notice of Intent (52 FR 8503) on March 18, 1987, regarding the preparation of a DEIS on the construction and operation of the DWTF at Lawrence Livermore National Laboratory.

II. Background Information

The Lawrence Livermore National Laboratory is a diversified applied research center operated by the University of California for DOE. LLNL is involved in nuclear and non-nuclear weapons design and also non-defense related programs such as magnetic and laser fusion energy research, basic science research, and biomedical and environmental science studies. LLNL generates a diversity of non-radioactive, mixed, and radioactive wastes. To handle this wide variety of generated wastes, flexible treatment processes and knowledgeable personnel are required to assure safe and effective waste management operations that are fully in compliance with applicable federal, state, and local regulations. An extensive upgrade in hazardous waste management at the Laboratory would result through the construction of the proposed DWTF. The proposed DWTF would replace and consolidate existing storage, treatment, and decontamination facilities presently in use at LLNL. The existing facilities are located in three separate areas of the Laboratory. The Decontamination Building, Building 419, is a 40-year-old former paint shop with limited capability to accept large pieces of equipment for decontamination. The Building 514 area contains the existing liquid waste treatment facilities consisting of a 15,000 gallon storage tank, six (6) open-top treatment tanks, and a vacuum filter press. Radioactive, mixed, and non-radioactive wastes are handled in the facility. The Building 612 area contains the outside waste storage yard receiving area, solid waste

processing building, reactive material storage, and a controlled air incinerator.

III. Scope of the DEIS

The scope of the DEIS was developed using comments received during a public scoping period (March 18 through May 7, 1987) including the public scoping meeting held in Livermore, California on April 30, 1987.

The U.S. Department of Energy has prepared this project-specific DEIS to provide environmental input into the selection and implementation of a long-term solution for treating, processing, and storing of radioactive, mixed, and non-radioactive wastes generated by LLNL programs that is consistent with federal, state, and local environmental regulations and DOE orders. The DEIS was prepared in accordance with section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 as amended, and to satisfy the requirements of the California Environmental Quality Act (CEQA) and the state's permitting regulations. It is intended to provide environmental input and support for project-specific decisions on the construction and operation of the DWTF. DOE has evaluated several alternatives for managing radioactive, mixed, and non-radioactive wastes generated by LLNL programs. The alternatives range in concept from the continued use of existing HWM facilities to the construction of a new DWTF that could safely treat, process, and store waste generated by LLNL in-house, thereby reducing the risks and liability of transporting large volumes of toxic waste to off-site treatment or disposal sites. Various sites for the construction of the proposed DWTF are also evaluated.

The following alternatives are evaluated in the DEIS:

- No action, i.e., continued operation of the existing hazardous waste management facilities;
- Increasing off-site treatment and disposal of waste generated by LLNL at DOE and commercial facilities;
- Upgrading the existing LLNL hazardous waste management facilities; and
- Developing a new on-site hazardous waste facility for which two design alternatives and three site alternatives are evaluated.

The environmental effects of the above alternatives are evaluated with respect to seismicity and to construction and operational impacts on soils, hydrology, air quality, occupational and public health, vegetation and wildlife, socioeconomics, land use, noise, transportation, and cultural resources.

IV. Comment Procedures

A. Availability of Draft EIS

Copies of the DEIS have been distributed to federal, state, and local agencies, organizations, environmental groups, and individuals known to be interested in the construction of the proposed DWTF at the Lawrence Livermore National Laboratory. Additional copies may be obtained by contacting Mr. William Holman at the address given above.

Copies of the DEIS and the documents referenced in the DEIS are available for public inspection at the LLNL Visitors Center which is located at the Greenville Road entrance to the Laboratory and at the Freedom of Information Reading Room, Room I E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC. Copies of the DEIS alone are also available for public inspection at the DOE San Francisco Operations Office, 1333 Broadway, Oakland, CA and at the following branches of the Livermore Public Library: Civic Center Branch at 1000 South Livermore, Livermore, CA and the Springtown Branch at 998 Bluebell Drive, Livermore, CA.

B. Written Comments

Interested parties are invited to provide comments on the DEIS to Mr. William Holman at the above address. Comment letters should be identified on the outside of the envelope with designation "DWTF-DEIS". All comments and related information should be postmarked by September 6, 1988 to ensure consideration in preparing the final EIS. Comments postmarked after September 6, 1988 will be considered to the extent practicable.

C. Public Hearing

1. Participation Procedure

A public hearing has been scheduled on the DEIS as follows:

Location: Holiday Inn, 720 Los Flores Road, Livermore, CA 94550

Date and Time: August 23, 1988 at 7:00 p.m.

The public is invited to provide comments on the DEIS at the hearing. The hearing will not be a judicial or evidentiary-type hearing. Individuals desiring to make an oral presentation at the hearing should notify Mr. William Holman at the address above as soon as possible so that the Department can arrange a schedule for the presentations. Persons who have not submitted a request to speak in advance may register to speak at the hearing before the hearing commences. Individuals and representatives of organizations will be called on to present comments as time permits. To ensure that everyone has the opportunity to present comments, 5 minutes will be allotted to individuals and 10 minutes will be allotted to individuals representing groups. Comments received at the hearing will be considered in the preparation of the final EIS. Individuals or representatives of organizations presenting comments at the hearing are requested to have written copies of their comments available at the hearing.

2. Conduct of Hearing

The Department of Energy will arrange the schedule of commentators and will establish basic rules and procedures for conducting the hearing. Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. Any participant who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer at the start of the hearing. A transcript of the hearing will be prepared, and the entire record of the hearing, including the transcript, will be available for public inspection at the Department's Freedom of Information Reading Room, Room I E-190, Forrestal Bldg., 1000 Independence Avenue SW, Washington, DC 20585, and the U.S. Department of Energy, San Francisco Operations Office Reading Room, 1333 Broadway, Oakland, CA, the LLNL Visitors Center, and the two branches of the Livermore Public Library.

Issued in Washington, DC June 30, 1988.

Ernest C. Baynard, III,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 88-16347 Filed 7-19-88; 8:45 am]

BILLING CODE 6450-01-M

Financial Assistance Award; Intent To Award a Grant to the Hardin-Simmons University

AGENCY: Department of Energy.

ACTION: Notice of restricted eligibility for grant award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.7(b) it is restricting eligibility for the grant under procurement request number 19-88BC14286.000 to the Hardin-Simmons University for "Improved Oil Recovery Conference and Exhibition."

Scope: The grant is to assist the Hardin-Simmons University, Fairleigh Dickinson Research Center in conducting a conference and exhibition in Improved Oil Recovery. Emphasis will be to demonstrate available technologies to independent oil producers in the West Texas region.

The goals of the conference are to present improved and enhanced oil recovery methods through lectures, discussions, and exhibits to independent oil operators in the West Texas region; to determine the acceptability for application of such technologies by area producers; to establish a basis for technology and economic evaluation for the large scale application of enhanced oil recovery technologies.

The conference will be held at the Hardin-Simmons University, Fairleigh Dickinson Research Center approximately six (6) months after execution fo the grant instrument. The term of the grant will be nine (9) months at an estimated amount of $40,000.00

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Pittsburgh Energy Technology Center, P.O. Box 10940, MS 921-165, Pittsburgh, PA 15236, Attn: Gregory J. Kawalkin. Telephone: AC 412/892-6039.

Date: July 11, 1988

Sun W. Chun,

Director.

[FR Doc. 88-16348 Filed 7-19-88; 8:45 am]

BILLING CODE 6450-01-M

Financial Assistance Award; Intent To Award Grant to the Interstate Oil Compact Commission

AGENCY: Department of Energy.

ACTION: Notice of restricted eligibility for grant award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.7(b) it is restricting eligibility for the grant under procurement request number 19-88BC14285.000 to the Interstate Oil Compact Commission for "Technology Transfer and the DOE Fossil Energy Oil and Gas R&D Program".

Scope: The grant is to assist the Interstate Oil Compact Commission in identifying target audiences, assessing their needs with respect to transfer of improved and enhanced oil recovery technologies, and to conduct various symposia, workshops, seminars, etc.

The purpose of this effort is to reach four target audiences: research and production areas of major oil companies, smaller independent operators, oil-field service companies, and professional reservoir engineering and petroleum consultants. The effort will further define the technology transfer needs of these target audiences, identify the channels currently used and the obstacles encountered, define the most effective format for each audience, devise approaches to effect the transfer and development permanent links and mechanisms for the broad transfer of public and private research results. Lastly, new methods implemented e.g. symposia, workshops, etc. will be assessed and refined, where appropriate, leading to recommendations for future comprehensive technology transfer activities.

The term of the grant will be for a one year period at an estimated value of $260,000.00

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Pittsburgh Energy Technology Center, P.O. Box 10940, MS 921-165, Pittsburgh, PA 15236, Attn: Gregory J. Kawalkin. Telephone: AC 412/892-6039.

Date: July 11, 1988

Sun W. Chun,

Director.

[FR Doc. 88-16349 Filed 7-19-88; 8:45 am]

BILLING CODE 6450-01-M

Financial Assistance Award; Intent To Award Grant to the United Nations Institute for Training and Research (UNITAR)

AGENCY: Department of Energy.

ACTION: Notice of restricted eligibility for grant award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.7(b) it is restricting eligibility for a grant under Procurement Request Number 19-88BC14259.00 to the United Nations Institute for Training and Research (UNITAR) for a conference on "Heavy Crude and Tar Sands".

Scope: The grant is to assist UNITAR in conducting the conference which will discuss the latest world developments in the exploration for and production of heavy crude and tar sands. Increased emphasis is being placed on expanding the knowledge of this potential to help meet the energy demands of the future.

The purpose of the conference is to draw the world's attention to the potential of heavy crude and tar sands. The conference plans to introduce participants to the state-of-the-art technology and facilitate contacts between the large producers and the more modest ones, especially between developed and developing countries. It will encourage governments to set up legislation that will facilitate exploration and production of heavy crude and tar sands.

The conference will take place in Edmonton, Canada from August 7, 1988 to August 12, 1988. The terms of the grant shall terminate on August 12, 1988 and the grant is for $50,000.00.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Pittsburgh Energy Technology Center, P.O. Box 10940, MS 900-33, Pittsburgh, PA 15236, Attn: Gregory J. Kawalkin. Telephone: AC 412/892-6039.

Sun W. Chun,

Director, Pittsburgh Energy Technology Center.

July 12, 1988.

[FR Doc. 88-16350 Filed 7-19-88; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA C&E 88-16; Certification Notice—21]

Filing of Certification of Compliance; Coal Capability of New Electric Powerplants Pursuant to Provisions of the Powerplant and Industrial Fuel Use Act, as Amended American Cogen Technology, Inc., et al.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*), provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (section 201(a)). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. Two owners or operators of proposed new electric base load powerplants have filed self

certifications in accordance with section 201(d). Further information is provided in the **SUPPLEMENTARY INFORMATION** section below.

SUPPLEMENTARY INFORMATION: The following companies filed self certifications:

Name	Date received	Type facility	Megawatt capacity	Location
American Cogen Technology, Inc., Salt Lake City, UT.	7-7-88	Cogeneration topping cycle	47	Salinas, CA.
Applied Energy, Inc., San Diego, CA	7-11-88	Cogeneration combined cycle	23	San Diego, CA.

Amendments to FUA on May 22, 1987, (Pub. L. 100-42) altered the general prohibitions to include only new electric baseload powerplants and to provide for the self certification procedure.

Issued in Washington, DC on July 13, 1988.

Constance L. Buckley,

Acting Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 88-16352 Filed 7-19-88; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA C&E 88-15; Certification Notice—20]

Filing of Certification of Compliance; Coal Capability of New Electric Powerplants Pursuant to Provisions of the Powerplant and Industrial Fuel Use Act, as Amended; Ocean State Power

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*), provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (section 201(a)). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. One owner and operator of a proposed new electric base load powerplant has filed a self certification in accordance with section 201(d). Further information is provided in the **SUPPLEMENTARY INFORMATION** section below.

SUPPLEMENTARY INFORMATION: The following company filed a self certification:

Name	Date received	Type facility	Megawatt capacity	Location
Ocean State Power, Boston, MA	6-29-88	Powerplant combined cycle	250	Burrillville, RI.

On December 31, 1986, Ocean State Power submited a FUA exemption for the Burrillville, Rhode Island, facility based on the lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. The ERA noticed acceptance of the petition in the **Federal Register** on February 3, 1987, (52 FR 3332).

Amendments to FUA on May 22, 1987, (Pub. L. 100-42) altered the general prohibitions to include only new electric baseload powerplants and to provide for the self certification procedure. By filing a self certification, Ocean State Power has elected to cease ERA's processing of the FUA exemption filed earlier.

Issued in Washington, DC, on July 14, 1988.

Constance L. Buckley,

Acting Director, Office of Fuels Programs Economic Regulatory Administration.

[FR Doc. 88-16353 Filed 7-19-88; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Proposed Establishment of a Federally Funded Research and Development Center; Inhalation Toxicology Research Institute, Albuquerque, NM

AGENCY: Department of Energy.

ACTION: Notice No. 1 of proposed establishment of a Federally Funded Research and Development Center (FFRDC).

SUMMARY: In accordance with paragraph 6.b.(2) of Office of Federal Procurement Policy, Policy Letter No. 84-1, the Department of Energy (DOE) announces its intention to establish the Inhalation Toxicology Research Institute (ITRI) located in Albuquerque, New Mexico, as an FFRDC. Early programs at ITRI concentrated on the study of radionuclide toxicity problems associated with the development, manufacture, testing and potential use of nuclear weapons, particularly the study of inhaled fission products. Today, the programs at ITRI include: (1) The physical and chemical characterization of airborne toxicants; (2) the disposition of inhaled materials within the body; (3) development of improved understanding of dose-response relationships for inhaled radionuclides; (4) studies of dose-response relationships for inhaled chemical toxicants; (5) studies on human health risks from combined exposure to

radiation sources and industrial chemicals; and (6) studies on the biological factors that influence responses to inhaled materials.

The nature of the research requires specialized facilities to conduct the integrated program of inhalation toxicology research needed to examine these issues. The ITRI facilities include three major inhalation exposure laboratory suites designed for the safe use and control of highly radioactive or potentially carcinogenic materials as well as specialized aerosol research laboratories. ITRI also has modern facilities for the care and housing of 10,000 contaminated and control animals, hospital facilities for specialized medical evaluation and treatment of laboratory animals and extensive pathology facilities. Based upon the long-term, multidisciplinary research programs of this laboratory which are supportive of DOE's mission, the Department has determined that ITRI should be designated as an FFRDC.

DATE: Any comments on this proposed action must be received on or before August 19, 1988.

ADDRESSES: Comments should be addressed to Kristine Forsberg, Deputy Director, Acquisition and Assistance Management, Office of Energy Research, ER-64, U.S. Department of Energy, Washington, DC 20545.

David B. Nelson,

Executive Director, Office of Energy Research.

[FR Doc. 88-16235 Filed 7-19-88; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP88-564-000 et al.]

GNG Transmission Corporation et al.; Natural Gas Certificate Filings

July 14, 1988.

Take notice that the following filings have been made with the Commission:

1. GNG Transmission Corporation

[Docket No. CP88-564-000]

Take notice that on July 11, 1988, CNG Transmission Corporation, 445 West Main St., Clarksburg, West Virginia 26302-2450, filed in Docket No. CP88-564-000 prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorizations to transport natural gas for the shippers listed in the application under the certificate issued in Docket No. CP86-311-000, all as more fully set forth in the request with the Commission and open to public inspection.

CNG proposes to transport gas for the shippers on an interruptible basis from various receipt points on its system to various interconnections between CNG and certain local distribution companies (LDCs). The receipt and delivery points, along with maximum daily, average daily and annual volumes are shown in the application.

CNG reported these transactions, with commencement dates, to the Commission. CNG proposes to continue these services in accordance with §§ 284.221 and 284.223(b).

Comment date: August 29, 1988, in accordance with Standard Paragraph G at the end of this notice.

2. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP88-537-000]

Take notice that on June 30, 1988, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP88-537-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of N-Gas, Inc., a marketer of natural gas, under its blanket certificate issued in Docket No. CP86-435-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Natural states pursuant to a Gas Transportation Agreement dated May 31, 1988, Northern would transport up to 50,000 MMBtu per day and up to 13,687,500 MMBtu annually pursuant to Rate Schedule IT-1 for N-Gas, Inc. from points of receipt in Texas, Oklahoma and Kansas. Northern proposes to deliver the gas for N-Gas Inc.'s account to points of delivery in Texas, Kansas, Wisconsin and Iowa. It is explained that the proposed service is currently being performed pursuant to the 120-day self-implementing provision of § 284.223(a)(1) of the Commission's regulations. Northern commenced such self-implementing service on April 25, 1988, as reported in Docket No. ST88-3826. It is further stated that construction of facilities would not be required to provide the proposed service.

Comment date: August 29, 1988, in accordance with Standard Paragraph G at the end of this notice.

3. United Gas Pipe Line Company

[Docket No. CP88-550-000]

Take notice that on July 7, 1988, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP88-550-000, a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to provide an interruptible transportation service on behalf of Exxon Coropration (Exxon), a producer of natural gas, under United's blanket certificate issued in Docket No. CP88-6-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that the interruptible gas transportation agreement dated April 21, 1988, proposes a maximum daily quantity of 51,500 MMBtu and 18,797,500 MMBtu on an annual basis pursuant to its Rate Schedule ITS. United states that service commenced May 1, 1988, as reported in Docket No. ST88-4369, pursuant to § 284.223(a). United states further that it will be using existing facilities to provide the transportation service, namely, the receipt-point interconnection with Sea Robin Pipeline Company near Erath, Vermilion Parish, Louisiana, and the delivery-point interconnection with Columbia Gulf Transmission Company near Barron, Rapides Parish, Louisiana.

Comment date: August 29, 1988, in accordance with Standard Paragraph G at the end of this notice.

4. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP88-560-000]

Take notice that on July 11, 1988, Northern Natural Gas Company, Division of Enron Corp., (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP-560-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to provide interruptible transportation service on behalf of Archer Daniels Midland Company, an end user of natural gas, under Northern's blanket certificate issued in Docket No. CP86-435-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application on file with the Commission and open to public inspection.

Northern proposes to transport up to 20,000 MMBtu of natural gas per day and up to 7,300,000 MMBtu on an annual basis from numerous receipt points located in Oklahoma, Texas, Kansas and New Mexico to seven delivery points located in Minnesota, Nebraska, Iowa, and Wisconsin, pursuant to its Rate Schedule IT-1. Northern states that transportation for this shipper commenced June 1, 1988, under the

automatic authorization provisions of § 284.223(a) as reported in Docket No. ST88-4532. Northern states further that construction of facilities would not be required for the proposed service.

Comment date: August 29, 1988, in accordance with Standard Paragraph G at the end of this notice.

5. Natural Gas Pipeline Company of America

[Docket No. CP88-565-000]

Take notice that on July 12, 1988, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP88-565-000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to transport natural gas on behalf of Access Energy Corporation (Access), a marketer of natural gas, under Natural's blanket certificate issued in Docket No. CP86-582-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Natural proposes to transport on an interruptible basis up to 100,000 MMBtu of gas on a peak day plus excess volumes pursuant to the overrun provisons of its Rate Schedule ITS, and 9,125,000 MMBtu on an annual basis for Access. It is stated that Natural would receive the gas for Access's account at various existing receipt points in Texas, offshore Texas, Louisiana, offshore Louisiana, Oklahoma, New Mexico and Iowa. Natural then proposes to deliver equivalent volumes of gas in Texas, Illinois, Iowa, Louisiana, New Mexico and Kansas. It is asserted that the transportation service would be effected using existing facilities and would not require any construction of additional facilities. It is explained that the service commenced May 1, 1988, under the automatic authorization provisions of § 284.223 of the Commission's Regulations.

Comment date: August 29, 1988, in accordance with Standard Paragraph G at the end of this notice.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission's file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary

[FR Doc. 88-16346 Filed 7-19-88; 8:45 am]

BILLING CODE 6717-01-M

Southwestern Power Administration

Federal Hydroelectric Power; Proposed New Customer Selection Policy

AGENCY: Southwestern Power Administration, DOE.

ACTION: Proposed policy for the selection of new customers to receive Federal hydroelectric power and energy.

SUMMARY: In 1980, the Southwestern Power Administration (SWPA) adopted a Final Power Allocation which allocated existing and known future Federal hydroelectric peaking capacity to preference customers in the SWPA marketing area. That Power Allocation was published in the **Federal Register** (45 FR 19032) dated March 24, 1980. By letter dated January 24, 1984, President Reagan set forth a method of action which requires Federal agencies to negotiate reasonable non-Federal funding prior to the start of construction for new Federal hydroelectric power projects (new Federal projects). The 1980 SWPA Power Allocation does not address the allocation of new power from construction of new Federal projects with funds advanced by non-Federal entities. As a result of these changing conditions, SWPA believed a policy was needed to address the allocation of new power that may become available for marketing from existing and new, Federally and non-Federally funded, hydroelectric power projects. SWPA published the Power Allocation Policy (Policy) in the **Federal Register** August 12, 1987 (52 FR 29881).

Section I, Paragraph 3 of the Policy announced "New customers shall be selected in accordance with SWPA's New Customer Selection Policy." The Policy provided ten percent of any power available for allocation would be allocated to new customers. SWPA has received many formal and informal requests from applicants for allocations of power and energy from the SWPA hydroelectric power system. Therefore, in accordance with the above, SWPA has developed a Proposed New Customer Selection Policy. The Proposed New Customer Selection Policy should not be confused with the selection procedure and criteria for non-Federal entities (sponsors) willing to provide funding prior to the start of construction for new Federal hydroelectric power projects.

DATE: Comments on the proposed policy must be submitted on or before August 19, 1988.

ADDRESS: Comments may be mailed to: Francis R. Gajan, Director of Power Marketing, Southwestern Power Administrator, U.S. Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101.

FOR FURTHER INFORMATION CONTACT: Francis R. Gajan, Director of Power Marketing (918) 581-7529.

SUPPLEMENTARY INFORMATION: The Proposed New Customer Selection Policy addresses the criteria and procedures SWPA proposes to use in selecting new customers when Federal hydroelectric power is available for allocation. This policy is a separate procedure from the selection of a non-Federal sponsor to participate financially in the development of a Federal hydroelectric power project. An entity applying to be a new customer of SWPA could also be a non-Federal sponsor for a project. Allocations will be made to new customers and non-Federal sponsors according to the SWPA Power Allocation Policy in effect at the time of the allocation.

SWPA published a Notice of Intent to Develop Policy for New Customer Selection in the **Federal Register** of February 10, 1987 (52 FR 4186). In the notice SWPA requested that interested parties provide comments and suggestions to SWPA by March 12, 1987, concerning the formulation of the policy. Twelve letters were received in response to the Notice of Intent. Summaries of the comments received concerning the development of a New Customer Selection Policy and SWPA's responses follow:

1. *Comment*—A new customer selected to receive power and energy from the Federal hydroelectric power system should be a preference customer as intended by section 5 of the Flood Control Act of 1944, as amended.

SWPA Response—SWPA agrees. Preference will be given in selecting new customers as required by section 5 of the Flood Control Act of 1944, as amended.

2. *Comment*—A proposed policy should be prepared and published for comments.

SWPA Response—SWPA agrees.

3. *Comment*—Existing power allocations should remain in effect and

existing power sales contracts should be satisfied before new preference customers are given an allocation.

SWPA Response—The 1980 power allocations were made using known existing and future resources and those allocations will remain in effect according to the 1980 Final Power Allocations. Power sales contracts related to the 1980 power allocations will be satisfied when the existing and future resources referred to therein are available. Any new allocations and related power sales agreements will be made in accordance with the allocation policy in effect at the time power becomes available for allocation.

4. *Comment*—Selection of public bodies and municipalities that have the ability to be served easily and economically through municipal joint action agencies would provide the most widespread benefits of Federal hydroelectric power generation.

SWPA Response—SWPA recognizes the economic benefits inherent to such a concept. Although SWPA has considered development of new customer selection based on the concept, SWPA believes that it is more equitable to select new customers individually on a first requested—first served basis.

5. *Comment*—For the purpose of establishing a priority listing of recipient customers, first consideration should be given to Federal agencies with authorizing legislation entitling them to project power where there are definite impacts from water development projects. Secondly, Federal installations within the boundaries of the generating facility should receive preference power for any energy excess to the needs for which the original plant was designed.

SWPA Response—SWPA, as authorized by section 5 of the Flood Control Act of 1944 (as amended), markets only that power and energy which is determined (in accordance with the authorizing legislation) to be excess to project requirements (general station service). Specific authorizing legislation would be required for a Federal agency, other than the construction agency, to receive station service power from an existing or newly constructed project.

Absent such legislation, the allocation (to a Federal agency) of "excess" Federal power and energy which may become available for marketing by SWPA would be made in accordance with the power allocation policy then in effect.

Southwestern Power Administration Proposed New Customer Selection Policy

The Administrator shall select new customers (applicants) requesting a power allocation on a first requested–first served basis and based on the following criteria:

1. Priority will be given to applicants within each state that currently have letters of application on file with Southwestern Power Administration (SWPA) by date of letter. Following is a list of such applicants by State and date of application:

State	Applicant	Date
Arkansas	North Little Rock	08-01-78
	Ark Val Elec Co-op (Ozark).	09-14-79
	Benton	06-30-80
	West Memphis	06-29-82
	Dardanelle	08-06-85
	Little Rock Air Force Base.	09-18-85
	Big Lake National Wildlife Refuge-U.S. Fish and Wildlife Service.	08-18-87
	Greers Ferry National Fish Hatchery-U.S. Fish and Wildlife Service.	08-18-87
	Mammoth Spring National Fish Hatchery-U.S. Fish and Wildlife Service.	08-18-87
	Norfork National Fish Hatchery-U.S. Fish and Wildlife Service.	08-18-87
	Wapanocca National Wildlife Refuge-U.S. Fish and Wildlife Service.	08-18-87
Kansas	Kiowa	06-30-82
	Elinwood	02-13-84
	Hoisington	02-13-84
	Pratt	02-14-84
	Larned	02-15-84
	Doniphan Elec Co-op (Troy).	02-17-84
	Johnson	02-28-84
	McPherson	07-26-84
Louisiana	Natchitoches National Fish Hatchery-U.S. Fish and Wildlife Service.	08-18-87
	Sabine National Wildlife Refuge-U.S. Fish and Wildlife Service.	08-18-87
Missouri	Harrisonville	10-07-66
	Gallatin	12-10-69
	Liberal	08-21-70
	Mansfield	01-20-72
	Pattonsburg	06-11-72
	Pleasant Hill	03-11-75
	Independence	09-22-75
	Columbia	05-05-76
	Vandalia	06-07-77
	Trenton	07-14-77
	Osceola	03-14-79
	Crane	[1]
	Hannibal Board of Public Works.	08-19-85
	Owensville	10-21-85
	El Dorado Springs	06-01-87
	Rolla	06-05-87
	Fredericktown	06-05-87
	Jackson	07-28-87
Oklahoma	Mannford	11-19-68
	Marlow	08-08-69
	Anadarko	08-12-70
	Bramen	02-24-71
	Ponca City	06-28-74
	Stillwater	07-25-74
	Pond Creek	09-19-74
	Kaw City	05-05-75
	KAMO Electric Co-op	09-11-78
	NE Ok Elec Co-op	04-24-79
	Chickasaw Tribal Utility Authority.	10-22-86
	Edmond	11-14-86
	Fairview	09-29-87
	Oklahoma Municipal Power Authority.	04-12-88
Texas	Kirbyville	05-18-78
	Caldwell	07-12-78
	Lubbock	03-05-82
	Sam Rayburn Municipal Power Agency.	07-02-85
	Hunt-Collin Electric Co-op.	02-26-88
	Whitesboro	01-25-88

[1] No date.

2. No further applications will be accepted from July 20, 1988 until 30 days after adoption of a New Customer Selection Policy.

3. Thirty days after adoption of a New Customer Selection Policy, new applicants' names will be placed below the names on the above list by state in order of date and time of receipt of applications by SWPA. If applications have the same date and time of receipt and are received from applicants located in the same State, the order of priority of such applications will be determined by lot.

4. All applications for an allocation shall include information to demonstrate that an applicant is, or will be, entitled to preference as defined by section 5 of the Flood Control Act of 1944, as amended. Applications shall also include specific information regarding the applicant's ability to use and receive that allocation through designated transmission paths.

5. If there are no pending applications for new customers on file with SWPA for a particular State, the amount of power and energy set aside for new customers in that State shall be allocated to the state most deficient in its fair share for allocation to new customers where applicants are available.

6. If and when there are no pending applications for new customers on file with SWPA, the Administrator shall allocate the power and energy set aside for new customers to existing customers in accordance with the Power Allocation Policy then in effect.

7. Only written applications (see attached application guidelines) received and date stamped by SWPA will be considered during an allocation. All written applications for a power allocation shall be mailed to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101, or hand delivered to the Administrator's office in Tulsa, Oklahoma.

Ronald H. Wilkerson,

Administrator, Southwestern Power Administration.

New Customer Application Guidelines

Name and Address:

Utility Description:

(*) The new customer applicant should provide the date and place of incorporation, if applicable, and specify corporate or municipal affiliations, if any.

Service Area:

Distribution and Transmission Facilities:

(*) The applicant should attach, or at least reference, its lease agreements, if any.

Current Electrical Resources:

Current Electrical Peak Load:

[FR Doc. 88-16236 Filed 7-19-88; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180784, FRL-3416-8]

Receipt of Application for an Emergency Exemption From Florida To Use Triflumizole; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Florida Department of Agriculture and Consumer Services (hereafter referred to as "Applicant") to use the pesticide triflumizole (CAS 68694-11-1) to treat 245 acres of nursery and greenhouse grown Spathiphyllum varieties to control Cylindrocladium root and petiole rot.

The Applicant proposes the use of a new chemical, therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATE: Comments must be received on or before August 4, 1988.

ADDRESS: Three copies of written comments, bearing the identification notation "OPP-180784" should be submitted by mail to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 244, Crystal Mall #2 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Jim Tompkins, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716D, Crystall Mall 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1806).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption for the use of Terraguard 50W on *Spathiphyllum* spp. to control Cylindrocladium root and petiole rot.

Information in accordance with 40 CFR Part 166 was submitted as part of this request. Triflumizole is not a currently registered chemical. The proposed use on Spathiphyllum is a non-food use.

The Applicant states that *Cylindrocladium spathiphylli* was introduced into Florida around 1977 by movement of infected plants from the tropics. Dissemination of the disease was easily accomplished by transfer of infected seedlings, and contaminated seeds and plants.

The Applicant states that research on efficacy has shown the registered alternatives to be less effective in controlling Cylindrocladium on Spathiphyllums than triflumizole. Benomyl provided the best control of the registered fungicides tested. However, benomyl applied at rates necessary to achieve control is phytotoxic to the plants and is not effective at rates low enough to avoid phytotoxicity.

The 1985 Florida foliage production was estimated to have a wholesale value of $272 million. Sales of Spathiphyllum are estimated to represent 10 percent of this value. Seventy-one percent of Spathiphyllum sold is produced by growers who are having problems with controlling Cylindrocladium. Spathiphyllum losses to Cylindrocaldium are estimated to be 8 percent of the total crop value (about $1.8 million). Available methods of control are not expected to provide economic control next season.

The Applicant plans to treat up to 245 acres using 14,700 pounds of product (7,350 pounds active ingredient). Applications are proposed for a period of one year from the date of approval. Applications of 4 to 8 ounces of Terraguard 50W in 100 gallons of water will be applied as a soil drench or through chemigation every two to four weeks or as needed to Spathiphyllum grown in greenhouse, interiorscapes, or commercial nurserys.

This notice does not constitute a decision by EPA on this application. The regulations governing section 18 require publication of a notice in the **Federal Register** of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide). The regulations also provide for the opportunity for public comment.

Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address given above.

The Agency will review and consider all comments received during the comment period in determining whether to issue this emergency exemption request.

Dated: July 5, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88-16328 Filed 7-19-88; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30289; FRL-3417-6]

Certain Companies Applications To Register Pesticide Products; Boyle—Midway Household Products, Inc., et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing active ingredients involving a changed use pattern pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comment by August 19, 1988.

ADDRESS: By mail submit comments identified by the document control number [OPP-30289] and the registration/file number, attention Product Manager (PM) named in each application at the following address:

Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Environmental Protection Agency, Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (TS-767C), Attn: (Product Manager (PM) named in each registration), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

In person: Contact the PM named in each registration at the following office location/telephone number:

Product manager	Office location/telephone number	Address
PM 15, George LaRocca.	Rm. 204, CM #2 (703-557-2400).	EPA, 1921 Jefferson Davis Hwy, Arlington, VA 22202.
PM 21, Lois Rossi.	Rm. 227, CM #2 (703-557-1900).	Do.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients involving a changed use pattern pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

II. Products Involving a Changed Use Pattern

1. *File Symbol: 475-ETT.* Applicant: Boyle-Midway Household Products, Inc., South Ave. and Half St., Cranford, NJ 07016. Product name: Black Flag Roach Control System II. Insecticide. Active ingredient: Abamectin 0.075%. Proposed classification/Use: General. To include in its presently registered use, a new indoor/household use on all types of roaches such as the small (German) and large (American) roach. (PM 15)

2. *File Symbol: 400-UGG.* Applicant: Uniroyal Chemical Co., Inc., 74 Amity Road, Bethany, CT 06525. Product name: Terraguard® 50W. Fungicide. Active ingredient: Triflumizole [1-[1-[[4-chloro-2-(trifluoromethyl) phenyl]imino]-2-propoxyethyl]-1*H*-imidazole] 50%. Proposed classification/Use: General. To include in its presently registered use, a new use as a soil drench foliar spray or though chemigation for control of diseases on commercial greenhouse, interiorscape, and nursery grown ornamentals. (PM 21)

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register.** The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Program Management and Support Division (PMSD) office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the PMSD office (703-557-3262), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

Dated: July 11, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88-16332 Filed 7-19-88; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30288; FRL-3417-7]

Brea Service, Inc.; Approval of Pesticide Product Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of an application submitted by Brea Agricultural Service, Inc., to register the pesticide product Propel, containing an active ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: By mail: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 245, TS-767C, Environmental Protection Agency, 1921 Jefferson Davis Hwy, Arlington, VA 22202 (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA received an application from Brea Agricultural Service, Inc., PO Box 201059, 1336 West Fremont, Stockton, CA 95201, to register the pesticide product Propel, a plant growth regulator containing the active ingredient 2-hydroxypropanoic acid at 80 percent; not included in any previously registered product. The product, EPA Registration Number 9018-6, was registered on April 29, 1988 for general use on almonds, apples, beans (green and dry), broccoli, cabbage, cauliflower, cherries, citrus, corn (sweet and field), cotton, grapes, lettuce, peppers (green and chile), pineapples, prunes, strawberries, sugarcane, tomatoes, and walnuts. Because the notice of application to register the product was not published in the **Federal Register,** as required by section 3(c)(4) of FIFRA, as amended, interested parties may submit comments within 30 days from the date of publication of this notice.

The Agency has considered all required data on the risks associated with the proposed use of 2-hydroxypropanoic acid and information on social, economic, and environmental benefits to be derived from use. Specifically, the Agency has considered the nature of the chemical and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of 2-hydroxypropanoic acid, when used in accordance with widespread and commonly recognized practice, will not generally cause unreasonable adverse effects on the environment.

More detailed information on this registration is contained in a Chemical Fact Sheet on 2-hydroxypropanoic acid.

A copy of this fact sheet, which provides a summary description of the chemical, use patterns and formulations, science findings, and the Agency's regulatory position and rationale, may be obtained from Registration Division (TS-767C), Environmental Protection Agency, Registration Support and Emergency Response Branch, 401 M St., SW., Washington, DC 20460.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the Product Manager. The data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 236, CM#2, Arlington, VA 22202 (703-557-4460). Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), 401 M St., SW., Washington, DC 20460. Such requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

Authority: 7 U.S.C. 136.

Dated: July 8, 1988.

Susan H. Wayland,

Acting Director, Office of Pesticide Programs.

[FR Doc. 88-16333 Filed 7-19-88; 8:45 am]

BILLING CODE 6560-50-M

[PF-499; FRL-3416-9]

Pesticide Tolerance Petitions; ATL Enterprises, Inc., et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing of pesticide petitions proposing the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: By mail, submit written comments to: Information Service section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (TS-767C), Attn.: Product Manager (PM) named in the petition, Environmental Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

In person, contact the PM named in each petition at the following office location/telephone number:

Product manager	Office location/ telephone number	Address
Phil Hutton (PM 17).	Rm. 207, CM #2, (703)-557-2690.	Do.
Robert Taylor.....	Rm. 245, CM #2.	Do.

SUPPLEMENTARY INFORMATION: EPA has received pesticide (PP) and/or food and feed additive (FAP) petitions as follows proposing the establishment and or amendment of tolerances or regulations for residues of certain pesticide chemicals in or on certain agricultural commodities.

Initial Filings

1. *PP 8F3635.* ATL Enterprises, Inc., 3601 Garden Brook, Dallas, TX 75234, proposes to amend 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for aqueous extract of the roots, galls, and bark from Opinta Lindhimer, Querus Placata, Rhus Aromatica, and Rhizophoria Mangle, when used as a plant regulator in soil and/or foliar applications in or on all raw agricultural commodities. (PM 25).

2. *PP 8F3640.* BASF Corp., Chemical Division, 100 Cherry Hill Rd., Parsippany, NJ 07054, proposes to amend 40 CFR 180.412 by establishing a regulation to permit the residues of the herbicide 2-[1(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one and its metabolites containing 2-cyclohexen-1-one moiety in or on peas (dry and succulent) at 40 parts per million (ppm) and beans (dry and succulent) at 15 ppm. The proposed analytical method for determining residues is gas chromatography using sulfur-specific flame photometric detection. (PM-25).

3. *FAP 8H5557.* BASF Corp., Chemical Division, 100 Cherry Hill Rd., Parsippany, NJ 07054, proposes to amend 21 CFR Part 561 by establishing a regulation to permit the residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one and its metabolites containing 2-cyclohexen-1-one moiety in or on peas (forage and hay) at 40 ppm and beans (forage and hay) at 40 ppm. (PM 25).

Amended Petition

1. *PP 4F3103.* EPA issued notice of the filing of the petition in the **Federal Register** of August 1, 1984 (49 FR 30789), by the Zoecon Corp., proposing that 40 CFR 180.359 be amended by establishing tolerances for residues of the insecticide methoprene [isopropyl (*E,E*)-11-methoxy-3,7,11-tri-methyl-2,4-dodecadienoate] in or on various commodities. Sandoz Crop Protection Corp. has submitted a revised Section F for the petition, proposing the establishment of tolerance as follows:

Commodities	Parts per million
Cereal grain Group XV (except popcorn and sweet corn)	5.0
Cereal grain milled fractions (except flour and rice hulls)	10.0

Commodities	Parts per million
Eggs	0.1
Fat of cattle, goats, hogs, horses, poultry, and sheep	1.0
Meat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep	0.1
Milk	0.1
Rice hulls	25.0

The proposed analytical method for determining residues is gas chromatography. (PM-17).

(7 U.S.C. 136a)

Dated: July 11, 1988.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 88-16329 Filed 7-19-88; 8:45 am]

BILLING CODE 6560-50-M

[OPP-100055; FRL-3415-8]

Cadmus Group Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Cadmus Group Inc. has been awarded a contract to perform work for the EPA Office of Policy, Planning and Evaluation (OPPE) and Office of Pesticide Programs (OPP), and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to Cadmus Group as authorized by 40 CFR 2.307(h)(3) and 40 CFR 2.308(i)(2), respectively. This action will enable Cadmus Group to fulfill the terms of this contract and serves to notify affected persons.

DATE: Cadmus Group will be given access to this information no sooner than July 27, 1988.

FOR FURTHER INFORMATION CONTACT:

By mail: Catherine S. Grimes, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telehone number: Rm. 212, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557-4460.

SUPPLEMENTARY INFORMATION: Under Contract No. 68-01-7363, Cadmus Group, Inc. will assist OPPE and OPP in assessing control options, information gathering methods, and performing other analyses relating to the control of chemicals and biological materials. The emphasis in these analyses will be on the Toxic Substances Control Act (TSCA), including engineering, economic, health, environmental and regulatory information. Some of this data may be FIFRA CBI. This contract involves no subcontractor.

The Office of Pesticide Programs and OPPE have determined that the contract herein described involves work that is being conducted in connection with FIFRA, in that some pesticide chemicals such as Dinoseb, Silvex, and 2,4,5-T will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

This information is entitled to confidential treatment, having been submitted to EPA under sections 3, 6, and 7 of FIFRA and obtained under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), Cadmus Group shall not use the information for any purpose other than purpose(s) specified in the contract; shall not disclose the information in any form to a third party without prior written approval from the Agency or affected business; and shall required that each official and employee of the contractor sign an agreement to protect the information from unauthorized release. In addition, Cadmus Group is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Cadmus Group until the above requirements have been fully satisfied. Records of information provided to Cadmus Group will be maintained by the Task Officer for this contract in the EPA Office of Pesticide Programs. All information supplied to Cadmus Group by EPA for use in connection with this contract will be returned to EPA when Cadmus Group has completed its work.

Dated: July 6, 1988.

Susan H. Wayland,

Acting Director, Office of Pesticide Programs.

[FR Doc. 88-16195 Filed 7-19-88; 8:45 am]

BILLING CODE 6560-50-M

[OPP-36162; FRL-3415-4]

Standard Evaluation Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of the following draft Standard Evaluation Procedures (SEPs) for public comment prior to its publication: Magnitude of Residue: Storage Stability, and Analytical Methods. The SEPs are a standard set of guidance documents on how the Hazard Evaluation Division (HED) in the Office of Pesticide Programs evaluates studies and scientific data to ensure consistency of scientific reviews of studies submitted by registrants in support of pesticide registrations. This will increase the efficiency of pesticide registration and other regulatory activities.

DATE: Comments, identified by the document control number [OPP-36162] should be received on or before September 19, 1988.

ADDRESS: Submit three copies of written comments, identified with the document control number [OPP-36162] by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

In person, deliver comments to: Rm. 246, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

Copies of the draft SEPs are also available at the following address.

FOR FURTHER INFORMATION CONTACT:

By mail: Orville E. Paynter, Hazard Evaluation Division (TS-769C), Office of Pesticide Programs, Environmental

Protection Agency, 401 M St., SW., Washington, DC 20460.
Office location and telephone number: Rm. 1121, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557-7695.

SUPPLEMENTARY INFORMATION: The SEPs are a standard set of guidance documents on how HED evaluates studies and scientific data to ensure consistency of scientific reviews. Not only will the SEPs serve as valuable internal reference documents and training aids for new staff, these documents will also inform the public and regulated community of important considerations in the evaluation of test data for determining chemcial hazards.

The SEPs ensure a comprehensive, consistent treatment of major scientific topics in the Agency's reviews and provide interpretive policy guidance where appropriate, but are not so detailed that they inhibit creativity and independent thought. The SEPs also serve as training aids for new staff, and inform the public of the internal review process. Throughout the remainder of this and next fiscal year, HED will be writing additional SEPs on the scientific disciplines of toxicology, chemistry, exposure assessment, and ecological effects. Thirty-six SEPs has been published thus far and are available from the National Technical Information Service, which is responsible for distribution of all SEPs after they have been finalized. Prior to publication, each of the SEPs must undergo extensive peer review including Division, Office, Intra-Agency, FIFRA Scientific Advisory Panel, and public comment; this announcement serves to solicit public comment on the draft document.

Dated: July 7, 1988.

Anne Barton,

Acting Director, Hazard Evaluation Division, Office of Pesticide Programs.

[FR Doc. 88-16074 Filed 7-19-88; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3417-3]

Salvo Property Site; Proposed Statement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), The Environmental Protection Agency (EPA) has agreed to settle claims for response costs at the Salvo Property Site, Lithia Springs, Georgia, with Joseph E. Salvo. EPA will consider public comments on the proposed settlement for thirty days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Ms. Rosemary L. Workman, Environmental Scientist, U.S. EPA, Region IV, Investigations and Cost Recovery Unit, Investigation Support Section, Site Investigation and Support Branch, Waste Management Division, 345 Courtland Street NE Atlanta, Georgia 30365, 404/347-5059.

Written comments may be submitted to the person above by August 19, 1988.

Date: July 11, 1988.

Joe R. Franzmathes,

Acting Regional Administrator.

[FR Doc. 88-16334 Filed 7-19-88; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59846; FRL-34166]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of ten such PMNs and provides a summary of each.

DATES: Close of Review Periods:

Y 88-201, 88-202, 88-203, June 27, 1988.

Y 88-204, July 6, 1988.

Y 88-205, 88-206, 88-207, 88-208, July 11, 1988.

Y 88-209, and 88-210. July 18, 1988.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460 (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 88-201

Manufacturer. NL Industries.
Chemical. (G) Alkyd resin.
Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

Y 88-202.

Manufacturer. Confidential.
Chemical. (G) Methoxy polyethylene oxide diol.
Use/Production. (S) Coatings prepolymer. Prod. range: Confidential.

Y 88-203

Manufacturer. Confidential.
Chemical. (G) Water-reducible alkyd resin.
Use/Production. (S) Air-dry water-reducible varnishes, stains, and enamels. Prod. range: Confidential.

Y 88-204

Manufacturer. Confidential.
Chemical. (G) Modified acrylic terpolymer.
Use/Production. (G) Thickener for aqueous mixtures, nondispersive use. Prod. range: Confidential.

Y 88-205

Manufacturer. Confidential.
Chemical. (G) Vinyl acetate/olefins tetrapolymer.
Use/Production. (G) Petroleum product additive. Prod. range: Confidential.

Y 88-206

Manufacturer. Confidential.
Chemical. (G) Vinyl acetate/olefins tetrapolymer.
Use/Production. (G) Petroleum product additive. Prod. range: Confidential.

Y 88-207

Manufacturer. Confidential.
Chemical. (G) Vinyl acetate/olefins tetrapolymer.
Use/Production. (G) Petroleum product additive. Prod. range: Confidential.

Y 88-208

Manufacturer. General Electric Company, GE Plastics.

Chemical. (G) Aryl alkyl polyamide resin.

Use/Production. (G) Thermoplastic resin for sheet and film. Prod. range: Confidential.

Y 88-209

Manufacturer. Reichhold Chemicals, Inc.

Chemical. (G) Aryl alkyl polyamine resin.

Use/Production. (S) Putty. Prod. range: Confidential.

Y 88-210

Manufacturer. Owens-Corning Corporation.

Chemical. (G) Polyvinyl acetate copolymer.

Use/Production. (S) Molding resin. Prod. range: Confidential.

Date: July 12, 1988.

Steve Newburg-Rinn,

Chief, Public Data Branch, Information Management Division, Office of Toxic Substances.

[FR Doc. 88-16326 Filed 7-19-88; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51709; FRL-3416]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty-four such PMNs and provides a summary of each.

DATES: Close of Review Periods:

P 88-1592, 88-1593, 88-1594, 88-1595, 88-1596, 88-1597, 88-1598, 88-1599, 88-1600, 88-1601, 88-1602, 88-1603, 88-1604, 88-1605, 88-1606, 88-1607, 88-1608, 88-1609, September 18, 1988.

P 88-1610, September 19, 1988.

P 88-1611, 88-1612, 88-1613, September 20, 1988.

P 88-1614, and 88-1615. September 21, 1988.

Written comments by:

P 88-1592, 88-1593, 88-1594, 88-1595, 88-1596, 88-1597, 88-1598, 88-1599, 88-1600, 88-1601, 88-1602, 88-1603, 88-1604, 88-1605, 88-1606, 88-1607, 88-1608, 88-1609, August 19, 1988.

P 88-1610, August 20, 1988.

P 88-1611, 88-1612, 88-1613, August 21, 1988.

P 88-1614, and 88-1615. August 22, 1988.

ADDRESS: Written comments, identified by the document control number "(OPTS-51709)" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency Rm. L-100, 401 M Street, SW., Washington, DC 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460 (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 88-1592

Manufacturer. Confidential.

Chemical. (G) Modified polysaccharide.

Use/Production. (S) Binder for fiberglass matting. Prod. range: 454,000-2,727,000 kg/yr.

P 88-1593

Importer. Mitsubishi International Corporation.

Chemical. (S) Phosphated, ethoxylated oleyl alcohol, compound with ethoxylated coco alkly amine.

Use/Import. (S) Antistatic agent and emulsifier of spinfinish for polyester filament yarn. Import range: 500-5,000 kg/yr.

P 88-1594

Manufacturer. Reichhold Chemicals, Inc.

Chemical. (G) Vinyl acrylic copolymer.

Use/Production. (S) Nonwoven binder. Prod. range: Confidential.

P 88-1595

Manufacturer. Hi-Tek Polymers, Inc.

Chemical. (S) Cyanic acid, 4,4'-diphenylether ester, homopolymer.

Use/Production. (S) Thermoset resin for use in fiber-reinforced structural and electrical composites. Prod. range: Confidential.

P 88-1596

Manufacturer. Hi-Tek Polymers, Inc.

Chemical. (S) Cyanic acid, (2,2,2-trifluoro-1-(trifluoromethyl) ethylidene)di-4,1-phenylene ester, homopolymer.

Use/Production. (S) Thermoset resin for use in fiber-reinforced structural and electrical composites. Prod. range: Confidential.

P 88-1597

Manufacturer. Hi-Tek Polymers, Inc.

Chemical. (S) Cyanic acid, (4,4-diphenylether)ether-.

Use/Production. (S) Chemical intermediate destructive. Prod. range: Confidential.

P 88-1598

Manufacturer. Confidential.

Chemical. (G) Alkyl acid, (cycloalkyloxy)alkyl ester-.

Use/Production. (S) Site-limited intermediate for chemical production. Prod. range: Confidential.

P 88-1599

Importer. Hoechst Celanese Corporation.

Chemical. (G) Modified polyester resin.

Use/Import. (S) Resin for powder coatings. Import range: 12,000-95,000 kg/yr.

P 88-1600

Importer. Hoechst Celanese Corporation.

Chemical. (G) Modified polyester resin.

Use/Import. (S) Resin for powder coatings. Import range: 12,000-95,000 kg/yr.

P 88-1601

Manufacturer. Darworth Company.

Chemical. (G) Acrylic copolymer emulsion.

Use/Production. (S) Used in manufacture acrylic latex caulking compounds. Prod. range: Confidential.

P 88-1602

Manufacturer. Darworth Company.

Chemical. (G) Acrylic copolymers emulsion.

Use/Production. (S) Used to manufacture acrylic latex caulking compounds. Prod. range: Confidential.

P 88-1603

Manufacturer. Reichhold Chemicals, Inc.

Chemical. (G) Vinyl acrylic copolymer.
Use/Production. (S) Nonwoven binder. Prod. range: Confidential.

P 88-1604

Manufacturer. Confidential.
Chemical. (G) Polyalkylmethacrylate.
Use/Production. (G) Motor oil additive. Prod. range: Confidential.

P 88-1605

Manufacturer. Confidential.
Chemical. (G) Acrylourethane.
Use/Production. (G) Confidential. Prod. range: Confidential.

P 88-1606

Manufacturer. Confidential.
Chemical. (G) Acrylourethane.
Use/Production. (G) Confidential. Prod. range: Confidential.

P 88-1607

Manufacturer. Confidential.
Chemical. (G) Acrylourethane.
Use/Production. (G) Confidential. Prod. range: Confidential.

P 88-1608

Manufacturer. Confidential.
Chemical. (G) Acrylated silicone.
Use/Production. (G) Coating for open non-dispersive use. Prod. range: Confidential.

P 88-1609

Importer. Ciba-Geigy Corporation: Dyestuffs Div.
Chemical. (G) Substituted triazine azomethanesulfonic acid.
Use/Import. (G) Textile dye. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 >5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 >2,000 mg/kg species (Rat). Static acute toxicity: LC50 >1,000 mg/l time 96 h species (Zebra fish). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit). Skin sensitization: negative species (Guinea pig).

P 88-1610

Importer. Confidential.
Chemical. (S) Vinyl acetate; butyl acrylate; ethylene; acrylic acid.
Use/Import. (S) An adhesive for packing and laminating. Import range: Confidential.

P 88-1611

Manufacturer. Confidential.
Chemical. (G) Aliphatic acid/fatty acid/polyamine condensate.
Use/Production. (G) Dispersive. Prod. range: Confidential.

P 88-1612

Manufacturer. Allied-Signal, Inc.
Chemical. (G) Polyamide alloy.
Use/Production. (G) Polymer alloy. Prod. range: Confidential.

P 88-1613

Manufacturer. E.I. du Pont de Nemours & Co., Inc.
Chemical. (G) Polyester-polyurea.
Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 88-1614

Manufacturer. Confidential.
Chemical. (G) Metal hydride.
Use/Production. (G) Contained use, additive for gas treatment. Prod. range: Confidential.

P 88-1615

Manufacturer. Dow Corning Corporation.
Chemical. (S) Reaction production of siloxanes and silicones, dimethyl, 3-(N-methylamino)isobutylterminated plus Cyclohexane, 1,1-methylenebis-4-isocyanato- plus 1,4 Butanediol plus Poly(oxy-1,2-ethanediyl), ·Alpha-·hydro-·omega-hydroxy-.
Use/Production. (S) Semi-permeable coating. Prod. range: 1000-2000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 >5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 >2,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

Date: July 12, 1988.

Steve Newburg-Rinn,

Chief, Public Data Branch, Information Management Division, Office of Toxic Substances.

[FR Doc. 88-16327 Filed 7-19-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200140.
Title: Georgia Ports Authority Terminal Agreement.
Parties: Georgia Ports Authority (GPA), Savannah International Terminals (SIT).
Synopsis: The proposed agreement provides for SIT's lease of container yard space in GPA's Garden City Terminal.

By Order of the Federal Maritime Commission.

Dated: July 14, 1988.

Joseph C. Polking,

Secretary.

[FR Doc. 88-16244 Filed 7-19-88; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 207-011157-001
Title: Safbank Joint Venture Agreement.
Parties:
The Bank Line Limited
The South African Marine Corporation Limited
Synopsis: The proposed modification reflects a corporate reorganization that would add Safbank Line Limited (the joint venture) and Bank Line East Africa Limited (a subsidiary of The Bank Line Limited) as parties to the agreement.

Agreement No.: 203-011160-002.
Title: Agreement No. 11160.
Parties:
Atlantic Container Line, BV
n.v. CMB s.a.
Orient Overseas Container Line (UK) Ltd.
Gulf Container Line (GCL) BV
Hapag-Lloyd AG
Johnson ScanStar

Nedlloyd Lijnen BV
Pacific Europe Express
P&O Container (TFL) Limited
Polish Ocean Lines
Sea-Land Service, Inc.
South Atlantic Cargo Shipping NV

Synopsis: The proposed modification would admit Deppe Linie GmbH & Co. as a party to the agreement.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: July 15, 1988.

[FR Doc. 88-16285 Filed 7-19-88; 8:45 am]

BILLING CODE 6730-01-M

Survey of Ocean Freight Forwarders

The Federal Maritime Commission recently sent surveys to ocean freight forwarders seeking their views as to the impact of the Shipping Act of 1984, 46 U.S.C. app. 1701 *et seq.* ("1984 Act"). The survey is being conducted as part of a five-year study mandated in section 18 of the 1984 Act, which directed the Federal Maritime Commission to "collect and analyze information concerning the impact of this Act upon the international ocean shipping industry," and to present its findings to an Advisory Commission on Conferences in Ocean Shipping, to be convened five and one-half years after enactment of the 1984 Act. The surveys are the second in a series to be distributed on an annual basis through 1989. Substantial revisions have been made to the 1988 survey based upon responses to the 1987 survey recommendations of the section 18 Study Advisory Committee.

The Federal Maritime Commission would like its survey to have the widest possible distribution. All interested ocean freight forwarders who have *not* received a copy of the survey are urged to contact: Allen E. Jackson; Bureau of Economic Analysis; Federal Maritime Commission; 1100 L Street NW.; Washington, DC 20573; telephone (202) 523-5870.

Joseph C. Polking,

Secretary.

[FR Doc. 88-16257 Filed 7-19-88; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

July 13, 1988.

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 an 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 place into OMB's public docket files. The following reports, 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 analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received on or before August 4, 1988.

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 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT. A copy of the request for clearance (SF 83), supporting statement, 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 follows. 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)

Proposal to approve under OMB delegated authority the extension without revision of the following reports:

1. *Report Title:* Applications for and Cancel Federal Reserve Bank Stock-National Bank, Nonmember Bank, Member Bank.

Agency Form No.: FR 2030, FR 2030a, FR 2056, FR 2086a, FR 2086b, FR 2087.

OMB Docket No.: 7100-0042.

Frequency: On occasion.

Reporters: National, State Member and nonmember banks.

Annual Reporting Hours: 1,134 (FR 2030: 155; FR 2030a: 32; FR 2056: 889; FR 2086a: 12; FR 2086b: 13; FR 2087: 33).

Number of Reporters: 2,268 (FR 2030: 309; FR 2030a: 64; FR 2056: 1,778; FR 2086a: 24; FR 2086b: 26; FR 2087: 67).

Average Number of Hours per Response: 0.5 (for each form) Small businesses are affected.

General Description of Report: This information collection is mandatory (12 U.S.C. 222, 35, 287, 321, and 288 (1982)) and is not given confidential treatment. These Federal Reserve Bank Stock application forms are required to be submitted to the Federal Reserve System by any National Bank, State Member Bank or nonmember bank wanting to purchase stock in the Federal Reserve System, increase or decrease its Federal Reserve Bank Stock holdings, or cancel such stock.

Board of Governors of the Federal Reserve System, July 13, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-16247 Filed 7-19-88; 8:45 am]

BILLING CODE 6210-01-M

Agency Forms Under Review

July 13, 1988.

Background

Notice is hereby given of final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulation on Controlling Paperwork Burdens on the Public).

FOR FURTHER INFORMATION CONTACT:

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).

OMB Desk Officer—Robert Neal, Jr.—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office

Building, Room 3208, Washington, DC 20503 (202-395-7304).

Proposal to approve under OMB delegated authority the extension, without revision, of the following

1. Recordkeeping and Disclosure Requirements in Connection with Regulation BB (Community Reinvestment)

Agency Form No.: Not applicable.
OMB Docket No.: 7100-0197.
Frequency: On occasion.
Reporters: State member banks.
Annual Reporting Hours: 6,137.

Requirement	Estimated number of responses	Estimated hours per response
Statement	1,085	4.5
Files	836	1.5

Small business are affected.

General Description or Requirements: This information collection is mandatory [12 U.S.C. 2901] and is not given confidential treatments.

Regulation BB implements the Community Reinvestment Act and is designed to encourage banks to help meet the credit needs of their communities.

2. Recordkeeping and Disclosure Requirements in Connection with Regulation Z (Truth in Lending)

Agency Form No.: Not applicable.
OMB Docket No.: OMB No. 7100-0199.
Frequency: On occasion.
Reporters: State member banks.
Annual Burden Hours: 1,871,708.

Requirement	Estimated number of responses	Estimated time per response
Initial terms	1,200,000	2.50
Change in terms	2,600,000	1.00
Periodic statements	90,000,000	.75
Error resolution	8,500	15.00
Closed-end credit disclosures	6,000,000	6.50
Advertising	2,500	30.00

Small businesses are affected.

General Description of Requirements: This information collection is mandatory (15 U.S.C. 1601 *et. seq.*) and is not given confidential treatment.

Regulation Z prescribes uniform methods of computing the cost of credit, disclosure of credit terms, and procedures for resolving billing errors on certain credit accounts.

3. Recordkeeping and Disclosure Requirements in Connection with Regulation E (Electronic Fund Transfers)

Agency Form No. Not Applicable.
OMB Docket Number: OMB No. 7100-0200.
Frequency: On occasion.
Reporters: State member banks.
Annual Burden Hours: 581,166.

Requirement	Estimated number of responses	Estimated time per response (minutes)
Initial disclosures:		
Initial terms	270,000	2.5
Change in terms	360,000	1.0
Transaction disclosures:		
Terminal receipts	77,000,000	.25
Deposit verification	450,000	1.5
Periodic disclosures	13,700,000	1.0
Error allegations	7,000	30.0

Small businesses are affected

General Description of Requirements: This information collection is mandatory (15 U.S.C. 1693 *et. seq.*) and is not given confidential treatment.

Regulation E establishes the rights, liabilities, and responsibilities of parties in electronic fund transfers and protects consumers using EFT systems.

4. Recordkeeping and Disclosure Requirements in Connection with Regulation B (Equal Credit Opportunity)

Agency Form No. Not Applicable.
OMB Docket No.: OMB No. 7100-0201.
Frequency: On occasion.
Reporters: State member banks.
Annual Burden Hours: 102,872.

Requirement	Estimated number of responses	Estimated time per response (minutes)
Notification	1,713,402	2.5
Credit history reporting	884,055	2.0
Monitoring:		
Customer notation	217,966	.5
Bank notation	23,351	.5

Small businesses are affected.

General Description of Requirements. This information collection is mandatory (15 U.S.C. 1691) and is given confidential treatment.

Regulation B prohibits creditors from discriminating against credit applicants on any of the bases specified by the Equal Credit Opportunity Act, etablishes guidelines for gathering and evaluating credit information and requires creditors to give applicants a written notification of rejection of an application.

5. Recordkeeping and Disclosure Requirements in Connection with Regulation M (Consumer Leasing)

Agency Form No.: Not Applicable.
OMB Docket No.: OMB No. 7100-0202.
Frequency: On occasion.
Reporters: State member banks.
Annual Burden Hours: 10,024.

Requirement	Estimated number of responses	Estimated time per response (minutes)
Disclosures	40,000	15
Advertising	48	30

Small businesses are affected.

General Description of Requirements: This information collection is mandatory (15 U.S.C. 1601) and is not given confidential treatment.

Regulation M implements the consumer leasing provisions of the Truth in Lending Act.

6. Recordkeeping and Disclosure Requirements in Connection with the Right to Financial Privacy Act.

Agency Form No.: Not Applicable.
OMB Docket No.: OMB No. 7100-0203.
Frequency: On occasion.
Reporters: State member banks.
Annual Burden Hours: 11,367.
Estimated No. of Responses: 31,000.
Estimated Time Per Response: 22 minutes

Small businesses are affected.

General Description of Requirements: This information collection is mandatory (12 U.S.C. 3401 *et seq.*) and is given confidential treatment.

The Right to Financial Privacy Act prescribes a recordkeeping requirement regarding the maintenance of a record of instance in which consumer financial information held by the institution is released to a government agency.

7. Recordkeeping and Disclosure Requirements Associated with Securities Transactions Pursuant to Section 208.8(k) (2, 3 and 5) of Regulation H

Agency Form No.: Not Applicable.
OMB Docket No.: 7100-0196.
Frequency: On occasion.
Reporters: State-chartered member banks and trust companies.
Annual Burden Hours: 152,461.

Requirement	Estimated number of responses	Estimated hours per response
Recordkeeping:		
Banks	23,000	.05
Trust Entities	2,040,000	.05

Requirement	Estimated number of responses	Estimated hours per response
Customer Notification:		
Banks	23,000	.05
Trust entities	929,220	.05
Policies/procedures statement	6,800	.25

Small businesses are not affected.

General Description of Requirements: These requirements are authorized by law (12 U.S.C. 248(a) (1) and 325).

The disclosure and recordkeeping requirements under this section of Regulation H are imposed on state-chartered member banks and trust companies that effect securities transactions for customers. They require customer notification, recordkeeping and written policies and procedures to protect customers, to avoid or settle customer disputes and to protect the bank against potential liability under the "anti-fraud" and insider trading provisions of the Securities Exchange Act of 1934.

8. Recordkeeping and Disclosure Requirements Associated with Real Estate in Flood Hazard Areas Pursuant to Section 208.8(e) of Regulation H

Agency Form No.: Not Applicable.
OMB Docket No.: 7100–0196.
Frequency: On occasion.
Reporters: State-chartered member banks.
Annual Burden Hours: 6540.

Requirement	Estimated number of responses	Estimated hours per response
Recordkeeping procedures	65,400	.08
Disclosure to borrowers	16,350	.08

Small businesses are affected.

General Description of Requirements: These requirements are authorized by law (12 U.S.C. 325).

The disclosure and recordkeeping requirements under this section of Regulation H are imposed on state-chartered member banks to implement requirements of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b) as amended). The regulation forbids banks to make or renew loans secured by real estate located in a flood hazard area unless the property is covered by flood insurance and requires them to keep records in connection with all loans secured by such real estate. It also requires member banks to provide notice to borrowers (1) that the property securing a loan is located in a flood hazard area; and (2) whether, in the event of damage to the property caused by flooding in a federally declared disaster area, federal disaster relief assistance will be available for such property.

Board of Governors of the Federal Reserve System, July 13, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88–16248 Filed 7–19–88; 8:45 am]

BILLING CODE 6210–01–M

Kentucky Bancorporation, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation woudl not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 10, 1988.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Kentucky Bancorporation, Inc.*, Covington, Kentucky; to acquire 100 percent of the voting shares of The First National Bank of Georgetown, Georgetown, Kentucky.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First Sterling Bancshares, Inc.*, Winter Haven, Florida; to acquire 80 percent of the voting shares of First Sterling Bank of Osceola County, Kissimmee, Florida.

C. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Indiana Bancshares*, Greenwood, Indiana; to acquire 100 percent of the voting shares of Hoosier Bancshares, Bloomington, Indiana, and thereby indirectly acquire The Bloomington National Bank, Bloomington, Indiana. Comments on this application must be received by August 5, 1988.

2. *P.T.C. Bancorp*, Brookville, Indiana; to aquire 100 percent of the voting shares of Bank of Versailles, Versailles, Indiana.

3. *Valley Bancorporation*, Appleton, Wisconsin; to acquire 100 percent of the voting shares of Colonial Bank-Thiensville, Thiensville, Wisconsin; Colonial National Bank-Port Washington, Port Washington, Wisconsin; and Colonial Bank-Richfield, Richfield, Wisconsin.

D. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Clarkfield Bancshares, Inc.*, Clarkfield, Minnesota; to acquire 50.3 percent of the voting shares of Fergus Falls Bancshares, Inc., Fergus Falls, Minnesota, and thereby directly acquire Security State Bank of Fergus Falls, Fergus Falls, Minnesota.

2. *Monycor Bancshares, Inc.*, Superior, Wisconsin; to become a bank holding company by acquiring 97.86 percent of the voting shares of Monycor Bank of Superior, Superior, Wisconsin.

3. *Town & Country Bancorporation, Inc.*, Newport, Minnesota; to acquire 100 percent of the voting shares of Roseville Bancorp, Inc., Roseville, Minnesota, and thereby indirectly acquire Mid America Bank, N.A., Roseville, Minnesota. Comments on this application must be received by August 5, 1988.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Ameribanc, Inc., St.* Joseph, Missouri; to acquire 100 percent of the voting shares of First Financial Bank of St. Charles County, Lake St. Louis, Missouri. First Financial will be relocated after consummation of the proposal.

2. *Wathena Bancshares, Inc.*, Wathena, Kansas; to become a bank holding company by acquiring 93.27 percent of the voting shares of Farmers State Bank, Wathena, Kansas.

F. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *BFW Financial Corporation*, Burleson, Texas; to acquire 100 percent of the voting shares of Alvord Financial

Corporation, Alvord, Texas, and thereby indirectly acquire The Alvord National Bank in Alvord, Alvord, Texas.

Board of Governors of the Federal Reserve System, July 14, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-16250 Filed 7-19-88; 8:45 am]

BILLING CODE 6210-01-M

Southtrust of Florida, Inc.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 10, 1988.

A. Federal Reserve Bank of Atlanta (Rober E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *SouthTrust of Florida, Inc.*, St. Petersburg, Florida, and SouthTrust Corporation, Birmingham, Alabama; to engage *de novo* through their subsidiary, SouthTrust Estate & Trust Company, Inc., South Pasadena, Florida, in all functions or activities that may be performed by a trust company including activities of a fiduciary, agency, or custodial nature as authorized by state law pursuant to § 225.25(b)(3) of the Board's Regulation Y. These activities will be conducted throughout the State of Florida.

Board of Governors of the Federal Reserve System, July 14, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-16249 Filed 7-19-88; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Central Soya Co., Inc.; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) held by Central Soya Co., Inc. The NADA provides for the use of a Type A medicated article containing 265.5 or 281.7 grams of monensin per ton for making Type C medicated feeds for broiler chickens. The firm requested the withdrawal of approval.

EFFECTIVE DATE: August 1, 1988.

FOR FURTHER INFORMATION CONTACT: Mohammad I. Sharar, Center for Veterinary Medicine (HFV-216), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: Central Soya Co., Inc., P.O. Box 1400, Fort Wayne, IN 46801-1400, is the sponsor of NADA 119-546 which was originally approved August 13, 1982 (47 FR 35186).

The NADA provides for manufacturing Type A medicated articles for export which contain 265.5 or 281.7 grams of monensin per ton for use in making Type C medicated feeds for broiler chickens. The feeds are use as an aid in the prevention of coccidiosis.

By letters dated September 3, 1987, and December 18, 1987, the sponsor requested the withdrawal of approval of the NADA because there is no need to continue this NADA to manufacture the product (See 51 FR 7382; March 3, 1986 (final rule revising the agency's procedures and requirements concerning conditions of approval for the manufacture of feeds containing new animal drugs)).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 119-546 and all supplements thereto is hereby withdrawn, effective (August 1, 1988).

In a final rule published elsewhere in this issue of the **Federal Register**, FDA is removing 21 CFR 558.355(b)(10), which reflects this approval.

Dated: July 12, 1988.

Richard H. Teske,

Deputy Director, Center for Veterinary Medicine.

[FR Doc. 88-16299 Filed 7-19-88; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 88F-0208]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of *N,N'*-(2-chloro-1,4-phenylene)bis[4-[(2,5-dichlorophenyl)azo]-3-hydroxy-2-naphthalenecarboxamide] as a colorant for food-contact polymers.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B4079) has been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that § 178.3297 *Colorants for polymers* (21 CFR 178.3297) be amended to provide for the safe use of *N,N'*-(2-chloro-1,4-

phenylene)bis[4-[(2,5-dichlorophenyl)azo]-3-hydroxy-2-naphthalenecarboxamide] as a colorant for food-contact polymers.

The potential environmental impact of the action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: July 8, 1988.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 88-16340 Filed 7-19-88; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 88M-0159]

IOLAB® Intraocular; Premarket Approval of Models 85JS, 85JM, and 85JL Anterior Chamber Intraocular Lenses

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by IOLAB® Intraocular, Claremont, CA, for premarket approval, under the Medical Device Amendments of 1976, of Models 85JS, 85JM, and 85JL Anterior Chamber Intraocular Lenses. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of March 31, 1988, of the approval of the application.

DATE: Petitions for administrative review by August 19, 1988.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nancy C. Brogdon, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8261.

SUPPLEMENTARY INFORMATION: On March 9, 1987, IOLAB® Intraocular, Claremont, CA 91711, submitted to CDRH an application for premarket approval of the Models 85JS, 85JM, and 85JL Anterior Chamber Intraocular Lenses. The devices are intended for use in patients 60 years of age and older when a cataractous lens has been removed by primary intracapsular cataract extraction (ICCE); in primary extracapsular cataract extraction (ECCE) where there is a structural reason that the anterior chamber lens is the preferred one; in other primary ECCE provided that these devices be used only after the physician has compared the published results, or his/her own results, from the use of anterior chamber lenses with such results from the use of posterior chamber lenses; or in a secondary implant procedure. The devices are available in a range of powers from 10 diopters (D) through 25 D in 0.5 D increments.

On May 28, 1987, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On March 31, 1988, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in branckets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Nancy C. Brogdon (HFZ-460), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(b)), for administrative review of CDRH's decision to approve this application. A petitioner may reqeust either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and palce where the review will occur, and other details.

Petitioners may, at any time on or before August 19, 1988, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: July 12, 1988.

John C. Villforth,

Director Center for Devices and Radiological Health.

[FR Doc. 88-16300 Filed 7-19-88; 8:45 am]

BILLING CODE 4160-01-M

Revised Chapter in Regulatory Procedures Manual; Recall Procedures; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of revised Regulatory Procedures Manual, Chapter 5-00 "Recall Procedures" (Chapter 5-00 "Recall Procedures"). Chapter 5-00 "Recall Procedures" incorporates operational changes and updates unit titles and organizational symbols.

ADDRESS: Regulatory Procedures Manual, Chapter 5-00 "Recall Procedures" is available for public examination at the Freedom of Information Staff (HFI-35), Food and Drug Administration, Rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857. Written requests for single copies of Chapter 5-00 "Recall Procedures" may be sent to the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, VA 22161. To order copies, the current accession number for Chapter 5-00 "Recall Procedures" is: PB88-218128; the price is $14.95 for a paper copy and $6.95 for a microfiche copy. (Send two self-

addressed adhesive labels to assist NTIS in processing your requests.)

FOR FURTHER INFORMATION CONTACT: W. Remle Grove, Office of Regulatory Affairs (HFC-162), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1240.

SUPPLEMENTARY INFORMATION: Chapter 5-00 "Recall Procedures" provides operational policy definitions, responsibilities, and procedures for agency units in their review and audit of all recall actions. FDA has revised this chapter to incorporate new instructions regarding recalls involving Interstate Milk Shippers' products and clarifications regarding recalls under the Infant Formula Act. Operationsl changes were made involving processing of recall documents and disposition or recalled products.

Dated: July 11, 1988.

John M. Taylor.

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88-16297 Filed 7-19-88; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Statement of Organization, Functions, and Delegations of Authority

Part F. of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), **Federal Register**, Vol. 46, No. 223, pp. 56927-56928, dated Thursday, November 19, 1981, and Vol. 52, No. 178, pp. 34849-34850, dated Tuesday, September 15, 1987) is amended to correct a previous error affecting the administrative codes and to reflect a reorganization within Region I, Office of the Associate Administrator for Operations (AAO). The regional office is in the process of reorganizing from a functional structure to a programmatic structure with respect to the administration of Medicare and Medicaid. The reorganization is a pilot test, similar to those occurring in Regions III and VIII, which is targeted for a duration of up to 2 years. The reorganization abolishes the current Division of Program Operations and Division of Financial Operations and replaces them with the Division of Medicaid and the Division of Medicare.

The specific amendments to Part F. are described below:

• Section FP.20.D., Office of the Regional Administrator (FPD (I, II, IV-VII, IX, and X), is amended to correct a previous error affecting the administrative codes. The new section reads: Section FP.20.D., Office of the Regional Administrator (FPD (I-X)).

• Section FP.20.D.3., Division of Financial Operations (FPD (I, II, IV-VII, IX, and X)C), is amended by deleting the functional statement and administrative code for Region I. The new section reads: Section FP.20.D.3., Division of Financial Operations (FPD (II, IV-VII, IX, and X)C).

• Section FP.20.D.4., Division of Program Operations (FPD (I, II, IV-VII, IX, and X)D), is amended by deleting the functional statement and administrative code for Region I. The new section reads: Section FP.20.D.4., Division of Program Operations (FPD (II, IV-VII, IX, and X)D).

• Section FP.20.D.5., the Division of Medicaid (FPD(III and VIII)E) is amended to include the functional statement and administrative code for Region I. The new section reads:

5. Division of Medicaid (FPD(I, III, and VIII)E)

Under the direction of the HCFA Regional Administrator, plans, manages, and provides Federal leadership to State agencies in program implementation, maintenance, and the regulatory review of State Medicaid program management activities under Title XIX of the Social Security Act and assures the propriety of Federal expenditures. Provides consultation and guidance to States on appropriate matters including interpretation of Federal requirements, options available to States under these requirements, and information on practices in other States. Maintains day-to-day liaison with State agencies and monitors their Medicaid program activities and practices by conducting periodic program management and financial reviews to assure State adherence to Federal law and regulations. Reviews, approves, and maintains official State plans and plan amendments for medical assistance. Provides consultation to States in the administration of the amount, duration, scope, and reimbursement of health services available under the State program. Reviews, approves, and monitors State reimbursement systems and determines the allowability or non-allowability of claims for Federal financial participation (FFP); and where State expenditures have not been in accordance with Federal requirements, takes action to disallow such claims. Stimulates State action toward achievement of selected program objectives and monitors their progress. Reviews States' quarterly statements of expenditures and recommends appropriate action on amounts claimed. Defers reimbursement action on questionable State claims, reviews the claims for allowability, and recommends appropriate action. Issues orders suspending FFP on behalf of State payments to Title XIX provider institutions and the revocation of such suspension orders. Supports, evaluates, and provides advice on State management information and claims payment systems. Implements Title XIX special initiatives, such as prepaid health plans, health maintenance organizations, and other special or experimental programs, and operations of major management initiatives such as quality control. Where appropriate, provides an opportunity for State input to operational plans, policy, regulations, legislation, and budget formulation. Responds to beneficiary, congressional, provider, and public inquiries concerning Medicaid issues and takes appropriate action on individual case situations. Accepts and responds to Freedom of Information Act requests and on matters concerning the Privacy Act. Supports HCFA headquarters in activities concerning research and demonstration projects.

• Section FP.20.D.6., the Division of Medicare (FPD(III and VIII)F) is amended to include the functional statement and administrative code for Region I. The new section reads:

6. Division of Medicare (FPD(I, III, and VIII)F)

Under the direction of HCFA Regional Administrator, assures the effective administration of the Medicare program through the day-to-day working relationship with Medicare contractors, providers physicians, the Social Security Administration (SSA) regional office and district office personnel, elements of the Office of the Inspector General, and other organizations and individuals concerned with program operations. Assures continuing surveillance and appraisal of Medicare contractors in the administration of health insurance provisions. Identifies problems and initiates action to ensure contractor adherence to national Medicare policy and procedures. Directs Medicare regional financial management activities. Directs a program of in-depth reviews to evaluate the effectiveness of the Medicare program. Conducts quality assurance programs and onsite performance appraisals and analyzes statistical performance reports.

Negotiates and approves contractor budget modifications to budget allotments and final cost settlements. Coordinates day-to-day contractor financial management activities. Reviews and approves certain subcontracts and leases, and monitors banking activities and evaluates the cost allocation procedures of contractors. Conducts contractor appraisals. Interprets HCFA's institutional reimbursement policies. Relates appropriately to elements of SSA, providing consultation on Medicare program matters and any other activity necessary to achieve program objectives. Provides direction to Medicare contractors in carrying out their responsibilities for interfacing with peer review organizations. Establishes and maintains liaison with organizations representing health care professionals, providers of health care services, and program beneficiaries. Takes necessary action on matters relating to the Freedom of Information Act and the Privacy Act. Performs regional responsibilities relating to experimental and demonstration projects. Assumes responsibility for program training and assures timely responses to congressional and public inquiries. Relates appropriately to central office components such as providing feedback on operations, activities, and problems, and by providing regional perspectives in the development of Agency policies, objectives and work plans. In coordination with the Division of Medicaid, handles inter-program activities such as the Medicare buy-in for Medicaid beneficiaries.

Robert A. Streimer,

Acting Associate, Administrator for Management and Support Services.

Date: June 30, 1988.

[FR Doc. 88-16288 Filed 7-19-88; 8:45 am]

BILLING CODE 4120-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-88-1832]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Date: July 13, 1988.

David S. Cristy,

Deputy Director, Information Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Mortgagee's Certification and Application for Assistance or Interest Reduction Payments

Office: Housing

Description of the Need for the Information and its Proposed Use: This information is needed because all assistance payments disbursed under this program must be monitored by HUD. The form, Monthly Summary of Assistance Payments (HUD-300), is submitted by the mortgagees with the form, Mortgagee's Certification and Application for Assistance or Interests Reduction Payments (HUD-93102). HUD-300 supports the billing information provided on HUD-93102 for each mortgage.

Form Number: HUD-300 and 93102

Respondents: Businesses or Other For-Profit

Frequency of Submission: Monthly

Reporting Burden:

	Number of respondents	X	Frequency of response	X	Hours per response	=	Burden hours
HUD-93102	962		18		3		51,948
HUD-300	962		13.746		1.2		15,860

Total Estimated Burden Hours: 67,817
Status: Revision
Contact: Florence B. Brooks, HUD, (202) 755-7330; John Allison, OMB, (202) 395-6880

Date: July 12, 1988.

[FR Doc. 88-16320 Filed 7-19-88; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-930-08-4332-09; FES 88-18]

Availability of the Final Environmental Impact Statement for the Billings Resource Area, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The final Billings Resource Area Wilderness Environmental Impact Statement assesses the environmental consequences of managing four wilderness study areas as wilderness or nonwilderness. The alternatives assessed include: (1) A "No Wilderness Alternative" for each wilderness study area, and (2) an "All Wilderness Alternative" for each wilderness study area.

The names of the wilderness study areas, their total acreages, and the proposed actions for each are as follows:

Twin Coulee—6,870 acres (all nonsuitable)
Pryor Mountain—16,927 acres (all suitable)
Burnt Timber Canyon—3,430 acres (all suitable)
Big Horn Tack-on—2,550 acres (all suitable).

The Bureau of Land Management wilderness proposals will ultimately be forwarded by the Secretary of the Interior and the President to Congress. The final decision on wilderness designation rests with Congress.

FOR FURTHER INFORMATION CONTACT: Billy McIlvain, Area Manager, Bureau of Land Management, Billings Resources Area, 810 East Main, Billings, Montana 59105, 406-657-6262.

SUPPLEMENTARY INFORMATION: Copies of the environmental impact statement may be obtained from the District Manager, Miles City District, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301-0940. Copies are also available for inspection at public libraries and the following locations:

Department of the Interior, Bureau of Land Management, 18th and C Streets, NW., Washington, DC 20240.

Montana State Office, Bureau of Land Management, 222 North 32nd Street, P.O. Box 36800, Billings, Montana 59107.

Bureau of Land Management, Miles City District Office, West of Miles City, P.O. Box 940, Miles City, Montana 59301-0940.

Date: July 14, 1988.

Bruce Blanchard,
Director, Office of Environmental Project Review.

[FR Doc. 88-16254 Filed 7-19-88; 8:45 am]

BILLING CODE 4310-DN-M

[CO-0030-08-4332-09]

Proposed Change in Wilderness Suitability Recommendation; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public comment period.

SUMMARY: In December 1984, the San Juan/San Miguel Resource Management Plan (RMP) and Environmental Impact Statement (EIS) identified the Bureau of Land Management's (BLM) suitability recommendations for eight wilderness study areas (WSAs). The BLM proposes to change the recommendation for Tabeguache Creek WSA from nonsuitable to suitable for wilderness designation. The public is invited to comment on the proposed change.

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

ADDRESS: Written comments should be sent to the District Manager, BLM, 2465 South Townsend, Montrose, CO 81401.

FOR FURTHER INFORMATION CONTACT: Debbie J. Pietrzak, BLM Montrose District Office, (303) 249-7791.

SUPPLEMENTARY INFORMATION: In April 1984, a draft wilderness EIS covering eight WSAs was issued in conjunction with the San Juan/San Miguel RMP and EIS. That document described management alternatives and associated impacts for each WSA. Five public hearings were held during the 90-day public comment period which followed. The BLM received 140 comments on the draft wilderness recommendations.

The final San Juan/San Miguel RMP and EIS was issued in December 1984. That document included the BLM's preliminary recommendations for the eight WSAs. The Dolores River Canyon WSA was recommended suitable for wilderness designation, and the Cahone Canyon, Cross Canyon, Menefee Mountain, McKenna Peak, Squaw/Papoose Canyon, Tabeguache Creek, and Weber Mountain WSAs were recommended nonsuitable at that time.

In light of the substantial public comment generated during the review process and the continued interest in the preliminary recommendations, the BLM re-evaluated those recommendations. As a result, the BLM proposes to change the recommendation for Tabeguache Creek WSA from nonsuitable to suitable for wilderness designation. The recommendations for the other seven WSAs remain unchanged. Comments are invited on the proposed change and rationale as described below.

Tabeguache Creek WSA contains a broad spectrum of wilderness characteristics and supplemental values. In addition to providing outstanding opportunities for primitive and unconfined recreation and solitude, the area is one of the last pristine canyons along the Uncompahgre Plateau. Vegetation varies from pinyon and juniper woodland on the canyon walls to ponderosa pine and riparian species in the canyon bottom. The presence of a perennial stream contributes to the area's wildlife habitat values and may have been a significant factor attracting prehistoric people to the area. The canyon served as a route onto the Uncompahgre Plateau for both the Fremont and Ute Indians.

The degree to which wilderness and supplemental values are present, the extent to which the area's naturalness is unimpaired, and the uniqueness of this combination of resources has led the BLM to propose that Tabeguache Creek WSA be recommended suitable for wilderness designation rather than nonsuitable. This recommendation would be forwarded through the Department of the Interior and the President to Congress. Congress would then make the decision whether to designate the area as wilderness. If designated, the area would be managed in accordance with the BLM's Wilderness Management Policy as described in the All Wilderness Alternative in the draft wilderness EIS. Comments on this proposed change will be considered and responded to in the final San Juan/San Miguel wilderness EIS.

Robert S. Schmidt,
Acting District Manager.

[FR Doc. 88-16264 Filed 7-19-88; 8:45 am]

BILLING CODE 4310-JB-M

[AA-620-88-4111-01-24-10]

Availability of June 1988 Editions of Bureau-Approved Forms for Federal Onshore Oil And Gas Leasing Program

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Revised June 1988 Editions of Bureau of Land Management-approved Forms for Federal Onshore Oil and Gas Leasing Program: Lease/Offer Form 3100–11; Competitive Lease Bid Form 3000–2; Assignment of Record Title Interest Form 3000–3; Transfer of Operating Rights (Sublease) Form 3000–3a; Lease Bond Form 3000–4; and Exploration Bond Form 3000–4a; Previous Editions of Forms to be Deemed Obsolete Effective October 1, 1988.

SUMMARY: In conjunction with the Federal onshore oil and gas leasing program, revised June 1988 editions of certain Bureau of Land Management-approved forms, specified by the form numbers listed in the **ACTION** section above, are available for public use. These newly revised forms are provided in conjunction with requirements contained in final rulemaking published in **Federal Register** on May 16, 1988 (53 FR 17340) and June 17, 1988 (53 FR 22814). The specific June 1988 revised forms cited in the **ACTION** section above replace all earlier editions of Bureau-approved forms for oil and gas leases and lease offers; oil and gas and geothermal competitive lease bids; oil and gas and geothermal lease assignments of record title; oil and gas and geothermal lease transfers of operating rights; individual lease, statewide, and nationwide oil and gas and geothermal resources lease bonds; and oil and gas and geothermal resources geophysical exploration bonds. Effective October 1, 1988, all earlier versions of any of the forms listed above that contain an edition date prior to June 1988 (the date appearing in the upper left hand corner of the form, normally) are deemed obsolete, in accordance with the final regulations cited above. Any earlier versions of these forms shall not be accepted by the Bureau of Land Management after October 1, 1988.

EFFECTIVE DATE: October 1, 1988.

ADDRESS: Inquiries or suggestions should be sent to: Director (620), Bureau of Land Management, Room 602, Premier Building, 1800 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Judith Reed or Lois Mason, (202) 653–2190.

Copies of the revised June 1988 editions of these forms may be obtained only from Bureau of Land Management State Offices (see 43 CFR 1821.2–1 for office locations).

SUPPLEMENTARY INFORMATION: The enactment on December 22, 1987, of the Federal Onshore Oil and Gas Leasing Reform Act of 1987 (hereafter referred to as the Reform Act) and final rulemaking published in the **Federal Register** on May 16, 1988 (53 FR 17340) and June 17, 1988 (53 FR 22814) required the revision of certain Bureau of Land Management-approved forms for use with the oil and gas and geothermal resources leasing programs. The following revised forms are hereby announced as being available to the public from any Bureau of Land Management State Office: Offer to Lease and Lease for Oil and Gas (Form 3100–11); Competitive Oil and Gas or Geothermal Resources Lease Bid (Form 3000–2); Assignment of Record Title Interest in a Lease for Oil and Gas or Geothermal Resources (Form 3000–3); Transfer of Operating Rights (Sublease) in a Lease for Oil and Gas or Geothermal Resources (Form 3000–3a); Oil and Gas or Geothermal Lease Bond (Form 3000–4); and Oil and Gas or Geothermal Exploration Bond (Form 3000–4a).

Form 3100–11, Offer to Lease and Lease for Oil and Gas (June 1988 Edition).

New statutory requirements in the Reform Act necessitated revisions to the Bureau of Land Management Lease Form 3100–11 (March 1984 edition). Effective October 1, 1988, the previous edition of Form 3100–11 shall not be accepted or used by the Bureau of Land Management. In accordance with the provisions in the regulations at 43 CFR 3110.4(a) and 43 CFR 3110.7(e), after October 1, 1988, any edition of Form 3100–11 filed with the Bureau other than the June 1988 edition shall not be acceptable.

Form 3000–2, Competitive Oil and Gas or Geothermal Resources Lease Bid (June 1988 edition).

In accordance with the requirements in the regulations at 43 CFR 3120.5–3(a), an oil and gas competitive lease bid shall constitute a legally binding commitment to accept a lease. Submission of the competitive lease bid form 3000–2 by the high bidder is required on the day of the oral auction of the lease parcel when the required lease payments are made. This requirement is to be stated in each Notice of Competitive Lease Sale. Copies of Form 3000–2 may be obtained prior to an oral auction from the appropriate Bureau State Office and may be executed by the prospective lessee or an authorized representative prior to the oral auction. If the bid form is fully completed before the oral auction, it cannot be modified. Therefore, prior to the acution, the portions of the bid form concerning the amount of bid may be left blank to be completed by the bidder at the auction. If the bid form is not executed prior to the oral auction, the prospective lessee shall be required to complete the form and execute it at the auction when the payments for the specific parcel are tendered to the authorized officer. The required use of the revised June 1988 edition of Form 3000–2 is effective for all parcels offered competitively at oil and gas lease sales held after June 17, 1988.

Form 3000–3, Assignment of Record Title Interest in a Lease for Oil and Gas or Geothermal Resources (June 1988 edition), and

Form 3000–3a, Transfer of Operating Rights (Sublease) in a Lease for Oil and Gas or Geothermal Resources (June 1988 edition)

Effective October 1, 1988, all prior editions of Forms 3000–3 and 3000–3a (May 1987 or earlier versions) and any previous lease assignment/transfer forms, including Forms 3106–5 and 3106–14, shall not be accepted by the Bureau of Land Management. In accordance with the regulations at 43 CFR 3106.4–1 and 43 CFR 3241.2–3, any assignment or transfer filed with the Bureau of Land Management for approval after October 1, 1988, on any edition of the forms other than the June 1988 edition, or an exact reproduction of the front and back thereof, shall be unacceptable and will be returned for re-execution on the current form.

Form 3000–4, Oil and Gas or Geothermal Lease Bond (June 1988 edition).

Effective October 1, 1988, all prior editions of Form 3000–4 (June 1987) and any previous bond forms, including but not limited to Forms 3104–1, 3104–2, 3104–8, 3104–4, 3200–12, 3200–13, and 3200–16, shall not be accepted or used by the Bureau of Land Management. In accordance with the regulations at 43 CFR 3104.6 and 43 CFR 3206.1–2, an individual lease, Statewide, or nationwide lease bond, whether a personal or surety bond, filed with the Bureau after October 1, 1988, on any bond form other than the June 1988 edition will not be accepted. The obsolete bond form will be returned by the Bureau with a request that the current bond form be executed and submitted. Bonds on any of the previous forms referenced above currently in force and maintained in any Bureau of

Land Management office are still valid. Such valid bonds shall not require resubmission on the revised June 1988 edition of the bond form.

Form 3000–4a, Oil and Gas or Geothermal Exploration Bond (June 1988 edition).

Effective October 1, 1988, all prior editions of Form 3000–4a (June 1987) and any previous exploration bond forms, including but not limited to Forms 3045–3 and 3200–11, shall not be accepted or used by the Bureau of Land Management. A bond for an individual exploration activity, or for exploration operations Statewide or nationwide, whether a personal or surety bond, filed with the Bureau after October 1, 1988, on any bond form other than the June 1988 edition will not be accepted. The obsolete bond form will be returned by the Bureau with a request that the current bond form be executed and submitted. Exploration bonds on any of the previous forms referenced above currently in force and maintained in any Bureau of Land Management office are still valid. Such valid bonds shall not require resubmission on the revised June 1988 edition of the bond form.

The information collection requirements contained in Forms 3000–2, 3000–3, and 3000–3a have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers 1004–0074 (for Form 3000–2) and 1004–0034 (for 3000–3 and 3000–3a). The remainder of the revised June 1988 Bureau of Land Management forms addressed in this notice have been classified and declared by the Office of Management and Budget as used for "certification only."

Robert F. Burford,

Director.

[FR Doc. 88–16291 Filed 7–19–88; 8:45 am]

BILLING CODE 4310–84–M

[CA–940–07–5410–10–ZBKF; CACA 22690]

Really Action; Conveyance of Mineral in California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of segregative effect—conveyance of the Reserved Mineral Interests.

SUMMARY: The private lands described in this notice will be examined for suitability for conveyance of the reserved mineral interest pursuant to section 209(b) of the Federal Land Policy and Management Act of October 21, 1976.

The mineral interests will be conveyed in whole or in part upon favorable mineral examination.

FOR FURTHER INFORMATION CONTACT: Joan Mangold, California State Office, 2800 Cottage Way, Room E–2841, Federal Office Building, Sacramento, California 95825, (916) 978–4815.

The purpose is to allow consolidation of surface and subsurface ownership, for the lands described below, where there are no known mineral values or in those instances where the reservation of ownership of the mineral interest in the United States interferes with or precludes appropriate non-mineral development of the lands and such development would be a more beneficial use of the lands than its mineral development.

Mount Diablo Meridian

CACA 22690

T. 4 S., R. 16 E.,
sec. 36, NE¼, N½NW¼, SE¼NW¼, SW¼, NW¼SE¼.

The area described contains 480 acres in Mariposa County. Currently, 100 percent of the mineral interest in these lands is owned by the United States.

The application was filed on June 9, 1988.

Upon publication of this Notice of Segregative Effect in the **Federal Register** as provided in 43 CFR 2091.3–1(c) and 43 CFR 2720.1–1(b), the mineral interest owned by the United States in the private lands covered by the application shall be segregated to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. The segregative effect of the application shall terminate either by publication of an opening order in the **Federal Register** specifying the date and time of opening; upon issuance of a patent or other document of conveyance to such mineral interest; upon final rejection of the application or two years from the date of filing of the publication, whichever occurs first.

Date: July 11, 1988.

Nancy J. Alex,

Chief, Lands Section, Branch of Adjudication and Records.

[FR Doc. 88–16308 Filed 7–19–88; 8:45 am]

BILLING CODE 4310–40–M

[MTM–77153; MT–020–08–4212–13]

Realty Action; Exchange of Public and Private Lands in Carter County, MT

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of Realty Action MTM–77153, Exchange of public and private lands in Carter County.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

Principal Meridian

T. 4 S., R. 58 E.,
Section 5, SW¼NW¼;
Section 6, Lot 3, SE¼NW¼, E½NE¼ SW¼;
Section 21, E½NE¼, E½SW¼, SE¼;
Section 29, N½NE¼.

Containing 559.83 acres of public land.

In exchange for these lands, the United States will acquire the following described lands from Thomas and Kathy Steig.

Principal Meridian

T. 3 S., R. 59 E.,
Section 31, W½SE¼.
T. 4 S., R. 58 E.,
Section 27, S½NW¼;
Section 28, S½N½;
Section 29, S½NW¼, SE¼.

Containing 560 acres of private land.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, at the address shown below. Any adverse comments will be evaluated by the BLM, Montana State Director, who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the exchange, including the environmental assessment and land report, is available for review at the Miles City District Office, P.O. Box 940, Miles City, Montana 59301.

SUPPLEMENTARY INFORMATION: The publication of this notice segregates the public lands described above from settlement, sale, location, and entry under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976 for a period of 2 years from the date of first publication. The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.

2. The reservation to the United States of all minerals in the Federal lands being transferred.

3. All valid existing rights (e.g., rights-of-way, easements, and leases of record).

4. Value equalization by cash payments of acreage adjustments.

5. The exchange must meet the requirements of 43 CFR 4110.4–2(b).

This exchange is consistent with the Bureau of Land Management policies and planning and has been discussed with State and local officials. The estimated time of the exchange is September of 1988. The public interest will be served by completion of this exchange as it will enhance legal access and increase management efficiency of public lands in the area.

Date: July 12, 1988.

David D. Swogger,

Acting District Manager.

[FR Doc. 88–16265 Filed 7–19–88; 8:45 am]

BILLING CODE 4310-DN-M

[CO-940-08-4220-10; C-44666]

Partial Cancellation of Withdrawal Application; Colorado

July 11, 1988.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service, U.S. Department of Agriculture has cancelled their withdrawal application for the Deep Creek Caves geological site insofar as it affects approximately 1,742 acres of National Forest System lands within the White River National Forest. This notice terminates the segregation imposed by this application and opens the land to operation of the U.S. mining laws. This land has been and continues to be open to mineral leasing and to Forest Service management.

EFFECTIVE DATE: July 20, 1988.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, CO 80215, 303–236–1768.

Withdrawal application C–44666 is hereby cancelled in part and the segregation imposed by Notice of Proposed Withdrawal published November 17, 1986, 51 FR 41541 (1986), as corrected by 51 FR 44568 (1986) and 51 FR 44694 (1986), is hereby terminated insofar as it affects the following described lands:

White River National Forest

Sixth Principal Meridian

T. 4 S., R. 87 W.,
Sec. 17: W½W½SW¼
Sec. 18: E½E½, E½W½NE¼
Sec. 19: W½NE¼NE¼, E½E½NE¼, E½NE¼SE¼
Sec. 20: S½N½, NW¼NW¼, N½SW¼, N½SE¼SW¼, SE¼SE¼SW¼, SE¼
Sec. 30: Lot 7
T. 4 S., R. 88 W.,
Sec. 13: E½
Sec. 24: E½
Sec. 25: E½

The areas described aggregate approximately 1,741.67 acres of National Forest System lands in Garfield County, Colorado.

Richard D. Tate,

Acting Chief, Branch of Adjudication.

[FR Doc. 88–16266 Filed 7–19–88; 8:45 am]

BILLING CODE 4310-JB-M

Minerals Management Service

Development Operations Coordination Document; Amoco Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0590, Block 177, Ship Shoal Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Fourchon, Louisiana.

DATE: The subject DOCD was deemed submitted on July 12, 1988.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective May 31, 1988 (53 FR 10595). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: July 12, 1988.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 88–16262 Filed 7–19–88; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Mobil Exploration & Producing U.S. Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Mobil Exploration & Producing U.S. Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0478, Block 116, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on July 6, 1988.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Michael D. Joseph; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective May 31, 1988 (53 FR 10595). Those practices and

procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: July 7, 1988.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 88-16263 Filed 7-19-88; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-283]

Certain Electronic Dart Games; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 16, 1988, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Arachnid, Inc., 6421 Material Avenue, P.O. Box 2901, Rockford, Illinois 61103. A supplemental exhibit to the complaint was filed on July 6, 1988. The complaint, as supplemented, alleges unfair methods of competition and unfair acts in the importation into the United States of certain electronic dart games and in their sale, by reason of alleged infringement of claims 1, 2, 6, 8, and 10 of U.S. Letters Patent 4,057,251. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

FOR FURTHER INFORMATION CONTACT: T. Spence Chubb, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-252-1575.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on July 11, 1988, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation into the United States of certain electronic dart games, or in their sale, by reason of alleged infringement of claims 1, 2, 6, 8, or 10 of U.S. Letters Patent 4,057,251, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Arachnid, Inc., 6421 Material Avenue, P.O. Box 2901, Rockford, Illinois 61103.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Franklin Sports Industries, Inc., 17 Campanelli Parkway, P.O. Box 508, Stoughton, Massachusetts 02072.

Hanover House Industries, Inc., 340 Poplar Street, Hanover, Pennsylvania 17333.

SYNC, 340 Poplar Street, Hanover, Pennsylvania 17333.

Adam York, 340 Poplar Street, Hanover, Pennsylvania 17333.

(c) T. Spence Chubb, Esq., Office of Unfair Import, Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401P, Washington, DC 20436, shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules (19 CFR 201.16(d) and 210.21(a)), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, Telephone 202-252-1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

By order of the Commission.

Issued: July 12, 1988.

Kenneth R. Mason,

Secretary.

[FR Doc. 88-16339 Filed 7-19-88; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-268]

Certain High Intensity Retroreflective Sheeting; Issuance of Limited Exclusion Order and Cease and Desist Order

AGENCY: International Trade Commission.

ACTION: The Commission has determined to issue a limited exclusion order and a cease and desist order in the above-captioned investigation.

Authority: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.53-210.58 of the Commission Rules of Practice and Procedure (19 CFR 210.53-210-58).

SUMMARY: Having determined that the issues of remedy, the public interest, and bonding are properly before the Commission, and having reviewed the written submissions filed on remedy, the public interest, and bonding, as well as those portions of the record relating to those issues, the Commission has determined to issue (1) a limited exclusion order prohibiting the entry into the United States, except under license, of high intensity retroreflective sheeting manufactured abroad by respondent Seibu Polymer Chemical Co., Ltd. which infringes claims 1, 3-5, or 7 of U.S. Letter Patent 4,025,159 (the '159 patent), and (2) a cease and desist order prohibiting respondent Seibulite International Inc. from marketing, distributing, selling, or offering for sale in the United States imported high intensity retroreflective sheeting which infringes the '159 patent.

The Commission has further determined that the public interest

factors enumerated in sections 337(d) and (f) (19 U.S.C. 1337(d) and (f)) do not preclude issuance of the aforementioned limited exclusion order and cease and desist order and that the bond during the Presidential review period should be in the amount of 8.5 percent of the entered value of the articles concerned.

FOR FURTHER INFORMATION CONTACT: Laurie B. Horvitz, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-252-1107.

SUPPLEMENTARY INFORMATION: On June 2, 1987, Minnesota Mining and Manufacturing Company (3M) filed a complaint pursuant to section 337 alleging the unlawful importation and sale of certain high intensity retroreflective sheeting. 3M alleged that Seibu Polymer Chemical Co., Ltd. and Seibulite International Inc. were infringing certain claims of its '159 patent and that the effect or tendency of their unfair methods of competition and unfair acts was to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The Commission instituted an investigation and named Seibu Polymer Chemical Co., Ltd. and Seibulite International Inc. as respondents.

On April 15, 1988, the presiding administrative law judge issued his final initial determination (ID) finding a violation of section 337. On May 26, 1988, the Commission issued a notice of nonreview of the ID. The parties and interested members of the public were requested to file briefs on remedy, the public interest, and bonding. Notice of the Commission's decision not to review the ID was published in the **Federal Register**, 53 FR 20189 (June 2, 1988). Complainant, respondents, the Commission investigative attorney, and eight nonparties filed submissions.

Copies of the Commission's limited exclusion order and cease and desist order, the Commission Opinion in support thereof, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1805.

By order of the Commission.

Issued: July 15, 1988.

Kenneth R. Mason,

Secretary.

[FR Doc. 88-16358 Filed 7-19-88; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-267]

Certain Minoxidil Powder, Salts and Compositions for Use in Hair Treatment; Continued Suspension Of Investigation

AGENCY: International Trade Commission.

ACTION: Suspension of investigation.

SUMMARY: Notice is given that the Commission has determined to suspend the above-captioned investigation until 30 days after the Food and Drug Administration (FDA) takes final action on complainant The Upjohn Company's new drug application for the topical minoxidil compositions which are the subject of this investigation.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1092.

SUPPLEMENTARY INFORMATION: This action is taken pursuant to section 337(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1337(b)(1)) and Commission rule 210.59 (19 CFR 210.59). On February 16, 1988, the presiding administrative law judge (ALJ) issued an initial determination (ID) finding a violation of section 337. The Commission investigative attorney (IA) filed a petition for review which included a suggestion to suspend the investigation pending final action by the FDA. On April 4, 1988, the Commission determined to review portions of the ID. Written submissions were filed by Upjohn and the IA. No public comments were received, but the FDA filed a written submission on May 13, 1988. On May 13, 1988, the Commission determined to suspend the investigation for 30 days from publication of notice of such decision in the **Federal Register**. On June 24, 1988, the Commission determined to continue the suspension of the investigation for another 30 days from publication of notice of the continuation of such suspension in the **Federal Register**.

Copies of the Commission Order, the nonconfidential version of the ID, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1000.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

By order of the Commission.

Issued: July 13, 1988.

Kenneth R. Mason,

Secretary.

[FR Doc. 88-16337 Filed 7-19-88; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-275]

Certain Nonwoven Gas Filter Elements; Commission Determination Not To Review Initial Determination and Schedule for Filing of Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: International Trade Commission.

ACTION: (1) Determination not to review an initial determination concerning the patent issues presented in the subject investigation and (2) request for submission of written comments on the issues of remedy, the public interest, and bonding.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) finding a violation of section 337 of the Tariff Act of 1930 in the above-captioned investigation. The parties to the investigation, interested government agencies, and interested members of the public are requested to file written submissions on the issues of remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT: P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-252-1061.

SUPPLEMENTARY INFORMATION: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.53 of the Commission's Rules of Practice and Procedure (19 CFR 210.53).

The subject investigation is being conducted to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation or sale of certain nonwoven gas filter elements from Holland. The imports allegedly infringe claims 1-4 and 6-9 of U.S. Letters Patent 4,056,375

(the '375 patent) with an effect or tendency to destroy or substantially injure an efficiently and economically operated domestic industry. The complainant is the patent owner, Freudenberg Nonwoven Limited Partnership. The respondents are Filtrair, B.V., the Dutch manufacturer of the accused gas filter elements, and APB Corporation, the U.S. importer and distributor of the accused gas filter elements. *See* 52 FR 32182 (Aug. 26, 1987) as amended by 52 FR 44234 (Nov. 18, 1987).

On May 26, 1988, the presiding administrative law judge (ALJ) issued an ID concerning the patent issues raised in the subject investigation. The ID rejected the respondents' contention that the '375 patent is invalid under 35 U.S.C. 102(b), 103, 112, and/or 116. The ID also rejected the respondents' contention that the '375 patent is unenforceable on various grounds. On the question of infringement, the ID stated that the accused gas filter elements infringe claims 1–3 and 6–8 of the '375 patent, but not claims 4 and 9.

Two petitions for review were filed pursuant to 19 CFR 210.54. The respondents petitioned for review of the ALJ's findings with respect to the question of invalidity under 35 U.S.C. 102(b) and 103. They also contested the ALJ's refusal to accept certain documents into evidence at the hearing conducted March 7–10, 1988. The Commission investigative attorney filed a conditional petition seeking review of a hypothetical finding in the ID's discussion of alleged invalidity of the '375 patent under 35 U.S.C. § 103. Complainant and the Commission investigative attorney filed responses opposing Filtrair's and APB's petition, but there were no responses to the IA's conditional petition.

Having examining the ID and the record upon which it is based, the Commission concluded that the ID does not warrant review. The ID thus has become the determination of the Commission pursuant to 19 CFR 210.53(h). The subject ID, coupled with a previous unreviewed ID (Order No. 13) granting complainant's motion for summary determination that the importation or sale of the accused gas filter elements has an effect or tendency to substantially injure an efficiently and economically operated domestic industry constitutes a final Commission determination that the importation and sale of the accused gas filter elements violates section 337. *See* 53 FR 12200 (Apr. 13, 1988).

Since the Commission has found that a violation of section 337 has occurred, the Commission may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) cease and desist orders which could result in one or more respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions which address the form of relief, if any, which should be ordered.

If the Commission concludes that relief is appropriate, it must also consider the effect of that relief upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submission concerning the effect, if any, that granting relief would have on the enumerated public interest factors.

If the Commission orders relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving written submissions concerning the amount of the bond which should be imposed.

WRITTEN SUBMISSIONS: The parties to the investigation are requested to file written submissions on the issues of remedy, the public interest, and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. The written submissions and proposed remedial orders must be filed no later than the close of business on Thursday, July 21, 1988. Reply submissions on these issues must be filed no later than the close of business on Thursday, July 28, 1988. No further submissions will be permitted unless otherwise ordered by the Commission.

Interested government agencies and members of the public also may file written submissions addressing the issues of remedy, the public interest, and bonding. Such submissions must be filed not later than the close of business on Thursday, July 28, 1988.

COMMISSION HEARING: The Commission does not plan to hold a public hearing in connection with final disposition of this investigation.

ADDITIONAL INFORMATION: All parties, government agencies, and interested persons that file written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadlines stated above. Any person desiring to submit a document (or a portion therof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the investigation. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential submissions will be available for public inspection at the Secretary's Office.

Copies of the nonconfidential version of the ID, the petitions for review, the responses opposing the respondents' petition, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–252–1000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–252–1810.

The one-year statutory deadline for concluding this investigation is Friday, August 26, 1988. *See* 19 U.S.C. 1337(b)(1); 19 CFR 210.59; 52 FR 32182 (Aug. 26, 1987).

By order of the Commission.

Issued: July 11, 1988.

Kenneth R. Mason,

Secretary.

[FR Doc. 88–16335 Filed 7–19–88; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-405 (Preliminary)]

Sewn Cloth Headwear from the People's Republic of China

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Liebeler, although available to participate in this determination, was unable to do so due to telecommunications difficulties. She notes that had she voted, she would have made an affirmative determination in this preliminary investigation.

section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from the People's Republic of China (China) of sewn cloth headwear [3] and visors, provided for in items 702.06, 702.08, 702.12, 702.14, 702.20, 702.32, 703.05, 703.10, 703.16 and part 6F of Schedule 3 of the *Traiff Schedules of the United States* that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On May 26, 1988, a petition was filed with the Commission and the Department of Commerce by the Headwear Institute of America, New York, NY, alleging that an industry in the United States is materially injured, and threatened with further material injury, by reason of LTFV imports of sewn cloth headwear from China. Accordingly, effective May 26, 1988, the Commission instituted preliminary antidumping investigation No. 731–TA–405 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 3, 1988 (53 FR 20378). The conference was held in Washington, DC, on June 16, 1988, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on July 11, 1988. The views of the Commission are contained in USITC Publication 2096 (July 1988), entitled "Sewn cloth headwear from the People's Republic of China: Determination of the Commission in Investigation No. 731–TA–405 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By order of the commission.

Issued: July 11, 1988.

Kenneth R. Mason,

Secretary.

[FR Doc. 88–16336 Filed 7–19–88; 8:45 am]

BILLING CODE 7020–12–M

[3] For purposes of this investigation, sewn cloth headwear refers to hats, caps, visors, and other headwear, whether or not ornamented, each comprising cut-and-sewn woven or knit fabric of vegetable fibers (including cotton, flax, and ramie), of man-made fibers, or of blends thereof, provided in the cited provisions of the tariff schedules.

[Investigation No. TA–203–18]

Wood Shakes and Shingles

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under section 203(i)(2) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2)) and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: Following receipt of a request filed on July 1, 1988, by the United States Trade Representative under authority delegated by section 5(a) of Executive Order 11846, the United States International Trade Commission instituted investigation No. TA–203–18 under section 203(i)(2) of the Trade Act of 1974 for the purpose of gathering information in order that it might advise the President of its judgment as to the probable economic effect on the domestic industry concerned of the termination of import relief presently in effect with respect to shingles and shakes of western red cedar, provided for in item 200.85 of the Tariff schedules of the United States (TSUS). Such relief was provided by Presidential Proclamation 5498 of June 6, 1986, published in the **Federal Register** on June 10, 1986 (51 FR 20953) and is set forth in items 924.30, 924.31, and 924.32 of the Appendix to the TSUS. The relief is scheduled to terminate on June 6, 1991.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 206, Subparts A and D (19 CFR Part 206), and Part 201, subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: July 1, 1988.

FOR FURTHER INFORMATION CONTACT: Bruce Cates (202–252–1187), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–252–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–252–1000.

SUPPLEMENTARY INFORMATION:

Participation in the investigation.—Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) of the rules (19 CFR 201.16(c)), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on August 16, 1988, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on August 3, 1988. All persons desiring to appear at the hearing and make oral presentations, with the exception of public officials and persons not represented by counsel, should file prehearing briefs by August 8, 1988, and attend a prehearing conference to be held at 9:30 a.m. on August 9, 1988, in the hearing room of the U.S. International Trade Commission Building. Posthearing briefs must be submitted not later than the close of business on August 19, 1988. Confidential material should be filed in accordance with the procedures described below.

Parties are encouraged to limit their testimony at the hearing to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the

hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written submissions.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before August 19, 1988. A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary of the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: This investigation is being conducted under the authority of Section 201 of the Trade Act of 1974. This notice is published pursuant to § 201.10 of the Commission's rules (19 CFR 201.10).

By order of the Commission.

Issued: July 15, 1988.

Kenneth R. Mason,

Secretary.

[FR Doc. 88-16338 Filed 7-19-88; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-55 (Sub-No. 257X)]

CSX Transportation, Inc.; Abandonment; Sumter County, FL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from prior approval under 49 U.S.C. 10903, *et seq.*, abandonment by CSX Transportation, Inc. of a total of 7.68 miles in Sumter County, FL, subject to standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on August 19, 1988. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by August 8, 1988, and petitions for reconsideration must be filed by August 15, 1988. Request for a public use condition must be filed by August 1, 1988.

ADDRESSES: Send pleadings referring to Docket No. AB-55 (Sub-No. 257X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative:
Charles M. Rosenberger, 500 Water Street, Jacksonville, FL 32202, and
Lawrence H. Richmond, 100 N. Charles Street, Baltimore, MD 21201.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245. [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (DC metropolitan area) (assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: July 12, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 88-16207 Filed 7-19-88; 8:45 am]

BILLING CODE 7035-01-M

[1] *See Exempt. of Rail Line Abandonment—Offers of Finan. Assist.*, 4 I.C.C. 2d 164 (1987), and final rules published in the **Federal Register** on December 22, 1987 (52 FR 48440-48446).

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to Clean Water Act; Greensburg, IN, et al.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. City of Greensburg and State of Indiana*, Civil Action No. IP87-88-C, has been lodged with the United States District Court for the Southern District of Indiana. The complaint filed by the United States alleged that the defendant violated section 301 of the Clean Water Act, 33 U.S.C. 1301, by failing to comply with various conditions and limitations of National Pollutant Discharge Elimination System ("NPDES") Permit No. 0020133.

The proposed Decree establishes deadlines for achieving compliance with the permit conditions by requiring Greensburg to make specified improvements to its wastewater collection system and to nearly double the capacity of its wastewater treatment plant. In addition, the proposed Consent Decree requires defendant City of Greensburg to pay a civil penalty of $50,000.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (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, and should refer to the *United States v. City of Greensburg and State of Indiana*, D.J. Reference No. 90-5-1-1-2772.

The proposed Consent Decree may be examined at the office of the United States Attorney, 274 U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204 and at the Office of Regional Counsel, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Lands and Natural Resources Division of the Department of Justice, Room 6317, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy please enclose a check in the amount of $1.40 (ten cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88-16260 Filed 7-19-88; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to CERCLA in United States v. Ormond, Grisham and Burke

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on July 8, 1988, a proposed Consent Decree in *United States v. Hallie C. Ormond, C.C. Grisham and Mary F. Burke*, Civil Action No. 87-3034 was lodged with the United States

District Court for the Western District of Arkansas.

The Complaint in this enforcement action was filed on April 28, 1987 and amended on June 3, 1987, against the Ormond, Grisham and Burke ("the defendants") under sections 104 and 106 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9604, 9606, seeking injunctive relief for the failure to provide access to a tract of land to the authorized representative of the United States for the purposes of performing a response action at the site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States v. Ormond, Grisham and Burke*, D.J. No. 90-11-2-190.

The proposed Consent Decree may be examined at the office of the United States Attorney, 6th and Rogers, U.S. Post Office & Courthouse Bldg., Fort Smith Arkansas 72901 and at the United States Environmental Protection Agency, Region VI, 1445 Ross Avenue, Dallas, Texas 75202-2733. Copies of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Room 1521, U.S. Department of Justice, 9th and Pennsylvania Avenue NW., Washington, DC 20530. In requesting a copy please enclose a check in the amount of $1.50 payable to the Treasurer of the United States.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88-16258 Filed 7-19-88; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Proposed Consent Decree Under the Clean Water Act; Shreveport, LA, et al.

In accordance with Departmental policy and 28 CFR 50.7, notice is hereby given that on July 5, 1988 a proposed Consent Decree in *United States v. City of Shreveport, Louisiana and State of Louisiana*, Civil Action No. CA-88-1758 (W.D. La.) was lodged with the Western District of Louisiana. The complaint filed by the United States alleged numerous violations of the Clean Water Act and the NPDES permit for City of Shreveport, Louisiana's wastewater treatment facility. The complaint sought to impose injunctive relief and civil penalties. The proposed Consent Decree imposes injunctive relief and civil penalties for past violations.

The Department of Justice will review for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to the *United States v. City of Shreveport, Louisiana and State of Louisiana*, Civil Action No. CA-88-1758 (W.D. Las.), D.J. # 90-5-1-1-2767.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Room 3B12, Federal Building, Shreveport, Louisiana 71101 and at the Region VI Office of the Environmental Protection Agency, Allied Bank Tower, 1445 Ross Avenue, Dallas, Texas 75202-2733. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice Room 6317, 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. In requesting a copy, please enclose a check in the amount of $1.50 (ten cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88-16261 Filed 7-19-88; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree; Syntex (F.P.) Inc.

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on July 14, 1988, a proposed consent decree in *United States v. Syntex (F.P.) Inc.*, Civil Action No. _____, was lodged with the United States District Court for the District of Puerto Rico. This consent decree settles a lawsuit filed simultaneously with the consent decree. The lawsuit, based on sections 301 and 309 of the Clean Water Act, 33 U.S.C. 301 and 309, sought injunctive relief and civil penalties of up to $10,000 per day of violation before February 4, 1987, and $25,000 per day of violation on or after February 4, 1987. The complaint alleges, among other things, that the defendant discharged pollutants not authorized by its National Pollutant Discharge Elimination System ("NPDES") permit, thus violating section 301, 33 U.S.C. 1311.

The consent decree requires the defendant to pay a civil penalty of $200,000 for past violations of the Act, and contains stipulated penalties for failure to comply with the terms of the consent decree.

The consent decree also requires the defendant to cease discharging pollutants into navigable waters in excess of its permit effluent limitations, either by improving its on-site treatment system or by discharging directly into the Puerto Rico Aqueduct and Sewer Authority (PRASA).

The Department of Justice will receive comments relating to the proposed consent decree 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, 10th and Pennsylvania Avenue NW., Washington, DC 20530. All comments should refer to *United States v. Industrias La Famosa, Inc.*, D.J. Ref. 90-5-1-1-2713.

The proposed consent decree may be examined at the following offices of the United States Attorney and the Environmental Protection Agency ("EPA"):

EPA Region II

Contact: Warren Llewellyn, Esq., Office of Regional Counsel, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264-9885.

United States Attorney's Office

Contact: Eduardo Toro Font, Esq., Assistant United States Attorney, District of Puerto Rico, 101 Federal Building, Carlos E. Chandon Street, Hato Rey, Puerto Rico 00918, (809) 753-4656.

Copies 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 1515, 10th 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. In requesting a copy of the decree, please enclose a check for copying costs in the amount of

$1.20 payable to Treasurer of the United States.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88-16259 Filed 7-19-88; 8:45 am]

BILLING CODE 4410-01-M

Consent Decree in Clear Water Act Enforcement Action; West Frankfort, IL

In accordance with the Departmental Policy, 28 CFR 50.7, notice is hereby given that a Complaint and Consent Decree in *United States v. City of West Frankfort*, Civil Action No. 88-4175 was lodged with the United States District Court for the Southern District of Illinois of July 5, 1988. The Complaint alleges West Frankfort has violated the Clean Water Act ("Act") by failing to comply with the discharge limitations set forth in the National Pollutant Discharge Elimination System permit for West Frankfort's public water treatment works. The Complaint also names the State of Illinois as a defendant in accordance with the Act. The proposed decree requires West Frankfort to construct additional treatment capacity by 1990 and satisfy various reporting requirements, and orders West Frankfort to pay a civil penalty of $23,000. If the inital construction does not ensure compliance with the Act, West Frankfort must construct additional modifications of its treatment facilities by 1993 and pay an additional civil penalty of $15,000.

The Department of Justice will receive for thirty (30) days from the publication date of this notice written comments relating to the decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and refer to *United States v. City of West Frankfort*, 90-5-1-1-3109.

The proposed consent decree can be examined at the office of the United States Attorney, 750 Missouri Avenue, East St. Louis, Illinois, and at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1521, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. In requesting a copy, please enclose a check in the amount of $2.20 (10 cents per page reproduction cost) payable to the Treasurer of the United States. The Decree can be examined at the above address without cost.

Richard J. Leon,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88-16309 Filed 7-19-88; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Advisory Council on Employees Welfare and Pension Benefit Plans; Extension of Announcement of Vacancies to August 5, 1988; Request for Nominations

Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 88 Stat. 895, 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 who 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 who 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 her functions under ERISA, and to submit to the Secretary 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 Benefits Plans to represent any of the groups or fields specified in the proceeding paragraph, may submit recommendations to 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 August 5, 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 shall identify the candidate by name, occupation or position, telephone number and address. It shall include a brief description of the candidate's qualifications and shall specify 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.

Signed at Washington, DC, this 15th day of July, 1988.

Ann L. Combs,

Acting Assistant Secretary of Labor for Pension and Welfare Benefit Programs.

[FR Doc. 88-16321 Filed 7-19-88; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[88-65]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council (NAC).

DATE AND TIME: August 9, 1988, 9 a.m. to 5:15 p.m., and August 10, 1988, 8:30 a.m. to 3:30 p.m.

ADDRESS: National Aeronautics and Space Administration, Room 7002, Federal Office Building 6, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, Code ADI-1, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-8766.

SUPPLEMENTARY INFORMATION: The NAC was established as an interdisciplinary group to advise senior management on the full range of NASA's programs, policies, and plans. The Council is chaired by Dr. John L. McLucas and is composed of 25 members. Standing committees containing additional members report to the Council and provide advice in the substantive areas of aeronautics, aerospace medicine, space science and applications, space systems and technology, space station, commercial use of space, and history, as they relate to NASA's activities.

The meeting will be open to the public up to the seating capacity of the room, which is approximately 60 persons including Council members and other participants.

Type of Meeting: Open.

Agenda:

August 9, 1988

9 a.m.—Introductory Remarks.
9:15 a.m.—Space Transportation System-26 Readiness.
9:45 a.m.—NASA Planning.
10:20 a.m.—Program and Budget Overview.
11 a.m.—Budget Reviews—Exploration, Space Science and Applications, Space Station, Space Flight, and Space Technology.
5:15 p.m.—Adjourn.

August 10, 1988

8:30 a.m.—Budget Reviews—Space Operations, Aeronautics, Commercial Programs, and NASA Institution.
11:30 a.m.—Closing Discussion of Budget Issues.
1 p.m.—Science Update.
2:30 p.m.—Other Business.
3:30 p.m.—Adjourn.

Ann Bradley,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 88-16245 Filed 7-19-88; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMUNICATIONS SYSTEM

National Security Telecommunications Advisory Committee; Closed Meeting

In Notice document 88-13729 in the issue of Friday, June 17, 1988, make the following amendment:

On page 22751, first paragraph, change to read: The meeting of the National Security Telecommunications Advisory Committee originally scheduled for July 21, 1988, has been postponed until September 22, 1988. The business session of the meeting will be held at the Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets, NW., Washington, DC. An executive session of the meeting will be held at the Old Executive Office Building.

Business Session

—Call to Order
—Welcoming Remarks
—Opening Remarks
—Review of Government Activities
—Review of Ongoing NSTAC Activities
—Industry Information Security
—Telecommunications Systems Survivability
—Break
—Telecommunications Industry Mobilization
—National Telecommunications Management Structure
—Telecommunications Service Priority
—Commercial Satellite Survivability
—Review NSTAC Recommendations to the President
—Review NSTAC Charges to IES
—Closing Remarks
—Information Briefings
—Closed Session
—Adjourn

Executive Session

—Call to Order
—Opening Remarks by the Assistant to the President for National Security Affairs
—Remarks by the Executive Agent
—President Arrives
—NSTAC Report to the President
—Remarks by the President
—Recognition of Departing and Arriving Chair
—Adjourn

Due to the requirement to discuss classified information in conjunction with the issues listed above, the meeting will be closed to the public in the interest of National Defense. Any person desiring information about the meeting may telephone (202) 692-9274 or write to the Office of the Manager, National Communications System, Washington, DC 20305-2010.

Terrence N. Danner,

Captain, USN, Assistant Manager, NCS Joint Secretariat.

[FR Doc. 88-16281 Filed 7-19-88; 8:45 am]

BILLING CODE 3610-05-M

NATIONAL SCIENCE FOUNDATION

Forms Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming, (202) 357-9520.

OMB Desk Officer: ATTN: Jim Houser, Desk Officer, OMB, 722 Jackson Place, Room 3208, NEOB, Washington, DC 20503.

Title: Survey of Computer Specialists.

Affected Public: Individuals.

Responses/Burden Hours: 700 responses, 1 minute per response.

Abstract: Survey is needed to validate the Computer Specialties Occupational Taxonomy, which was developed, under grant, for NSF. None of the current occupational taxonomies include sufficiently detailed classifications of computer specialists. Upon validation, it is recommended that the taxonomy be incorporated as quickly as possible into all NSF surveys and studies.

Dated: July 15, 1988.

Herman G. Fleming,

NSF Clearance Officer.

[FR Doc. 88-16357 Filed 7-19-88; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-368]

Arkansas Power And Light Co., Arkansas Nuclear One, Unit 2; Environmental Assessment And Findings of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-6 issued to Arkansas Power and Light Company, (the licensee), for operation of the Arkansas Nuclear One, Unit 2 (ANO-2) located at Russellville, Arkansas.

Environmental Assessment

Identification of Proposed Action

By letter dated October 28, 1987 (2CAN108706), the licensee requested a change in the plant Technical Specifications (TSs) to decrease the required differential pressure produced by the high pressure safety injection pumps during surveillance testing, from 1402.5 psid to 1360.4 psid.

The Need for Proposed Action

The proposed TS change is needed because the current specification provides little margin for variation in pump performance. The proposed revision establishes a more realistic differential pressure requirement for the high pressure safety injection (HPSI) pumps which will increase operational flexibility. Recent analyses have shown that a lower differential pressure requirement will not adversely impact the original analysis results, and will result in only a very small reduction of the injection leg low rates.

Environmental Impact of the Proposed Action

The proposed reduction in the required differential pressure for the HPSI pumps was considered with respect to all the accident analyses in Chapter 15 of the Final Safety Analysis Report (FSAR), and also with respect to the loss of coolant accident (LOCA) analysis in Chapter 6 of the FSAR. The proposed reduction does not increase the probability or consequences of a previously evaluated accident. Therefore the proposed changes will not increase to greater than previously determined, the probability of accident and post-accident radiological releases, nor otherwise affect radiological plant effluents. The commission concludes that there are no significant radiological environmental impacts associated with the proposed TS changes.

With regard to potential non-radiological impacts, the proposed TS change involves features located entirely within the restricted area as defined in 10 CFR Part 20. This would not affect non-radiological plant effluents and would have no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed action.

The Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing regarding the proposed changes to the TS, was published in the **Federal Register** on December 28, 1987 (52 FR 48887). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources beyond the scope of resources used during normal plant operation.

Agenices and Persons Consulted

The Commission's staff reviewed the licensee's safety analysis and change to the TS that support the proposed amendment. The staff did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the Commission concluded that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

For further details with respect to this action, see the applications for license amendment dated October 28, 1987. Copies are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555, and at the local public document room located at the Tomlinson Library, Arkansas Technical University, Russellville, Arkansas 72801.

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. 88-16199 Filed 7-19-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of exemptions from certain requirements of 10 CFR Part 50, Appendix R, to the Boston Edison Company (BECo/licensee) for the Pilgrim Nuclear Power Station located at the licensee's site in Plymouth County, Massachusetts.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant exemptions from certain requirements of Appendix R of 10 CFR Part 50. The requests (Exemption Request Nos. 15, 18 and 22) seek exemptions from the provisions of subsections: (1) III.G.2.b to the extent that full area fire detection and automatic fire suppression would be required for the area between Corridor #137 (containing Division A safe shutdown circuits) on elevation 23 feet and Corridor #49 (containing redundant Division B safe shutdown circuits) on elevation (−) 1 foot; (2) III.G.2.b to the extent no combustibles or fire hazards are to be located between two redundant safe shutdown systems located in the same fire area. The subject of these exemption requests is a single cable tray located 13 feet above the floor on Elevation 23 feet that is located between the Train A and Train B Reactor Building Closed Cooling Water (RBCCW) rooms; and (3) III.G.3 that requires fire detection and automatic suppression for redundant safe shutdown equipment (in this case the normal torus water level indication cables) located in the same fire area when alternative safe shutdown capability is provided.

The Need for the Proposed Action

The proposed exemptions are needed because the plant-specific circumstances and features described in the licensee's requests regarding Exemption Requests Nos. 15, 18 and 22 are the most practical means for meeting the intent of Appendix R and literal compliance would not significantly enhance the fire protection capability.

The existing physical arrangement, separation, lack of continuity of combustibles and existing automatic detection and suppression provide assurance that one train of redundant safe shutdown circuits would be available to achieve and maintain safe shutdown in the event of a fire in relation to Exemption Request No 15.

The existence of a single cable tray (only intervening combustible) between redundant safe shutdown trains would not result in a single fire capable of simultaneously damaging both redundant trains due to the physical configuration, the existing detection and suppression, and the concrete plug that seals the equipment hatchway when equipment is not actually being moved. Thus, one train necessary to achieve and maintain safe shutdown would be available in the event of a fire in relation to Exemption Request No. 18.

The lack of fire detection and automatic suppression for the redundant torus water level indication cables would not result in the loss of both torus water level indications due to the lack of continuous combustibles, spatial separation and existing concrete barriers in the event of a fire in relation to Exemption Request No. 22.

Environmental Impacts of the Proposed Action

The proposed exemptions, based on the existing physical plant design and fire protection freatures, will provide a degree of fire protection that is equivalent to that required by Appendix R for the affected areas of the plant such that there is no increase in the risk of fires at this facility. Consequently, the probability of fires has not been increased and the post-fire radiological releases will not be greater than previously determined, nor do the proposed exemptions otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with these proposed exemptions.

With regard to potential non-radiological impacts, the proposed exemptions involve features located entirely within the restricted area as defined in 10 CFR Part 20. They do not affect non-radiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemptions.

Alternative to the Proposed Action

Since the Commission has concluded there are no measurable environmental impacts associated with the proposed exemptions, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemptions would be to require rigid compliance with the applicable portions of Section III.G of the Appendix R requirements. Such action would not enhance the protection of the environment and would result in unjustified costs to the licensee.

Alternative Use of Resources

This action does not involve the use of any resources not considered previously in the Final Environmental Statements related to the operation of Pilgrim Nuclear Power Station.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemptions. Based upon the foregoing environmental assessment, the NRC staff 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 proposed action, see the licensee's letter dated August 10, 1987. The letter is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC and at the Plymouth Public Library, 11 North Street, Plymouth, Massachusetts.

Dated at Rockville, Maryland, this 13th day of July, 1988.

For the Nuclear Regulatory Commission.

Richard H. Wessman,

Director Project Directorate I-3, Division of Reactor Projects I/II.

[FR Doc. 88-16341 Filed 7-19-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-029]

Yankee Atomic Electric Co., Yankee Nuclear Power Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company, (the licensee), for operation of the Yankee Nuclear Power Station located in Rowe, Massachusetts.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the Technical Specifications (TS) to permit loads greater than 900 pounds to travel over the spent fuel pit to enable removal of control rods from the spent fuel pit.

The proposed action is in accordance with the licensee's application for amendment dated January 15 and May 19, 1988.

The Need for the Proposed Action

The proposed change to the TS will permit the licensee to remove spent control rods from the fuel pit. The licensee desires to remove this activated material from the fuel pit prior to the November 1988 reload outage.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revisions to the TS. We reviewed the crane load path and restrictions on movement of material over the spent fuel pit. We also reviewed the licensee's cask drop analysis for the cask used to ship the control rod material off-site. We concluded that the movement of the cask and removal of spent control rods would not result in a loss of fuel pit integrity and that spent fuel in the pit is unaffected by this action. The proposed changes do not increase the probability or consequences of accidents, no changes are being made in the type of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure.

Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential non-radiological impacts, the proposed changes to the TS involves systems located within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendment.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. If the requested amendment was denied, the plant might have to shut down due to a reduction in the capability to store spent fuel. Thus, a substantial benefit, the energy generated by operation of the plant, would be lost without any off-setting benefits being realized, as any environmental cost of operation have already been incurred.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in previous reviews for the Yankee Nuclear Power Station. The plant was licensed prior to the requirement for issuance of a Final Environmental Statement.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated January 15 and May 19, 1988 which are available for public inspection at the Commission's Public Document Room, Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Dated at Rockville, Maryland, this 13th day of July, 1988.

For the Nuclear Regulatory Commission

Richard H. Wessman,

Director, Project Directorate I-3, Division of Reactor Projects I/II.

[FR Doc. 88-16342 Filed 7-19-88; 8:45 am]

BILLING CODE 7590-01-M

[NUREG/CR-5151]

Availability of Performance-Based Inspections

The Nuclear Regulatory Commission (NRC) has published a report that describes the concept of performance-based inspections that is being taught in an NRC training course, "Inspecting for Performance." This concept has been endorsed and is being implemented by the Nuclear Regulatory Commission.

NUREGs are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of issued NUREGs may be purchased from the Government Printing Office at the current GPO price. Information on current GPO prices may be obtained by contacting the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082, telephone (202) 275-2060 or (202) 275-2171. Issued NUREGs may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161.

5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 13th day of July 1988.

For the Nuclear Regulatory Commission.

Jack W. Roe,

Director, Division of Licensee Performance and Quality Evaluation, Office of Nuclear Reactor Regulation.

[FR Doc. 88-16343 Filed 7-19-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335

Denial of Amendment to Facility Operating License and Opportunity for a Hearing; Florida Power and Light Co.

The U.S. Nuclear Regulatory Commission (the Commission) has denied a request by Florida Power and Light Company (the licensee) for an amendment to Facility Operating License No. DPR-67, issued to the licensee for operation of the St. Lucie Plant, Unit No. 1 (the facility) located in St. Lucie County, Florida.

The proposed amendment would have increased the steam generator tube plugging limit from 40% to 54%. Notice of Consideration of Issuance of the Amendment was published in the **Federal Register** on February 18, 1987 (52 FR 4982). The licensee's application for amendment was dated December 12, 1986, as supplemented September 10, 1987.

The request was denied at this time based upon the following considerations. The staff was not satisfied that the proposed plugging limit made adequate allowance for eddy current measurement error. The licensee provided supporting data from field and laboratory tube specimens. The field data was very limited and did not provide a clear-cut basis for assuming that the measurement error was as small as was being assumed. The laboratory data was more extensive but did not conclusively demonstrate measurement accuracy which can be achieved for intergranular attack at eggcrate supports and tubesheet locations under actual field conditions.

The licensee was notified of the Commission's denial of this request by letter dated July 7, 1988.

By July 7, 1988, the licensee may demand a hearing with respect to the denial described above and any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for a hearing or for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC by the above date.

A copy of any petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Harold F. Reis, Esq., Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036.

For further details with respect to this action, see (1) the application for amendment dated December 12, 1986, as supplemented September 10, 1987, and (2) the Commission's letter to Florida Power and Light Company dated July 7, 1988, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. Copies of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: 'Director, Division of Reactor Projects-I/II.

Dated at Rockville, Maryland, this seventh day of July 1988.

For the Nuclear Regulatory Commission.

E. G. Tourigny,

Project Manager, Project Directorate II-2, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88-16344 Filed 7-19-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-36 issued to Maine Yankee Atomic Power Company (the licensees), for the operation of the Maine Yankee Atomic Power Station located in Lincoln County, Maine.

The proposed amendment would modify the Technical Specifications to reflect the operating limits for the Cycle 11 reload core.

Prior to the 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 August 19, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the

proceeding must file a written request for hearing and a 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 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 present evidence and cross-examination witnesses.

A request for a hearing or a petition for leave to intervene shall 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 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 Richard H. Wessman, Project Directorate I-3: 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 J. A. Ritscher, Ropes & Gray, 255 Franklin St., Boston, Massachusetts 02210, attorney for the licensee.

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 if 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 24, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Local Public Document Room, Wiscasset Library, High St., P.O. Box 367, Wiscasset, Maine 04578.

Dated at Rockville, Maryland, the 14th day of July, 1988.

For the Nuclear Regulatory Commission.

Vernon Rooney,

Acting Project Director, Project Directorate I-3, Division of Reactor Projects I/II.

[FR Doc. 88-16345 Filed 7-19-88; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-25902]

List of Foreign Issuers Which Have Submitted Information Required by the Exemption Relating to Certain Foreign Securities

Foreign private issuers with total assets in excess of $5,000,000 and a class of equity securities held of record by 500 or more persons, of which 300 or more shareholders reside in the United States, are subject to the registration and reporting provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*, as amended by Pub. L. No. 94-29 (June 4, 1975)) (the "Act").[1]

Rule 12g3-2(b) (17 CFR 240.12g3-2(b)) provides an exemption from registration under section 12(g) of the Act for a foreign private issuer which submits on a current basis material specified in the Rule to the Commission. Such required material includes that information about which investors ought reasonably to be informed with respect to the issuer and its subsidiaries and which the issuer (1) has made or is required to make public pursuant to the law of the country of its domicile or in which it is incorporated or organized, (2) has filed or is required to file with a stock exchange on which its securities are traded and which was made public by such exchange and/or (3) has distributed or is required to distribute to its security holders.

On October 6, 1983, the Commission revised Rule 12g3-2(b) by terminating the availability of the exemptive rule for certain foreign issuers with securities quoted on NASDAQ.[2] Securities of non-Canadian issuers in compliance with the information-supplying exemption as of October 6, 1983 and quoted in NASDAQ on that date were grandfathered indefinitely.[3] However, the exemption

[1] Foreign issuers may also be subject to such requirements of the Act by reason of having securities registered and listed on a national securities exchange in the United States, and may be subject to the reporting requirements by reason of having registered securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*, as amended by Pub. L. No. 94-29 (June 4, 1975)).

[2] Securities Exchange Act Release No. 20264 (October 6, 1983).

[3] If the securities are delisted from NASDAQ or the issuer fails to maintain or otherwise meet the

Continued

was extended to Canadian securities only until January 1986.

When it adopted Rule 12g3-2 and other rules relating to foreign securities,[4] the Commission indicated that from time to time it would issue lists showing those foreign issuers that have obtained exemptions from the registration provisions of section 12(g) of the Act. The purpose of the present release is to call to the attention of brokers, dealers and investors that some form of relatively current information concerning the foreign issuers included on the following list is available in the public files of the Commission.[5]

The Commission also wishes to bring to the attention of brokers, dealers, and investors the fact that current information concerning foreign issuers may not necessarily be available in the United States.[6] The Commission continues to expect that brokers and dealers will consider this fact in connection with their obligations under the federal securities laws to have a reasonable basis for recommending these securities to their customers.[7]

Any questions regarding Rule 12g3-2 or the list included herein should be directed to Samuel Wolff, Special Counsel, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, Washington, DC 20549, (202) 272-3246. Requests for copies of the documents in the files should be directed to the Public Reference Room, Securities and Exchange Commission, Washington, DC 20549, (202) 272-7450.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

July 34, 1988.

Company	File No.	Country
A & A Foods	82-1896	Canada.
A M P Explorations & Mining Co. Ltd	82-1702	Do.
Aabco Ventures Inc	82-1564	Do.
ABC Technologies Inc	82-1750	Do.
ABO Resources Corp	82-961	Do.
Academy Resources Ltd	82-1773	Do.
Access Technologies Inc	82-1740	Do.
Acorn Securities Ltd	82-1676	Australia.
Acquisitor Mines Ltd	82-1645	Canada.
Actoma Resources Ltd	82-1537	Do.
Adriatic Resources Corp	82-1911	Do.
Advanced Gravis Computer	82-1511	Do.
Advanced Growth Systems Inc	82-1534	Do.
Afrikander Lease Ltd	82-245	South Africa.
Afro West Mining Ltd	82-1821	Australia.
Akers Medical Technology Ltd	82-0160	Canada.
Alaskagold Mines Inc	82-1866	Do.
Alaskon Resources Ltd	82-1888	Do.
Alawas Gold Corp	82-1312	Do.
Alban Exploration Ltd	82-1941	Do.
Alberta Resource Capital Corp	82-1924	Do.
Albury Resources Ltd	82-1794	Do.
Algo Resources Ltd	82-1625	Do.
Algoma Steel Corp. Ltd	82-99	Do.
Alina International Industries Ltd	82-1746	Do.
All Nippon Airways Co. Ltd	82-1569	Japan.
All North Resources Ltd	82-1646	Canada.
All Star Resources Ltd	82-1633	Do.
Alliance Resources Ltd	82-1899	Do.
Allied Cellular Systems Ltd	82-1879	Do.
Allure Industries Corp	82-1353	Do.
Alpine Exploration Corp	82-1856	Do.
Amble Resources Ltd	82-1102	Do.
Amcor Ltd	82-1273	Australia.
Amer Group Ltd	82-1544	Finland.
American Platinum Inc	82-1204	Canada.
American Reserve Mining Corp	82-1567	Do.
American Technology & Information Inc	82-1019	Do.
American Volcano Minerals Corp	82-1525	Do.
Amir Mines Ltd	82-1070	Do.
Amsterdam Rotterdam Bank N V	82-1157	Netherlands.
Amulet Resources Corp	82-1785	Canada.
Amusements International Ltd	82-1763	Do.
Androne Resources Ltd	82-1427	Do.
Angle Resources Ltd	82-1657	Do.
Anglo American Corp. of South Africa Ltd	82-97	South Africa.
Anooraq Resources Corp	82-1917	Canada.
Ansco Resources BC Ltd	82-1315	Do.
Anvil Resources Ltd	82-1244	Do.
Applied Electronics Ltd	82-1867	Hong Kong.
Aqua Pura Technologies Inc	82-2025	Canada.

requirements of the exemption, the grandfather provision will cease to apply.

[4] Securities Exchange Act Release No. 8066 (April 28, 1967).

[5] Inclusion of an issuer on the following list is not an affirmation by the Commission that the issuer has complied or is complying with all the conditions of the exemption provided by Rule 12g3-2(b). The list does identify those issuers that both have claimed the exemption and have submitted relatively current information to the Commission.

[6] Paragraph (a)(4) of Rule 15c2-11 (17 CFR 240.15c2-11) requires a broker-dealer initiating a quotation for securities of a foreign private issuer to maintain in its files, and to make reasonably available upon request, the information furnished to the Commission pursuant to Rule 12g3-2(b) since the beginning of the issuer's last fiscal year.

[7] *See, e.g., Hanly v. SEC*, 415 F.2d 589 (2nd Cir. 1969) (broker-dealer cannot recommend a security unless an adequate and reasonable basis exists for such recommendation).

Company	File No.	Country
Aquarius Seafarms Ltd	82-1973	Do.
Archer International Developments Ltd	82-1816	Do.
Ares Serono International Holdings SA	82-1768	Luxemburg.
Argenta Systems Inc	82-1320	Canada.
Argentex Resources Exploration Corp	82-1121	Do.
Argonaut Resources Ltd	82-1694	Do.
Agonex International Ltd	82-1445	Do.
Argyle Ventures Inc	82-2047	.
Ariel Resources Ltd	82-1705	Do.
Arion Resources Inc	82-1338	Do.
Arizona Jojoba Inc	82-1385	Do.
Arizona Star Resource Corp	82-1491	Do.
Armenian Express Canada Inc	82-966	Do.
Arrow Business Corp	82-1558	Do.
Arwick International Resources Ltd	82-1501	Do.
Ascot Investment Resources Ltd	82-461	Do.
Asea AB	82-736	Sweden.
Ashikaga Bank Ltd	82-1190	Japan.
Ashton Resources Ltd	82-1722	Canada.
Asia Pacific Capital Corp	82-2022	Do.
Asian Canadian Resources Ltd	82-1308	Do.
Astro Mining NL	82-1469	Australia.
Ateba Mines Inc	82-2078	Canada.
Athabaska Gold Resources Limited	82-1906	Do.
Atlas Pacific Gold NL	82-1852	Australia.
Atna Resources Ltd	82-1556	Canada.
Augmitta Explorations Ltd	82-1242	Do.
Auridiam Consolidated N.L	82-1939	Australia.
Australia Wide Industries Ltd	82-1654	Do.
Australian Gold Mines Corp	82-1804	Canada.
Australian Hydrocarbons N.L	82-856	Australia.
Austwhim Resources N.L	82-1541	Do.
Avenue Resources Inc	82-1585	Canada.
Award Resources Ltd	82-1809	Do.
Baha Resources Ltd	82-1085	Do.
Baker Gold Ltd	82-780	Do.
Balcor Resources Corp	82-1790	Do.
Baloil Lassiter Petroleums Ltd	82-1955	Do.
Banbury Gold Mines Ltd	82-828	Do.
Bank of Fukuoka Ltd	82-1117	Japan.
Bank of Montreal	82-126	Canada.
Bank of Nova Scotia	82-132	Do.
Bar Resources Ltd	82-1047	Do.
Barkhor Resources Inc	82-1905	Do.
Barrack Energy Ltd	82-1361	Australia.
Barrack Mines Ltd	82-1362	Do.
Barrick Technology Ltd	82-1360	Do.
Barrier Technology Inc	82-1999	Canada.
Barris Klein Holdings Inc	82-2010	Do.
Barsand Resources Inc	82-1415	Do.
Bart Resources Ltd	82-1114	Do.
Barytex Resources Corp	82-1104	Do.
Basaba Enterprise Inc	82-2074	Do.
Basic Resources S.A	82-203	Luxemburg.
Bat Industries Ltd	82-33	United Kingdom.
Bathrooms Beautiful Canada Ltd	82-1925	Canada.
Bauska Manufacturing BC Ltd	82-1516	Do.
BCE Development Corp	82-0344	Do.
Bear Lake Resources	82-1373	Do.
Beatrix Mines Ltd	82-1054	United Kingdom.
Beaufield Resources Inc	82-1557	Canada.
Beaver Resources Inc	82-436	Do.
Bell Resources Ltd	82-919	Australia.
Benetton Group Spa	82-1533	Italy.
Bentley Resources Ltd	82-892	Canada.
Bergesen d y A/S	82-1697	Norway.
Better Resources Ltd	82-1859	Canada.
Big Bar Gold Corp	82-1981	Do.
Big I Developments	82-1094	Do.
Big Valley Resources Inc	82-1600	Do.
Bighorn Development Corp	82-1545	Do.
Bio Feed Industries Ltd	82-1607	Do.
Bio Logix (BC) Ltd	82-507	Do.
Bi-Petro Resources	82-2048	Do.
Bishop Resources Development Ltd	82-1005	Do.
Black Hill Minerals Ltd	82-729	Australia.
Black Thunder Petroleum Corp	82-1772	Canada.
Blackberry Gold Resources Inc	82-1622	Do.
Blue Circle Industries PLC	82-927	United Kingdom.
Blue Ridge Resources Ltd	82-1815	Canada.
Blyvooruitzict Gold Mining Co. Ltd	82-69	South Africa.
Bolero Resources Inc	82-1636	Canada.

Company	File No.	Country
Bond Corporation Holdings Ltd	82-998	Australia.
Bondell Industries	82-2037	Canada.
Bonus Petroleum Corp	82-1162	Do.
Booker Gold Explorations Ltd	82-1984	Do.
Booker PLC	82-1531	United Kingdom.
Borealis Exploration Ltd	82-1656	Canada.
Boulder Gold N.L	82-1650	Australia.
Bowater Industries PLC	82-3	United Kingdom.
Bowes Lyon Resources Ltd	82-974	Canada.
Brace Resources Ltd	82-1014	Do.
Bracken Mines Ltd	82-219	United Kingdom.
Bradsue Resources Ltd	82-1508	Canada.
Brahma Resources Inc	82-1022	Do.
Brascan Ltd	82-4	Do.
Breakwater Resources Ltd	82-653	Do.
Brent Resources Ltd	82-321	Do.
Brenwest Mining Ltd	82-1819	Do.
Bresea Resources Ltd	82-1377	Do.
Bridgestone Corp	82-1264	Japan.
Britannia Security Group PLC	82-2013	United Kingdom.
British Columbia Forest Products Ltd	82-668	Canada.
British Medical Services Ltd	82-1994	Do.
British Printing & Communications Corp. PLC	82-1620	United Kingdom.
Britoil PLC	82-1169	Do.
Brohm Resources Inc	82-1226	Canada.
Bryndon Ventures Inc	82-1363	Do.
BTR PLC	82-898	United Kingdom.
Buffelsfontein Gold Mining Co., Ltd	82-302	South Africa.
Buhrmann Tetterode NV	82-1586	Netherlands.
Burdett Resources Ltd	82-1967	Canada.
Burmah Oil Co. Ltd	82-5	United Kingdom.
Burns Philip & Company Ltd	82-1565	Australia.
Butler Mountain Minerals Corp	82-727	Canada.
Butte Resources Ltd	82-1869	Do.
B.Y.G. Natural Resources Inc	82-2038	Do.
Cache Dor Resources Inc	82-1720	Do.
Caddev Industries Inc	82-1974	Do.
Cal Graphite Corp	82-1322	Do.
Camfrey Resources Ltd	82-1700	Do.
Can Am Industries Corp	82-1985	Do.
Canada Tungsten Mining Corp., Ltd	82-290	Do.
Canadian Fibre Foods Inc	82-1945	Do.
Canadian Imperial Bank of Commerce	82-103	Do.
Canadian Insulock Corp	82-1649	Do.
Canadian Marconi Co	82-86	Do.
Canadian Microcool Corp	82-1598	Do.
Canadian Platinum Refineries Inc	82-1560	Do.
Canadian Pawnee Oil Corp	82-733	Do.
Canadian Spooner Resources Inc	82-112	Do.
Canadian-United Minerals, Inc	82-869	Do.
Canamin Resources Ltd	82-1725	Do.
Canasia Industries Corp	82-1391	Do.
Canby Resources Inc	82-1837	Do.
Cancom Industries Inc	82-1548	Do.
Canova Resources Ltd	82-1714	Do.
Cansorb Industries Inc	82-1760	Do.
Capella Resources Ltd	82-1082	Do.
Capital Reserve Inc	82-1923	Do.
Capricorn Resources Ltd	82-1996	Do.
Caprock Energy Ltd	82-1832	Do.
Carben Energy Inc	82-1587	Do.
Cariana International Industries Inc	82-6979	Do.
Carnes Creek Exploration Ltd	82-1877	Do.
Carpenter Lake Resources Ltd	82-1606	Do.
Carr Boyd Minerals Ltd	82-1037	Australia.
Carrigan Industries Ltd	82-1599	Canada.
Cassiar Mining Corp	82-1243	Do.
Castello Resources Ltd	82-1918	Do.
Catalyst Communications Group PLC	82-1779	United Kingdom.
Catear Resources Ltd	82-1615	Canada.
Cathedral Gold Corp	82-1990	Do.
C.C.C. Coded Communications Corp	82-1594	Do.
CCW Systems Ltd	82-1659	Do.
Celanese Canada Ltd	82-171	Do.
Centaur Mining & Exploration Ltd	82-1930	Australia.
Central Crude Ltd	82-1933	Canada.
Central Pacific Minerals Ltd	82-354	Australia.
Cetec Engineering Co. Inc	82-1775	Canada.
Chablis Resources Ltd	82-1647	Do.
Chalice Mining Inc	82-1304	Do.
Chapel Resources Inc	82-1783	Do.
Chapleau Resources Ltd	82-1687	Do.

Company	File No.	Country
Charlie O Beverages Ltd	82-1715	Do.
Charter Consolidated P.L.C.	82-233	United Kingdom.
Charter Mining N.L	82-431	Australia.
Chase Resource Corp	82-1976	Canada.
Chelsea Resources Ltd	82-1949	Do.
Chelsea Securities Ltd	82-1845	Australia.
Cheryl Resources	82-1424	Canada.
Chesapeake Computer Systems Inc	82-1488	Do.
Chevy Development Corp	82-1380	Do.
Christian Salvesen PLC	82-1691	United Kingdom.
Chutine Resources Ltd	82-867	Canada.
City Resources	82-1301	Australia.
Claude Resource Inc	82-1742	Canada.
Clifton Star Resources Inc	82-1452	Do.
Coastoro Resources Ltd	82-1728	Do.
Coats Patons PLC	82-986	United Kingdom.
Coats Viyella PLC	82-1751	Do.
Cobra Enterprises Ltd	82-1704	Canada
Cochrane Oil & Gas Ltd	82-501	Do.
Colby Resources Corp	82-417	Do.
Colchis Resources Ltd	82-1437	Do.
Coldspring Resources Ltd	82-1944	Do.
Colfax Energy Ltd	82-1609	Do.
Colima Resources Ltd	82-1603	Do.
Colray Resources Inc	82-1536	Do.
Com Air Containers Canada Inc	82-1487	Do.
Comanche Petroleums Inc	82-1745	Do.
Cominco Ltd	82-107	Do.
Camox Resources Ltd	82-1806	Do.
Compass Resources Ltd	82-2041	Do.
Concept Resources Inc	82-1003	Do.
Condor Precious Metal Inc	82-2013	Do.
Conex Australia N.L	82-319	Australia
Coniagas Mines Ltd	82-168	Canada
Conpak Seafoods Inc	82-704	Do.
Consolidated Azure Resources Ltd	82-1554	Do.
Consolidated Bathurst Ltd	82-172	Do.
Consolidated Boulder Mountain Resources Ltd	82-1139	Do.
Consolidated Exploration Ltd	82-1839	Australia.
Consolidated Gold Fields P.L.C.	82-251	United Kingdom.
Consolidated Gold Mining Areas N.L	82-413	Australia.
Consolidated McKinney Resources Ltd	82-1474	Canada.
Consolidated Suntec Ventures Ltd	82-1521	Do.
Contact Ventures Ltd	82-581	Do.
Continetal Datanet Inc	82-1641	Do.
Continental Gummi Werke Aktiengesellschaft	82-1357	Germany.
Continental Silver Corp	82-421	Canada.
Continental Pacific Resources Inc	82-1803	Do.
Coopers Resources N.L	82-444	Australia.
Copperfield Gold N.L	82-1851	Do.
Cord Holdings Ltd	82-988	Do.
Cordialle Resources Inc	82-2012	Canada.
Coronado Resources Inc	82-1074	Do.
Corporation Mapfre SA	82-1987	Spain.
Corptech Industries Inc	82-1703	Canada.
Coseka Resources Ltd	82-295	Do.
Cove Energy Corp	82-803	Do.
CRH PLC	82-1333	Ireland.
Croesus Resources Inc	82-1719	Canada.
CSK Corp	82-781	Japan.
Cumulus Technology Ltd	82-1553	Canada.
Curlew Lake Resources Inc	82-1978	Do.
Cyll Industries Ltd	82-1663	Do.
Dab Investments Ltd	82-1245	South Africa.
Dafrey Resources Inc	82-1913	Canada.
DAI'EI Inc	82-230	Japan.
Daiwa Danchi Co. Ltd	82-1218	Do.
Dalmation Resources Inc	82-1683	Canada.
Dasher Resources Ltd	82-1185	Do.
Dateland Capital Group Inc	82-2058	Do.
Dawson Eldorado Mines Ltd	82-1818	Do.
De Beers Consolidated Mines Ltd	82-91	South Africa.
Death Valley Resources Ltd	82-1982	Canada.
Decorstone Industries Inc	82-671	Do.
Deelkraal Gold Mining Co. Ltd	82-246	South Africa.
Deep Shaft Technology International Inc	82-1076	Canada.
Defiant Minerals Inc	82-2043	Do.
Del Norte Chrome Corp	82-1584	Do.
Del Rio Resources Ltd	82-1983	Do.
Delaware Resources Corp	82-1503	Do.
Delcorp Resources Inc	82-691	Do.
Delta Gold N.L	82-1221	Australia

Company	File No.	Country
Deltec Resources Ltd	82-1912	Canada.
Den Danske Bank of 1871 AG	82-1263	Denmark.
Denison Mines Ltd	82-155	Canada.
Desert Rose Resources Inc	82-1858	Do.
D.F.I. Ventures Ltd	82-2052	Do.
Diplomat Resources Inc	82-1670	Do.
DK Platinum Corp	82-1383	Do.
Domini Sportswear Ltd	82-2066	Do.
Dominion Explorers Inc	82-504	Do.
Dominion Mining Ltd	82-433	Australia.
Domtar Inc	82-18	Canada.
Doornfontein Gold Mining Co. Ltd	82-213	South Africa.
Dor Val Mines Ltd	82-740	Canada.
Dorchester Hotels Inc	82-1400	Do.
Dornoch International Inc	82-726	Do.
Doron Explorations Inc	82-2004	Do.
Dragoon Resources Ltd	82-1658	Do.
DRC Resources Corp	82-713	Do.
Dresdner Bank AG	82-229	Germany.
Drexore Development Inc	82-1401	Canada.
Driefontein Consolidated Ltd	82-124	South Africa.
Dual Resources Ltd	82-1299	Canada.
Duke Minerals Ltd	82-1860	Do.
Dupont Canada Inc	82-19	Do.
Durban Roodepoort Deep Ltd	82-156	South Africa.
Dynamic Oil Ltd	82-702	Canada.
Eagle Corp	82-476	Australia.
Eagle Mountain Trout Farms Ltd	82-1865	Canada.
East Daggafontein Mines Ltd	82-42	South Africa.
East Rand Gold & Uranium Co. Ltd	82-289	Do.
East Rand Proprietary Mines Ltd	82-239	United Kingdom.
Eastern Group Ltd	82-752	Australia.
Eastfield Resources Ltd	82-1929	Canada.
Echon Mountain Resources Ltd	82-1466	Do.
Eden Resources Ltd	82-1343	Do.
Edgemont Resources Corp	82-1710	Do.
Egerton Trust PLC	82-1948	United Kingdom.
Egoli Consolidated Mines Ltd	82-909	South Africa.
Ekaton Industries Inc	82-1055	Canada.
Elandsrand Gold Mining Co. Ltd	82-266	South Africa.
Elder Technologies Ltd	82-1902	Canada.
Elder IXL Ltd	82-1711	Australia.
Elegance Business Corp	82-1323	Canada.
Elsburg Gold Mining Co. Ltd	82-269	South Africa.
Emperor Mines Ltd	82-969	Australia.
Empire Gold Resources Ltd	82-2035	Canada.
Energy Oil & Gas N.L	82-1195	Australia.
Enexco International Ltd	82-684	Canada.
Enfield Resources Inc	82-1268	Do.
Englefield Resources Ltd	82-1758	Do.
Enhanced Resources 1986 Ltd	82-1774	Do.
Enterprise Gold Mines NL	82-1807	Australia.
ENVIPCO Canada Western Inc	82-2068	Canada.
Epic Resources BC Ltd	82-1010	Do.
Equinox Resources Ltd	82-1152	Do.
Equus Petroleum Corp	82-1302	Do.
Eridania ZN SPA	82-902	Italy.
Esselte AB	82-1355	Sweden.
Essence Biotechnolgies Inc	82-1752	Canada.
Etana Technologies Corp	82-1848	Do.
Etruscan Enterprises Ltd	82-1576	Do.
Eureka Resources Ind	82-1031	Do.
Euro Asia Capital Ltd	82-1792	Do.
Expeditor Resource Group Ltd	82-1399	Do.
Extotal Resources Inc	82-822	Do.
F H Tomkins PLC	82-1874	United Kingdom.
F P Special Assets Ltd	82-1757	Hong Kong.
Fairfield Minerals Ltd	82-1784	Canada.
Fairway Automotive Industries Ltd	82-1962	Do.
Falcon Point Resources Ltd	82-1713	Do.
Faraway Gold Mines Ltd	82-1426	Do.
Fargo Resource Ltd	82-2081	Do.
FCA International Ltd	82-1310	Do.
Fiat SpA	82-116	Italy.
Fiberquest International Ltd	82-1505	Canada.
Field Petroleum Corp	82-904	Do.
Finnish Sugar Co. Ltd	82-1643	Finland.
Firan Corp	82-600	Canada.
First American Mining Corp	82-1880	Do.
First Commercial Financial Group Inc	82-1601	Do.
First Medical Management Ltd	82-1957	Do.
First Pacific Holdings Ltd	82-836	Hong Kong.

Company	File No.	Country
First Pacific International Ltd	82-1287	Do.
Fisons PLC	82-202	United Kingdom.
Fleck Resources Ltd	82-1048	Canada.
Fletcher Challenge Ltd	82-1438	Norway.
Formosa Resources Corp	82-1367	Canada.
Fort Knox Minerals Ltd	82-1367	Do.
Foseco Minsep PLC	82-952	United Kingdom.
Foundation Resources	82-1992	Canada.
Free State Consolidated Gold Mines	82-44	South Africa.
Free State Development & Investment Corp. Ltd	82-296	United Kingdom.
Freedom Marine Ltd	82-1330	Canada.
Freegold Recovery Inc	82-1225	Do.
Fremont Gold Corp	82-1580	Do.
Freeport Resources Inc	82-1131	Do.
Freeway Resources Ltd	82-402	Do.
Frost Resources Inc	82-2045	Do.
FTI Foodtech International Inc	82-1628	Do.
Fuji Heavy Industries Ltd	82-1132	Do.
Fuji Photo Film Co. Ltd	82-78	Do.
Gazelle Resources Ltd	82-1748	Canada.
Genbel Investments Ltd	82-235	United Kingdom.
General Mining Union Corp. Ltd	82-311	South Africa.
Geometals NL	82-398	Australia.
Gerle Gold Ltd	82-1209	Canada.
Getchell Resources Inc	82-2049	Do.
Giant Resources Ltd	82-1951	Australia.
Gladstone Resources Ltd	82-2055	Canada.
Glencar Explorations PLC	82-1421	Ireland.
Glentronic International	82-1610	Canada.
Glimmer Resources Inc	82-1970	Do.
Global Alert Systems Corp	82-1678	Do.
Global Data Systems Corp	82-1677	Do.
GMN The Gospel Music Network Ltd	82-2042	Do.
Golconda Minerals NL	82-1233	Australia.
Gold Fields of South Africa Ltd	82-204	South Africa.
Gold Mines of Kalgoorlie Ltd	82-2076	Australia.
Gold Ridge Resources Inc	82-1903	Canada.
Gold Rite Mining Co	82-1166	Do.
Goldale Investments Ltd	82-667	Do.
Goldbrae Developments Ltd	82-887	Do.
Golden Chance Resources Inc	82-1464	Do.
Gold Lion Resources Ltd	82-936	Do.
Golden Nevada Resources Inc	82-1080	Do.
Golden Pyramid Resourced Inc	82-1605	Do.
Golden Seven Industries Inc	82-1830	Do.
Golden Seville Resources Ltd	82-1497	Do.
Golden Trend Energy Ltd	82-1739	Do.
Goldenrod Resources & Technology Inc	82-1674	Do.
Goldfever Resources Ltd	82-1822	Do.
Goldstack Resources Ltd	82-506	Do.
Golden Sitka Resources Inc	82-2040	Do.
Goodman Fielder Wattie Ltd	82-2009	Australia.
Granada Exploration Corp	82-1863	Canada.
Grand Forks Mines Ltd	82-1920	Do.
Grand Metropolitan PLC	82-1247	United Kingdom.
Grand National Resources Inc	82-1100	Canada.
Grande Portage Resources Ltd	82-1767	Do.
Grandex Resources Ltd	82-1855	Do.
Grandma Lees Inc	82-542	Do.
Granville Island Brewing Co	82-1582	Do.
Great Central Mines Ltd	82-1211	Do.
Great Eastern Mines Ltd	82-732	Australia.
Great Weighs Industries Inc	82-1708	Canada.
Great World Resources Ltd	82-1581	Do.
Greentree Energy Inc	82-1799	Do.
Grootvlei Proprietary Mines Ltd	82-222	South Africa.
Guardian Resource Corp	82-857	Canada.
Guest Keen & Nettlefolds PLC	82-1042	United Kingdom.
Gulf International Minerals Corp	82-2029	Canada.
Gunflint Resources Ltd	82-1522	Do.
Gunsteel Resources Inc	82-1507	Do.
Hachijuni Bank Ltd	82-1265	Japan.
Hagensborg Resources Ltd	82-1089	Canada.
Haglund Industries International Inc	82-1709	Do.
Haines Gypsum Inc	82-1801	Do.
Hallmark Resources Ltd	82-1820	Do.
Hang Lung Development Co. Ltd	82-1439	Hong Kong.
Hank Seng Bank Ltd	82-1747	Do.
Happy Industries Ltd	82-1637	Canada.
Harmony Gold Mining Co. Ltd	82-238	South Africa.
Hars Systems Inc	82-1870	Canada.
Hawk Resources Inc	82-1339	Do.

Company	File No.	Country
Hawley Group Ltd	82-1087	Bermuda.
Hedley Sterling Explorations Inc	82-1935	Canada.
Hemlo Explorations Ltd	82-1734	Do.
Henderson Land Development Company Ltd	82-1561	Hong Kong.
Henlys Group Ltd	82-1278	Canada.
Hennessy Resource Corp	82-1334	Do.
Heritage Petroleums Inc	82-1624	Do.
Hestair PLC	82-1873	United Kingdom.
Hidden Valley Mines Inc	82-1652	Canada.
High Level Resources Ltd	82-1035	Do.
High River Resources Ltd	82-1238	Do.
Highveld Steel & Vanadium Corp. Ltd	82-596	South Africa.
Hill Minerals NL	82-1038	Australia.
Hilton Resource Corp	82-1979	Canada.
Hino Motors Ltd	82-1388	Japan.
HK TVB Ltd	82-1072	Hong Kong.
Hokuriku Bank Ltd	82-1045	Japan.
Hollinger Inc	82-117	Canada.
Homestead Resources Inc	82-1942	Do.
Hong Kong & China Gas Co. Ltd	82-1543	Hong Kong.
Hong Kong & Shang Hai Banking Corp	82-683	Do.
Hong Kong Land Co. Ltd	82-881	Do.
Hopewell Holdings Ltd	82-1547	Do.
HQ Minerals Ltd	82-2002	Canada.
HTR Industries Inc	82-872	Do.
Hycroft Resources & Development Corp	82-1113	Do.
Hyperion Resources Ltd	82-1696	Do.
Hysan Development Co. Ltd	82-1617	Hong Kong.
IBS Technologies Lts	82-914	Canada.
Imasco Lts	82-118	Do.
Impala Platinum Holdings Ltd	82-359	South Africa.
Imperial Metals Corp	82-1032	Canada.
Industrial Metals Corp	82-1542	Do.
Inel Resources Ltd	82-1887	Do.
Inn House Video	82-1707	Do.
Inocan Technologies Inc	82-1616	Do.
Insecta Research Corp. 1986 Inc	82-1718	Do.
Inspectorate International	82-2036	Switzerland.
Interaction Resources Ltd	82-705	Canada.
Intermin Resource Corp. Ltd	82-1528	Australia.
International Airborne Systems Corp	82-1977	Canada.
International Cablecasting Technologies Inc	82-1519	Do.
International Cherokee Developments Ltd	82-1644	Do.
International Curator Resources Ltd	82-1540	Do.
International Destron Technologies Inc	82-1953	Do.
International Dorado Resources Ltd	82-1914	Do.
International Hard Suits Inc	82-1950	Do.
International Maggie Mines Ltd	82-1690	Do.
International Markatech Corp	82-1518	Australia.
International Mining Corp. NL	82-813	Do.
International Mitek Computer Inc	82-876	Canada.
International Movie Group Inc	82-1892	Do.
International Prime Technologies	82-1138	Do.
International Potential Explorations Inc	82-1841	Do.
International Powertech Systems Inc	82-1340	Do.
International Rex Ventures Inc	82-1640	Do.
International Texcan Technology Corp	82-945	Do.
INX Insearch Group of Companies Ltd	82-1588	Do.
IPC International Prospector Corp	82-1969	Japan.
Iron River Resources Ltd	82-1672	Canada.
Island Mining & Explorations Co. Ltd	82-556	Do.
Isuzu Motors Ltd	82-772	Japan.
Izone International Ltd	82-782	Canada.
J R Energy Corp	82-1579	Do.
J. Sainsbury Ltd. PLC	82-913	United Kingdom.
Jack the Gripper Inc	82-2001	Canada.
Jacob Gold Corp	82-1539	Do.
Jaguar Equities Inc	82-2070	Canada.
James Hardie Industries Ltd	82-972	Australia.
James Industries Inc	82-1619	Canada.
Jantar Resources Corp	82-1148	Do.
Japan Air Lines Inc	82-122	Japan.
Jefferson Smurfit Group PLC	82-1311	Ireland.
Jentech Ventures Corp	82-1864	Canada.
Jilbey Industries Ltd	82-1929	Do.
Jingellic Minerals NL	82-1808	Australia.
John Labatt Ltd	82-1103	Canada.
Jonpol Explorations Ltd	82-1989	Do.
Joutel Resources Ltd	82-502	Do.
Julia Mines NL	82-1666	Australia.
Justice Mining Corp	82-1198	Canada.
K 2 Resources Inc	82-1673	Do.

Company	File No.	Country
Kaaba Resources Inc	82-1049	Do.
Kalbara Mining NL	82-774	Australia.
Kam Creed Mines Ltd	82-1706	Canada.
Kelley Kerr Eenrgy Corp	82-1575	Do.
Kemgas Sydney Inc	82-2075	Do.
Kenton Natural Resources Corp	82-1455	Do.
Kerr Addison Mines Ltd	82-14	Do.
Kettle River Resources Ltd	82-666	Do.
Key Anacon Mines Ltd	82-23	Do.
Keystone Explorations Ltd	82-1769	Do.
Kia Pacific Gold Ltd	82-1639	Australia.
Killick Gold Co. Ltd	82-1128	Canada.
Kinross Mines Ltd	82-220	South Africa.
Kirin Brewery Co. Ltd	82-188	Japan.
Kleena Kleene Gold Mines Ltd	82-882	Canada.
Kloof Gold Mining Co. Ltd	82-205	South Africa.
Kloster Cruise AS	82-1272	Norway.
Kobold Resources Ltd	82-1786	Canada.
Koninklijke Wessanen NV	82-1306	Holland.
Kootenay King Resources Inc	82-1997	Canada.
Krieger Data International Corp	82-1504	Do.
La Fosse Platinum Group Inc	82-1947	Do.
Ladbroke Group PLC	82-1571	United Kingdom.
Lana Gold Corp	82-1712	Canada.
Landmark Corp	82-176	Do.
Lansco Resources Ltd	82-1562	Do.
Laverton Gold NL	82-1662	Australia.
Leaders Equity Corp	82-1520	Canada.
Lectus Developments Ltd	82-1364	Do.
Leisureland Corp. Ltd	82-1900	New Zealand.
Lemming Resources Ltd	82-1727	Canada.
Lennard Oil NL	82-298	Australia.
Lenora Explorations Ltd	82-837	Canada.
Leslie Gold Mines Ltd	82-223	South Africa.
Lexington Resources Ltd	82-1871	Canada.
Libanon Gold Mining Co. Ltd	82-215	South Africa.
Liberty Bell Mines Inc	82-958	Canada.
Lightning Creek Mines Ltd	82-1721	Do.
Link Resources Inc	82-2024	Do.
Little Bear Resources Ltd	82-1365	Do.
Logan Mines Ltd	82-911	Do.
London International Group PLC	82-1468	United Kingdom.
Longreach Resources Ltd	82-1470	Canada.
Lotus Cosmetics International Ltd	82-1476	Do.
Louisiana Mining Corp	82-1926	Do.
Lucero Resources Corp	82-1756	Do.
Lucky Bay Mines Inc	82-2034	Do.
Lunar Resources Ltd	82-1754	Do.
Luxmar Resources Inc	82-1791	Do.
Lydenburg Platiunum Ltd	82-312	South Africa.
Lysander Gold Corp	82-1938	Canada.
Magenta Development Corp	82-1422	Do.
Magnet Group Ltd	82-299	Australia.
Mai PLC	82-1940	United Kingdom.
Makus Resources Inc	82-1590	Canada.
Manitou Reef Resources	82-1071	Do.
Manticore Petroleum Corp	82-1638	Do.
Marietta Resource Corp	82-1040	Do.
Marievale Ltd	82-224	South Africa.
Mariner Explorations Inc	82-886	Canada.
Mariposa Resources	82-2060	Do.
Marks and Spencer PLC	82-1961	United Kingdom.
Marlborough Productions Ltd	82-1408	Canada.
Marshall Energy Ltd	82-1631	Do.
Marubeni Corp	82-616	Japan.
Materials Teschnology Ltd	82-1288	Australia.
Maverick Naturalite Beef Corp	82-1405	Canada.
Mawson Pacific Ltd	82-1467	Australia.
Max Minerals Inc	82-1956	Canada.
Mayne Nickless Ltd	82-1530	Australia.
McAdam Resources Inc	82-1634	Canada.
McConnell Peel Resources Ltd	82-1577	Do.
Medical Research International Ltd	82-2028	Do.
Melcorp Securities Ltd	82-146	South Africa.
Menika Mining Ltd	82-1248	Canada.
Merfin Hygenic Products Ltd	82-2077	Do.
Meridian Oil NL	82-397	Australia.
Merit Technologies Ltd	82-1414	Canada.
Merlin Mining NL	82-1972	Australia.
Mi Software Corp	82-1954	Canada.
Microphonics Technology International Corp	82-1738	Do.
Micro Ventures Ltd	82-2079	Do.

Company	File No.	Country
Microstat Development Corp	82-1764	Do.
Milestone Resources Corp	82-1908	Do.
Mine Lake Minerals Inc	82-2059	Do.
Minerex Resources Ltd	82-946	Do.
Ming Mines Ltd	82-1850	Do.
Minorco Minerals & Resources Corp. Ltd	82-206	Bermuda.
Mintel International Development Corp	82-797	Canada.
Miramar Energy Corp	82-1566	Do.
Mitsubishi Chemical Industries Ltd	82-1191	Japan.
Modatech Systems Inc	82-2006	Canada.
Mode Products Inc	82-467	Do.
Moet Hennessy SA	82-734	France.
Mohave Gold Inc	82-940	Canada.
Monarch Resources NL	82-339	Australia.
Mondavi Resources Ltd	82-1993	Canada.
Monte Carlo Resources Ltd	82-1901	Do.
Montello Resources Ltd	82-1812	Do.
Mosquito Creek Gold Mining Co. Ltd	82-804	Do.
Mount Angelo Exploration NL	82-1849	Australia.
Mount Burgess Gold Mining Co. NL	82-1235	Do.
Mountain West Resources Inc	82-1201	Canada.
Mt Grant Mines Ltd	82-1789	Do.
Multinational Resources Inc	82-1095	Do.
Mutual Resources Ltd	82-1171	Do.
MVP Capital Corp	82-1932	Do.
Mystery Mountain Minerals Ltd	82-1532	Do.
Napa Resources Inc	82-2050	Do.
National Australia Bank	82-1015	Australia.
National Fuelcorp Ltd	82-1893	Canada.
Nepheline Resources Ltd	82-1814	Do.
Network Media Ltd	82-1481	Australia.
Nevada North Resources Inc	82-1665	Canada.
New Australian Resources	82-2069	Australia.
New Era Development Ltd	82-1796	Canada.
New Impact Resources Inc	82-1761	Do.
New Japan Securities Co. Ltd	82-1813	Japan.
New Nadina	82-2054	Canada.
New Privateer Mine Ltd	82-1406	Do.
New Signet Resources Inc	82-1840	Do.
Newhawk Gold Mines Ltd	82-739	Do.
Newline Resources Ltd	82-1681	Do.
Newtec Industries Ltd	82-926	Do.
Nexus Resources Corp	82-679	Do.
Nimslo International	82-650	Bermuda.
Nippon Kangyo Kakumaru Securities Co	82-1679	Japan.
Nissan Motor Co. Ltd	82-207	Do.
Niugini Mining Ltd	82-1230	New Guinea.
Nixdorf Computer AG	82-1730	Germany.
Nix-O-Tine Pharmaceuticals Ltd	82-2030	Canada.
NMB Minebea Co. Ltd	82-1069	Japan.
Nobelex Ltd	82-1686	Australia.
Noble Mines & Oils Ltd	82-509	Canada.
Nokia Corp	82-1490	Finland.
Nora Industries AS	82-1613	Norway.
Noramex Minerals Inc	82-939	Canada.
Noranda Mines Ltd	82-158	Do.
Normandy Resources NL	82-1975	Australia.
Normine Resources Ltd	82-1144	Canada.
Norsemont Mining Corp	82-1485	Do.
Norsk Hydro AS	82-1212	Norway.
North American Aero Dynanics Ltd	82-1664	Canada.
North American Fire Guaradian Technologies Inc	82-1921	Do.
North American Platinum Ltd	82-1826	Do.
North Coast Industries	82-2073	Do.
North Kalgurli Mines Ltd	82-2086	Australia.
North Pacific Industries Corp	82-1614	Canada.
North Queensland Resources NL	82-1749	Australia.
Northair Mines Ltd	82-305	Do.
Northern Dynasty Explorations Ltd	82-1295	Do.
Northfield Minerals	82-2065	Do.
Norton Group Public Ltd. Co	82-2011	United Kingdom.
NRT Research Technologies Inc	82-1626	Canada.
NTV Oil Service Industries Inc	82-1453	Do.
Nu Crown Resources	82-2071	Do.
Nu Dawn Resources Inc	82-1831	Do.
Nucleus Ltd	82-1552	Australia.
Nuinsco Resources Ltd	82-1846	Canada.
Nuspar Resources Ltd	82-464	Do.
Oakwood Petroleums Ltd	82-564	Do.
Odessa Explorations Inc	82-1335	Do.
Ohio Resources Corp	82-1729	Do.
Omoco Holdings Ltd	82-1897	Do.

Company	File No.	Country
Orange Free State Investments Ltd	82-1220	South Africa.
Orbex Industries Inc	82-478	Canada.
Orex Resources Ltd	82-1770	Do.
Oriole Communications Inc	82-474	Do.
Orion Resources Ltd	82-1604	Do.
Ormont Exploration Ltd	82-1608	Do.
Orsina Resources Ltd	82-1555	Do.
Ossa Resources Inc	82-2082	Do.
Overseas Inns SA	82-166	Luxemburg.
Oversea Platinum Corp	82-1780	Canada.
Owen Ventures Ltd	82-1731	Do.
Oxin Industries Ltd	82-1402	Do.
Oy Warstila AB	82-933	Finland.
Pachena Industries Ltd	82-1589	Canada.
Pacific Kenridge Ventures Inc	82-1777	Do.
Pacific Minesearch Ltd	82-947	Do.
Pacific Sentinel Gold Corp	82-2007	Do.
Pact Resources	82-1386	Australia.
Paget Resources Ltd	82-1570	Canada.
Pak Man Resources Inc	82-1186	Do.
Palmer Industries Ltd	82-1882	Do.
Pamour Inc	82-2015	Do.
Pan Australian Mining Ltd	82-1753	Australia.
Pan Canadian Petroleum Ltd	82-285	Canada.
Pan Island Resource Corp	82-1829	Do.
Pan World Ventures Inc	82-1795	Do.
Panasoni Engery Corp	82-1475	Do.
Panorama Resources Ltd	82-1965	Do.
Panther Mines Ltd	82-1612	Do.
Paracomp Technolgies	82-2051	Do.
Parallax Development Corp	82-1854	Do.
Pastel Food Corp	82-1684	Do.
Pathtecnics Ltd	82-1904	Do.
Payton Ventures Inc	82-1828	Do.
PCH Post Career Habitats Inc	82-1726	Do.
Peninsular and Oriental Steam Navagation Co	82-2083	United Kingdom.
Pelham Gold "N" Grains Inc	82-1732	Canada.
Pelsart Resources NL	82-484	Australia.
Peralot Resources Corp	82-1447	Canada.
Petroflame International Resources	82-1701	Do.
Petrogulf Resources Ltd	82-885	Australia.
Petrolia Oil & Gas Ltd	82-2053	Canada.
Petrox Energy & Minerals Corp	82-798	Do.
PIC Prospectors International Corp	82-2039	Do.
Pink Pages Publications Inc	82-1964	Do.
Placer Pacific Ltd	82-1952	Australia.
Plastic Engine Technology Corp	82-1823	Canada.
Platgold Pacific NL	82-1847	Australia.
Platonia Developments Inc	82-1966	Canada.
PLC Systems	82-2072	Do.
Pola Resources Ltd	82-760	Do.
Polly Peck International PLC	82-1181	United Kingdom.
Powder Metals Australia Ltd	82-1671	Australia.
Power Corporation of Canada	82-137	Canada.
Power Financial Corp	82-1716	Do.
President Mines Ltd	82-959	Do.
Presley Laboratories Inc	82-1743	Do.
Princeton Resources Corp	82-1514	Do.
Progressive Minerals Ltd	82-1971	Do.
Promatek Industries Ltd	82-1351	Do.
Prophet Resources Ltd	82-1382	Do.
Prudential Corp. PLC	82-1477	United Kingdom
PSM Technologies Inc	82-1151	Canada.
Purichlor Technology	82-1480	Do.
Pyro Air Technologies Inc	82-2018	Do.
Quadra Logic Technologies Inc	82-1662	Do.
Quail Ridge Winery Napa Valley	82-1744	Do.
Quebec Explorers Corp. Ltd	82-635	Do.
Queen Margaret Gold Mines NL	82-414	Australia.
Queenstake Resources Ltd	82-565	Canada.
Quillo Resources Inc	82-1960	Do.
Quintel Industries Ltd	82-1825	Do.
Quinto Mining Corp	82-475	Do.
Quorum Resource Corp	82-1838	Do.
R C J Resources Ltd	82-1527	Do.
Racal Electronics PLC	82-481	United Kingdom.
Rainmex Industries Ltd	82-983	Canada.
Ral Marketing Group Inc	82-1282	Do.
Ramm Venture Corp	82-809	Do.
Ramtron Australia Ltd	82-1430	Australia.
Rand Extensions & Exploration Ltd	82-1834	South Africa.
Randfontein Estates Gold Mining Co. Witwatersrand Ltd	82-267	Do.

Company	File No.	Country
Rank Organisation	82-17	Do.
Rapid Resource Corp	82-2005	Canada.
Ray Net Communications Systems Inc	82-1591	Do.
Rayrock Yellowknife Resources Inc	82-378	Do.
Reako Explorations Ltd	82-1286	Do.
Real de Minos Mining Inc	82-2033	Do.
Recco Research Corp	82-1688	Do.
Redfern Resources Ltd	82-1824	Do.
Redwood Resources Inc	82-606	Do.
Reg Resources Corp	82-864	Do.
Regional Yellow Directories PLC	82-2044	United Kingdom.
Rembrandt Gold Mines Ltd	82-1762	Canada.
Revere Resources Ltd	82-1771	Do.
Resource Mineral & Equities Ltd	82-1844	Australia.
Reward Resources Ltd	82-1667	Canada.
Rex Silver Mines Ltd	82-1793	Do.
Rexford Minerals Ltd	82-1895	Do.
Rhys Ventures Ltd	82-1936	Do.
Rich Coast Sulphur Ltd	82-1621	Do.
Richwell Resources Ltd	82-1890	Do.
Rimacan Resources Ltd	82-1682	Do.
Ritz Resources Ltd	82-1910	Do.
Rocket Energy Resources Ltd	82-1916	Do.
Rockingham Resources Inc	82-2064	Do.
Rockridge Mining Corp	82-1842	Do.
Rockspan Resources Ltd	82-863	Do.
Rococco Resources Ltd	82-715	Do.
Roddy Resources Ltd	82-893	Do.
Rojoll Exploration Ltd	82-1827	Do.
Roper Resources	82-2020	Do.
Roodepoort Gold Holdings Ltd	82-1853	South Africa.
Rosenthal A G	82-1648	Germany.
Rothchild Gold Corp	82-1627	Canada.
Rothmans International PLC	82-84	United Kingdom.
Roxwell Gold Mines Ltd	82-1788	Canada.
Royal Bank of Canada	82-769	Do.
Royal Crystal Resources Ltd	82-1797	Do.
Royal Pacific Seafarms Ltd	82-1737	Do.
RTZ Corp. PLC	82-1141	United Kingdom.
Rustenburg Platinum Holdings Ltd	82-241	South Africa.
Rutland Biotech Ltd	82-1526	Canada.
Saint Helena Gold Mines Ltd	82-232	South Africa.
Samos Resources Ltd	82-2027	Canada.
Sanderson Technologies Inc	82-2080	Do.
San Miguel Corp	82-306	Philippines.
Santos Ltd	82-34	Australia.
Sanyo Electric Co. Ltd	82-264	Japan.
Sanyo Securities Co. Ltd	82-1857	Do.
Sartigan Granite Corp	82-2023	Canada.
Sasol Ltd	82-631	South Africa.
Sato Stevia International Inc	82-1329	Canada.
Savanna Resources Ltd	82-1258	Do.
Schmitt Industries Inc	82-1872	Do.
Schreiber Resources Ltd	82-1395	Do.
Scottish Heritable Trust	82-2063	Scotland.
Seadrift International Explortation Ltd	82-459	Canada.
Seastar Resource Corp	82-963	Do.
Sedgwick Group PLC	82-1529	United Kingdom.
Seguro Resources Ltd	82-1995	Canada.
Seven Mile High Resources Inc	82-1307	Do.
Shakwak Exploration Co. Ltd	82-1122	Do.
Shandon Resources Inc	82-1875	Do.
Shanell International Energy Corp	82-1689	Do.
Shannock Corp	82-1782	Do.
Sherritt Gordon Mines Ltd	82-29	Do.
Shilling Resources Inc	82-2017	Do.
Shogun Developments Corp	82-677	Do.
Siemens Aktiengesellschaft	82-73	Germany.
Siemont Resources Ltd	82-1876	Canada.
Sikaman Gold Resources Ltd	82-1651	Do.
Silent Canyon Resources Ltd	82-1632	Do.
Silver Hill Mines Ltd	82-1496	Do.
Silver Princess Resources Inc	82-1811	Do.
Silver Ridge Resources	82-1077	Do.
Silverhawk Resources Ltd	82-1693	Do.
Silversword Corp	82-1583	Do.
Silverquest Resources Ltd	82-1861	Do.
Sino Business Machines Inc	82-1510	Do.
Sino Land Co	82-1868	Hong Kong
Sirius Corp. NL	82-1147	Australia.
Skandia International Holding AB	82-1574	Sweden.
SKF	82-139	Do.

Company	File No.	Country
Ski Free Marine Inc	82-1943	Canada.
Skyhigh Resources Ltd	82-1495	Do.
Skylark Resources Ltd	82-1232	Do.
Skyline Explorations Ltd	82-1449	Do.
Skyworld Resources & Developments Ltd	82-1698	Do.
Slumber Magic Adjustable Bed	82-2057	Do.
Snowater Resources Ltd	82-1618	Do.
Societe Nationale Elf Aquitane	82-2046	France.
Softkey Software Products Inc	82-1623	Canada.
Solo International Resources	82-2000	Do.
Solo Petroleums Ltd	82-2016	Canada.
Solomon Pacific Resources NL	82-2021	Australia.
Sonatel Telecommunications Corp	82-1416	Canada.
Sons of Gwalia NL	82-1039	Australia.
South African Breweries Ltd	82-303	South Africa.
South Roodepoort Main Reef Areas Ltd	82-930	Do.
Southafrican Land & Exploration Co. Ltd	82-59	Do.
Southern Pacific Petroleum NL	82-353	Australia.
Southern Star Resources Ltd	82-1043	Canada.
Southlands Mining Corp	82-1661	Do.
Southvaal Holdings Ltd	82-197	South Africa.
Spargos Exploration NL	82-1441	Australia.
SPI Safety Packaging International Ltd	82-1922	Canada.
Springfield Resources Ltd	82-1142	Do.
Springlake Resources Ltd	82-1968	Do.
Stallion Resources Ltd	82-807	Do.
Starfie Industries Ltd	82-1255	Do.
Stelco Inc	82-141	Do.
Stella Resource Corp	82-1208	Do.
Stet Societa Finanziaria Telefonica PA	82-1073	Italy.
Stilfontein Gold Mining Co. Ltd	82-301	South Africa.
Stina Resources Ltd	82-2062	Canada.
Stralak Resources Ltd	82-976	Do.
Stratas Corp. Ltd	82-1448	Do.
Strategic Communications Ltd	82-1778	Do.
Stryker Resources Ltd	82-883	Do.
Sub Nigel Gold Mining Co. Ltd	82-1798	South Africa.
Sulphurets Gold Corp	82-1858	Canada.
Sumac Ventures Inc	82-1538	Do.
Sun Entertainment Holding Corp	82-1776	Do.
Sun Hung Kai Properties Ltd	82-1755	Hong Kong.
Sun River Gold Corp	82-1349	Canada.
Sun Valley Gold Mines Ltd	82-1578	Do.
Sun Valley ID & Red Lake Resources Ltd	82-1928	Do.
Sunmist Energy 86 Inc	82-1559	Do.
Sunshine Australia Ltd	82-1223	Australia.
Suntree Investments International Corp	82-2031	Canada.
Supertech Industries Inc	82-1781	Do.
Supreme Resources Inc	82-1249	Do.
Surf Inlet Mines Ltd	82-2067	Do.
Sutton Resources Ltd	82-910	Do.
Swan Resources Ltd	82-477	Australia.
Systems Designers PLC	82-1168	United Kingdom.
T E N Private Cable Systems Inc	82-1563	Canada.
T I Travel International Inc	82-1817	Do.
TAB Ventures Corp	82-1642	Do.
Tamara Resources Inc	82-1214	Do.
Tarn Pure Technology Corp	82-1145	Do.
Taro-Vit Industries Ltd	82-210	Israel.
Tarron Resources Ltd	82-1881	Canada.
Tatlar Resources Ltd	82-2003	Do.
Taywin Resources Ltd	82-1546	Do.
Tchaikazan Enterprises Inc	82-1660	Do.
Technigen Platinum Corp	82-1456	Do.
Teeshin Resources Ltd	82-891	Do.
Teijin Seiki Co. Ltd	82-1493	Japan.
Telectronics Holdings Ltd	82-1551	Australia.
Telefonos de Mexico SA	82-332	Mexico.
Telesis Corp. Inc	82-1568	Canada.
Tenajon Silver Corp	82-2032	Do.
Tenquille Resources Ltd	82-1907	Do.
Terracamp Developments Ltd	82-1946	Do.
Terrace Industries Ltd	82-1261	Do.
Terrex Resources Ltd	82-846	Australia.
Teryl Resources Corp	82-2026	Canada.
Teuton Resources Corp	82-1394	Do.
Texas Northern Oil & Gas Inc	82-1843	Do.
The J C Smith Marketing Corp	82-1934	Do.
Thios Resources Inc	82-1909	Do.
Thorn EMI Ltd	82-373	United Kingdom.
Thunder Engines Corp	82-1052	Canada.
Tiffany Resources Inc	82-1550	Do.

Company	File No.	Country
Tiphook PLC	82-1878	United Kingdom.
TME Resources Inc	82-1200	Canada.
Toronto Dominion Bank	82-142	Do.
Toyobo Co Ltd	82-1172	Japan.
Toyota Motor Co. Ltd	82-208	Do.
Trac Industries Inc	82-1098	Canada.
Trafalgar House PLC	82-1894	United Kingdom.
Trans America Industries Ltd	82-1980	Canada.
Trans Atlantic Resources Inc	82-1692	Do.
Trans Rampart Industries Ltd	82-1058	Do.
Transvaal Consolidated Land & Exploration Co	82-304	South Africa.
Treasure Island Resources Corp	82-750	Canada.
Tri Gold Industries Inc	82-1833	Do.
Tri Pacific Resources ltd	82-1733	Do.
Triad Minerals N L	82-1595	Australia.
Trian Equities Ltd	82-468	Canada.
Trinity Resources Ltd	82-610	Do.
Triple M Mining Corp	82-1699	Do.
Triumph Petroleums Ltd	82-1668	Do.
Tropical Submarine Safaris Ltd	82-908	Do.
True North Film & Video Productions Inc	82-1800	Do.
Tylox Resource Corp	82-1053	Do.
U S Grant Gold Mining Co. Ltd	82-1915	Do.
U Save Foods Ltd	82-1898	Do.
Ultramar PLC	82-871	United Kingdom.
Umbertos Pasta Enterprises Inc	82-1324	Canada.
Unilens Optical Corp	82-1988	Do.
Union Fidelity Trustee Company of Australia Ltd	82-1443	Australia.
Unique Resources Ltd	82-1927	Canada.
Unisel Gold Mines Ltd	82-236	South Africa.
United Keno Hill Mines Ltd	82-61	Canada.
United Siscoe Mines Inc	82-194	Do.
Univex Mining Corp. Ltd	82-1805	Do.
US Ammunition Co. Ltd	82-1509	Do.
US Platinum Inc	82-714	Do.
UT Technologies Ltd	82-1891	Do.
Vaal Reefs Exploration & Mining Co. Ltd	82-56	South Africa.
Valentine Gold Corp	82-1959	Canada.
Valley Oil & Gas Corp	82-1991	.
Vananda Gold Ltd	82-1883	Do.
Vancouver Venture Corp	82-1998	Do.
Vanstates Resources Ltd	82-1436	Do.
Veitscher Magnesitwerke AG	82-1573	Austria.
Velcro Industries NV	82-145	Netherlands.
Venterspost Gold Mining Co. Ltd	82-216	South Africa.
Verdstone Gold Corp	82-1735	Canada.
Vertex Resources Ltd	82-1596	Do.
Viceroy Resource Corp	82-1193	Do.
Vickers Public Ltd. Co	82-1359	United Kingdom.
Victoria Exploration N L	82-322	Australia.
Visible Gold Inc	82-2019	Canada.
Vlakfontein Gold Mining Co. Ltd	82-217	South Africa.
Voicecall Ltd	82-1189	Australia.
VSC Technology Inc	82-1593	Canada.
VTL Venture Corp	82-1419	Do.
WCN Investment Corp	82-1592	Do.
W C W Western Canada Water Enterprises Inc	82-1885	Do.
Walhalla Mining Co. NL	82-1036	Australia.
War Eagle Mining Co	82-2008	Canada.
Watcor Purification Systems Inc	82-1284	Do.
Welkom Gold Holdings Ltd	82-57	South Africa.
West Delta Resources Ltd	82-1535	Canada.
West Mar Resources Ltd	82-751	Do.
West Rand Consolidated Mines Ltd	82-314	South Africa.
West Rim Resources Inc	82-1680	Canada.
Western Areas Gold Mining Co. Ltd	82-268	South Africa.
Western Deep Levels Ltd	82-58	Do.
Westlake Industries Inc	82-821	Canada.
Westley Mines Ltd	82-1088	Do.
Whim Creek Consolidated NL	82-1246	Australia.
Wilanour Resources Ltd	82-63	Canada.
Williams Holdings PLC	82-1889	United Kingdom.
Winkelhaak Mines Ltd	82-221	South Africa.
Winslow Gold Corp	82-1802	Canada.
Wonder Marine Resources Ltd	82-1787	Do.
Woolworths Ltd	82-870	Australia.
Wydmar Development Corp	82-2056	Canada.
^ Cal Resources Ltd	82-1655	Do.
Xenium Resources Ltd	82-1717	Do.
Yellow Band Resources Inc	82-1884	Do.
Yellowjack Resources Ltd	82-1765	Do.
Yukon Minerals Corp	82-1635	Do.

Company	File No.	Country
Zanex Ltd	82-932	Australia.
Zebec Resources Ltd	82-1759	Canada.
Zenith Metals Recovery Inc	82-1723	Do.
Zuni Energy Corp	82-1669	Do.
2001 Resource Industries	82-1187	Do.

DEPARTMENT OF STATE

[CM-8/1202]

National Committee for the U.S. Organization for the International Consultative Committee on Radio (CCIR); Meeting

CCIR Study Group II concerning Space Research and Radio-astronomy will meet on August 10, 1988 at NASA Headquarters, 600 Independence Avenue, Washington, DC in Room 521J at 1:00 P.M. to review work and consider contributions for its next international meeting.

Members of the general public are invited to attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available.

Request for further information should be directed to Mr. Richard Shrum, State Department, Washington, DC, telephone (202) 647-2592.

Date: July 18, 1988.

Richard Shrum,

Chairman, CCIR National Committee.

[FR Doc. 88-16310 Filed 7-19-88; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/1204]

Oceans and International Environmental and Scientific Affairs Advisory Committee; Partially Closed Meeting

The Antarctic Section of the Oceans and International Environmental and Scientific Affairs Advisory Committee will meet at 10:00 a.m., Wednesday, August 10, 1988, in Room 1205, Department of State, 22nd and C Streets NW., Washington, DC.

At this meeting, officers responsible for Antarctic affairs in the Department of State will discuss the recently adopted Convention on the Regulation of Antarctic Mineral Resource activities. The upcoming first meeting of the Convention for the Conservation of Antarctic Seals, to be held in London, September 12-16, 1988, will be discussed, as will the seventh annual meeting of the Commission for the Conservation of Antarctic Marine Living Resources, to be held in Hobart, November 1988. Department officials will also be prepared to discuss other key issues and problems involving the Antarctic in the context of current domestic and international developments. This session will be open to the public. The public will be admitted to the session to the limits of seating capacity and will be given the opportunity to participate in discussion according to the instructions of the Chairman. As access to the Department of State is controlled, persons wishing to attend the meeting should enter the Department through the Diplomatic ("C" Street) Entrance. Department officials will be at the Diplomatic Entrance to escort attendees.

The Antarctic Section of the Oceans and International Environmental and Scientific Affairs Advisory Committee will also meet on Tuesday, August 9, in Room 1205, Department of State, 22nd and C Streets NW. The purpose of these discussions will be to elicit views concerning the further development of United States policy regarding Antarctic resources, particularly Antarctic mineral resources. The upcoming meetings on Antarctic marine living resources and on seals will also be discussed. The meeting will include classified briefings and examination and discussion of classified documents pursuant to Executive Order 12356. The disclosure of classified material and revelation of considerations which go into policy development would substantially undermine and frustrate the U.S. position in future meetings and negotiations. Therefore, the meeting will not be open to the public, pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(1) and 5 U.S.C. 552b(c)(9)(B).

Requests for further information on the meetings should be directed to R. Tucker Scully of OES/OPA, Room 5801, Department of State. He may be reached by telephone on (202) 647-3262.

Frederick M. Bernthal,

Chairman.

[FR Doc. 88-16311 Filed 7-19-88; 8:45 am]

BILLING CODE 4710-09-M

[CM-8/1203]

Shipping Coordinating Committee; Meeting

The Shipping Coordinating Committee (SHC) will conduct two special open meetings in August 1988 in preparation for further consideration of the subject of liability and compensation related to maritime carriage of hazardous and noxious substances (HNS) by the International Maritime Organization (IMO) Legal Committee. The first meeting will be held at 0930 on Tuesday, August 9, 1988 in Room 2415 of U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, DC 20593. The second meeting will be held at 0930 on Thursday, 18 August 1988 at the same location.

As noted at the special SHC meeting held previously on June 30, 1988, the purpose of these additional special meetings is to discuss the various approaches currently being developed for a possible new international regime for liability and compensation related to maritime carriage of HNS and to consider U.S. positions on this question for the 60th Session of the IMO Legal Committee scheduled to meet in London from 10-14 October 1988.

Members of the public are invited to attend the meeting, up to the seating capacity of the room.

For further information pertaining to the issues to be discussed at the Shipping Coordinating Committee meeting, contact either Captain Jonathan Collom or Lieutenant Commander Frederick M. Rosa, Jr., U.S. Coast Guard (G-LMI), Washington, DC, 20593, telephone (202) 267-1527.

Date: July 8, 1988.

Richard C. Scissors,

Chairman, Shipping Coordinating Committee.

[FR Doc. 88-16312 Filed 7-19-88; 8:45 am]

BILLING CODE 4710-07-M

[CM-8.1201]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea, Working Group on Ship Design and Equipment; Meeting

The Working Group on Ship Design and Equipment of the Subcommittee on

Safety of Life at Sea (SOLAS) will conduct an open meeting on August 4, 1988 at 9:30 a.m. in Room 2415 at Coast Guard Headquarters, 2100 Second Street SW., Washington, DC.

The purpose of the meeting will be to discuss the results of the 31st Session of the International Maritime Organization (IMO) Subcommittee on Ship Design and Equipment (DE), held March 7 to 11, 1988, and to prepare for the 32nd Session of IMO DE scheduled for December 5 to 9, 1988. Items of discussion will include the following: Harmonization of alarm provisions; maneuverability of ships, review of the MODU Code; helicopter facilities offshore; operating mechanisms for watertight doors and operating procedures in service, materials other than steel for pipes; below deck openings into cargo tanks; requirements for purpose- and non-purpose-built ships dedicated for the carriage of irradiated nuclear fuel; ventilation of vehicles decks during loading and unloading; amendments of regulation II-1/41 of the 1974 SOLAS Convention, as amended; and, review of reporting requirements of Codes and Assembly resolutions related to work of the Subcommittee.

Members of the public may attend up to the seating capacity of the room.

For further information contact Capitan J. C. Maxham at (202) 267-0795 or Lieutenant Commander P. A. Richardson at (202) 267-2206, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

Date June 21, 1988.

Richard C. Scissors,

Chairman, Shipping Coordinating Committee.

[FR Doc. 88-16313 Filed 7-9-88; 8:45 am]

BILLING CODE 4710-07-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preference (GSP); Review of Product Petitions, Public Hearings, and List of Articles To Be Sent to the U.S. International Trade Commission (USITC) for Review

SUMMARY: The purpose of this notice on the GSP annual review is (1) to announce the acceptance for review of petitions to modify the list of articles eligible to receive duty-free treatment under the GSP; (2) to announce the timetable for public hearings to consider petitions accepted for review; and (3) to announce that the list of articles herein will be sent by the United States Trade Representative to the USITC to seek advice with respect to modification of the list of eligible articles for GSP.

I. Acceptance of Product Petitions for Review

Notice is hereby given of acceptance for review of product petitions requesting modification of the list of articles eligible to receive duty-free treatment under the GSP, as provided for in Title V of the Trade Act of 1974 (the Act) (19 U.S.C. 2461-2465). These petitions were submitted, and will be reviewed, pursuant to regulations codified at 15 CFR Part 2007. Because of the complexity of country practice petitions submitted for review this year, notice of those petitions accepted for review will not be given until a later date.

1. Requests to Modify Product Eligibility

Petitions have been submitted by interested parties or foreign governments (1) to designate additional articles as eligible for the GSP; or (2) to withdraw, suspend or limit GSP duty-free treatment accorded either to eligible articles under the GSP or to individual beneficiary developing countries with respect to specific GSP eligible articles; or (3) to otherwise modify GSP coverage.

As in previous reviews, requests to add products to or remove them from the list of articles eligible for GSP duty-free treatment will be evaluated in accordance with the "graduation" policy. In considering GSP eligibility for products, limitations on GSP benefits will be considered for the more economically advanced beneficiary developing countries in specific products where it is determined that they have demonstrated sufficient competitiveness. Four criteria will be taken into account when any such graduation action is considered: the development level of individual beneficiary countries; their competitive position in the product concerned; the countries' practices relating to trade, investment and worker rights; and the overall economic interests of the United States. The GSP Subcommittee will review information for the relevant U.S. industry as enumerated in 15 CFR 2007.1(5) when considering the removal of any beneficiary developing country from GSP eligibility.

Product designations announced at the conclusion of the review process, therefore, may be made on a differential basis. This means that certain beneficiary developing countries may not be designated for GSP benefits on certain products even though those countries are not excluded under the competitive need provisions set forth in section 504(C)(1) of the Trade Act of 1974, as amended. It also is possible to withdraw GSP treatment on a product from certain beneficiary developing countries, or reduce the competitive need limit applicable to the countries and product in question, rather than remove the product entirely from GSP coverage.

2. Information Subject to Public Inspection

Information submitted in connection with the hearings will be subject to public inspection by appointment with the staff of the GSP Information Center, except for information granted "business confidential" status pursuant to 15 CFR 2003.6 and 15 CFR 2006.10. Briefs or statements must be submitted in twenty copies in English. If the document contains business confidential information, twenty copies of a nonconfidential version of the submission along with twelve copies of the confidential version must be submitted. In addition, the document containing confidential information should be clearly marked "confidential" at the top and bottom of each and every page of the document. The version that does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each and every page (either "public version" or nonconfidential").

3. Communications

All communications with regard to these hearings should be addressed to: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street NW., Room 517, Washington, DC 20506. The telephone number of the Secretary of the GSP Subcommittee is (202) 395-6971. Questions may be directed to any member of the staff of the GSP Information Center.

Acceptance for review of the petitions listed herein does not indicate any opinion with respect to a disposition on the merits of the petitions. Acceptance indicates only that the listed petitions have been found to be eligible for review by the GSP Subcommittee and the Trade Policy Staff Committee (TPSC), and that such review will take place.

II. Deadline for Receipt of Requests to Participate in the Public Hearings

The GSP Subcommittee of the TPSC invites submissions in support of or in opposition to any petition contained in this notice. All such submissions should conform to 15 CFR Part 2007, particularly §§ 2007.0, 2007.1(a)(1), 2007.1(a)(2), and 2007.1(a)(3). All submissions should identify the product of interest in terms of both the current

Tariff Schedules of the United States (TSUS) nomenclature and the proposed Harmonized System tariff nomenclature.

Hearings will be held on October 3–5 beginning at 10:00 a.m. in the Commerce Department auditorium, 14th and Constitution Avenue, NW., Washington, DC. The hearings will be open to the public and a transcript of the hearings will be made available for public inspection or can be purchased from the reporting company.

Requests to present oral testimony in connection with public hearings should be accompanied by twenty copies, in English, of all written briefs or statements and should be received by the Chairman of the GSP Subcommittee no later than the close of business Monday, September 12. Oral testimony before the GSP Subcommittee will be limited to five minute presentations that summarize or supplement information contained in briefs or statements submitted for the record. Post-hearing briefs or statements will be accepted if submitted in twenty copies, in English, no later than close of business Monday, October 24. Rebuttal briefs should be submitted in twenty copies, in English, by close of business Monday, November 21.

Parties not wishing to appear may submit written briefs or statements in twenty copies, in English, in connection with articles or countries under consideration in the public hearings, provided that such submissions are filed by Wednesday, October 26 and conform with the regulations cited above.

During 1988 and/or January 1989, an opportunity will be provided for the public to comment on nonconfidential USITC analysis. Notice of the availability of this analysis and the timetable for comment will be published in the **Federal Register.**

III. List of Articles Which May be Considered for Designation as Eligible Articles for Purposes of the GSP or for Waiver of the Competitive Need Limit and On Which the USITC Will be Asked to Provide Advice

1. In conformity with sections 502(a) and 131(a) of the Trade Act of 1974 as amended (19 U.S.C. 2543(A) and 2151(A)), notice is hereby given that the articles listed herein may be considered for designation as eligible articles for purposes of the GSP, or for modification of their current GSP status.

An article which is determined to be import sensitive in the context of the GSP cannot be designated as an eligible article. Recommendations with respect to the eligibility of any listed article will be made after public hearings have been held and advice has been received from the USITC on the probable effects of the requested modification in the GSP on industries producing like or directly competitive articles and on consumers.

2. As explained in 52 FR 10960, the Harmonized System tariff nomenclature is a new international product nomenclature developed under the auspices of the Customs Cooperation Council (CCC) for the purposes of classifying goods in international trade. The Harmonized System is expected to be implemented by the United States and intenationally on January 1, 1989, and will replace the current TSUS nomenclature. Product eligibility under the coverage of the GSP program is currently defined in terms of the five-digit TSUS classifications. However, upon implementation of the Harmonized System, the coverage of the GSP program will be defined in terms of the Harmonized System. Therefore, all product-related petitions must identify the product(s) of interest in terms of both the current TSUS nomenclature and the proposed Harmonzied System tariff nomenclature. The lists that follow describe the articles that have been accepted for review in this year's review in terms of both the TSUS nomenclature and the Harmonized System tariff nomenclature *or* in tems of only the Harmonized System. The TPSC reserves the right to convert all of its decisions to the Harmonized System nomenclature.

3. Advice of the United States International Trade Commission. On behalf of the President and in accordance with sections 503(A) and 131(A) of the Tade Act of 1974 as amended, the USITC is being furnished with the list of articles published herein for the purpose of securing from the USITC its advice on the probable economic effect on U.S. industries producing like or directly competitive articles, and on consumers, of the modification of the list of articles, eligible for GSP. Also, on behalf of the President and in accordance with section 504(c)(3)(A)(i) of the Act, the USITC is beng asked to furnish economic advice on the probable economic effect on U.S. industries producing like or directly competitive articles, and on consumers, of the granting of a waiver of competitive need limits for the products identified in section C of the lists which follow.

Sandra J. Kristoff,

Chairwoman, Trade Policy Staff Committee.

BILLING CODE 3190-01-M

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item no.	Article	Petitioner
		[The bracketed language in this list has been included only to clarify the scope of the numbered items which are being considered, and such language is not itself intended to describe articles which are under consideration.]	
A.		Petitions to add products to the list of eligible articles for the Generalized System of Preferences.	
		Grouped filaments and strips (in continuous form), whether known as tow, yarns, or by any other name: Wholly of grouped filaments (except laminated filaments and plexiform filaments): Of glass:	
88-1	309.28	Not colored	PPG Industries, Inc., Pittsburgh, PA
		Cyclic organic chemical products in any physical form having a benzenoid, quinoid, or modified benzenoid structure, not provided for in subpart A or C of part 1, schedule 4, of the TSUS: [Articles provided for in items 402.00 thru 402.32] Other: Alcohols, phenols, ethers (including epoxides and acetals), aldehydes, ketones, alcohol peroxides, ether peroxides, ketone peroxides, and their derivatives: [Articles provided for in items 403.16 thru 403.41] Other: Phenols and phenol-alcohols:	
88-2	403.51(pt.)	Phenol (Hydroxybenzene) and its salts	Government of Mexico; Fenoquimia, S.A. de C.V., Mexico

1/ Tariff Schedules of the United States (19 U.S.C. 1202).

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item no.	Article	Petitioner
A.		Petitions to add products to the list of eligible articles for the Generalized System of Preferences. (con.)	
		All other products, by whatever name known, not provided for in subpart A or C of part 1, schedule 4, of the TSUS, including acyclic organic chemical products, which are obtained, derived, or manufactured in whole or in part from any of the cyclic products having a benzenoid, quinoid, or modified benzenoid structure provided for in the foregoing provisions of subpart B or in subpart A of part 1, schedule 4, of the TSUS:	
		[Articles provided for in items 406.64 thru 406.83]	
88-3	406.84	Fumaric acid	Government of Mexico
		[Articles provided for in items 406.86 thru 407.01]	
		Other:	
88-4	407.05(pt.)	Maleic acid; and Malic acid	do.
		Fatty substances, not sulfonated or sulfated, and not specially provided for:	
		Fatty alcohols of animal (including marine animal) or vegetable origin:	
		[Oleyl]	
		Other:	
88-5	490.73	Derived from coconut, palm-kernel, or palm oil	Government of the Philippines
		Travertine and articles of travertine:	
88-6	515.21 2/	Travertine, not hewn, not sawed, not dressed, not polished, and not otherwise manufactured	Government of Peru
		Slide fasteners, and parts thereof including tapes in continuous lengths but not including tapes wholly of textile fibers:	
88-7	745.74	Parts	Government of Colombia
		or	
88-8	745.7450	Sliders, with or without pulls	do.
		or	
88-9	745.7490	Other	do.

1/ Tariff Schedules of the United States (19 U.S.C. 1202).
2/ Request is for GSP eligibility under the TSUS; is eligible for GSP under the HTS effective the date of implementation of the HTS.

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item no.	Article	Petitioner
		B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences.	
		Products suitable for medicinal use, and drugs: Obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of part 1, schedule 4, of the TSUS: Drugs: [Articles provided for in items 410.68 thru 411.27] Other: Drugs primarily affecting the central nervous system, except alkaloids and their derivatives: Analgesics, antipyretics, and nonhormonal anti-inflammatory agents:	
88-10	412.2220	Ibuprofen	Ethyl Corporation, Richmond, VA
		Nitrogenous compounds:	
88-11	425.18	Hexamethylenetetramine	Wright Chemical Corporation, Wilmington, NC
		Pipe and tube fittings of iron or steel: [Articles provided for in items 610.62 thru 610.74] Other fittings: [Ductile fittings] Other: [Flanges; couplings] Other: Butt-weld type fittings: Under 14 inches (inside diameter):	
88-12	610.88	Other than alloy iron or steel	The United States Butt-Weld Fitting Committee, Washington, DC

1/ Tariff Schedules of the United States (19 U.S.C. 1202).

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item no.	Article	Petitioner
B.		Petitions to remove products from the list of eligible articles for the Generalized System of Preferences. (con.)	
		Other base metals, unwrought, and waste and scrap of such metals:	
		Other than alloys; and waste and scrap:	
		Silicon:	
88-13	632.42	Containing by weight not over 99.7 percent of silicon	The Ferroalloys Association, Washington, DC
		Hydrometers and similar floating instruments; thermometers, pyrometers, barometers, hygrometers, and psychrometers, whether or not recording instruments; any combination of the foregoing instruments; and articles in which one or more of such instruments are incorporated as significant integral parts and which are ordinarily used in the home or office where they are usually hung on the wall, or placed in mantels, shelves, or furniture:	
		Thermometers, pyrometers, barometers, hygrometers, and psychrometers, whether or not recording instruments:	
		Non-recording instruments:	
		Thermometers:	
		Liquid-filled thermometers with the graduations on the tube or on a scale enclosed within an outer shell:	
88-14	711.31	Clinical	Florida Medical Industries, Inc., Leesburg, FL

1/ Tariff Schedules of the United States (19 U.S.C. 1202).

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item no.	Article	Petitioner
C. Petitions for waiver of competitive-need limit for a product on the list of eligible products.			
		Toys, and parts of toys, not specially provided for: [Toys having a spring mechanism] Other: [Articles provided for in items 737.85 thru 737.96] Other: [Toys having a friction or weight operated motor] Other (except parts): Wholly or almost wholly of rubber or plastics:	
88-15	737.9836 (Mexico)	Toy balloons and punchballs	American Imports, Inc., Irvine, CA

1/ Tariff Schedules of the United States (19 U.S.C. 1202).

Annex II

Petitions Accepted for Review

Case No.	HTS Subheading 1/	Article	Petitioner
		[The bracketed language in this list has been included only to clarify the scope of the numbered subheadings which are being considered, and such language is not itself intended to describe articles which are under consideration.]	
A.		Petitions to add products to the list of eligible articles for the Generalized System of Preferences.	
		Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols:	
		Industrial fatty alcohols:	
		Derived from fatty substances of animal or vegetable origin:	
		[Oleyl]	
88-HS-1	1519.30.40	Other	Government of the Philippines
		Acyclic alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives:	
		Saturated monohydric alcohols:	
88-HS-2	2905.17.00	Dodecan-1-ol (Lauryl alcohol), hexadecan-1-ol (Cetyl alcohol) and octadecan-1-ol (Stearyl alcohol)	do.
		Phenols; phenol-alcohols:	
		Monophenols:	
88-HS-3	2907.11.00	Phenol (Hydroxybenzene) and its salts	Government of Mexico; Fenoquimia, S.A. de C.V., Mexico

1/ Harmonized Tariff Schedule of the United States (USITC Publication 2030).

Annex II

Petitions Accepted for Review

Case No.	HTS Subheading 1/	Article	Petitioner
A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences. (con.)			
		Polycarboxylic acids, their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulfonated, nitrated or nitrosated derivatives: Acyclic polycarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives: [Articles provided for in subheadings 2917.11.00 thru 2917.14.50] Other:	
88-HS-4	2917.19.15	Fumaric acid: Derived in whole or in part from aromatic hydrocarbons	Government of Mexico
		Maleic acid; Succinnic acid derived in whole or in part from maleic anhydride or from cyclohexane; Glutaric acid derived in whole or in part from cyclopentanone; and anhydrides, halides, peroxides, peroxyacids and other derivatives of adipic acid, fumaric acid derived in whole or in part from aromatic hydrocarbons, of maleic acid, of succinnic acid derived in whole or in part from maleic anhydride or from cyclohexane or of glutaric acid derived in whole or in part from cyclopentanone, not elsewhere specified or included: [Products described in additional U.S. note 3 to section VI of the HTS] Other:	
88 HS-5	2917.19.2510	Maleic acid	do

1/ Harmonized Tariff Schedule of the United States (USITC Publication 2030).

Annex II

Petitions Accepted for Review

Case No.	HTS Subheading 1/	Article	Petitioner
A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences. (con.)			
		Carboxylic acids with additional oxygen function and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulfonated, nitrated or nitrosated derivatives:	
		Carboxylic acids with alcohol function but without other oxygen function, their anhydrides halides, peroxides, peroxyacids and their derivatives:	
		[Articles provided for in subheadings 2918.11.00 thru 2918.17.50]	
		Other:	
		[Aromatic:]	
		Other:	
88-HS-6	2918.19.50(pt.)	Malic acid	Government of Mexico
		Mixed alkylbenzenes and mixed alkylnaphthalenes, other than those of heading 2707 or 2902 of the HTS:	
88-HS-7	3817.10.00	Mixed alkylbenzenes	Shrieve Chemical Products, Inc., The Woodlands, Texas
		Glass fibers (including glass wool) and articles thereof (for example, yarn, woven fabrics):	
		Slivers, rovings, yarn and chopped strands:	
88-HS-8	7019.10.40	Rovings	PPG Industries, Inc., Pittsburgh, PA
		Slide fasteners and parts thereof:	
88-HS-9	9607.20.00	Parts	Government of Colombia
		or	
88-HS-10	9607.20.0040	Sliders, with or without pulls	do.
		or	
88-HS-11	9607.20.0080	Other	do.

1/ Harmonized Tariff Schedule of the United States (USITC Publication 2030).

Annex II

Petitions Accepted for Review

Case No.	HTS Subheading 1/	Article	Petitioner
B.	Petitions to remove products from the list of eligible articles for the Generalized System of Preferences.		
		Hydrogen, rare gases and other nonmetals: Silicon: [Containing by weight not less than 99.99 percent of silicon] Other:	
88-HS-12	2804.69.10	Containing by weight less than 99.99 percent but not less than 99 percent of silicon	The Ferroalloys Association, Washington, DC
		Unsaturated acyclic monocarboxylic acids, cyclic monocarboxylic acids, their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulfonated, nitrated or nitrosated derivatives: Aromatic monocarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives: [Articles provided for in subheadings 2916.31.10 thru 2916.33.50] Other:	
88-HS-13	2916.39.15	Ibuprofen	Ethyl Corporation, Richmond, VA
		Heterocyclic compounds with nitrogen hetero-atom(s) only; nucleic acids and their salts: [Articles provided for in subheadings 2933.11.00 thru 2933.79.50] Other: [Aromatic or modified aromatic:] Other:	
88-HS-14	2933.90.47	Hexamethylenetetramine	Wright Chemical Corporation, Wilmington, NC

1/ Harmonized Tariff Schedule of the United States (USITC Publication 2030).

Annex II

Petitions Accepted for Review

Case No.	HTS Subheading 1/	Article	Petitioner
B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences. (con.)			
		Tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel: [Articles provided for in subheadings 7307.11.00 thru 7307.29.00]	
		Other: Butt welding fittings: With an inside diameter of less than 360 mm:	
88-HS-15	7307.93.30	Of iron or nonalloy steel	The United States Butt-Weld Fitting Committee, Washington, DC
		Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments; parts and accessories thereof: Thermometers, not combined with other instruments: Liquid-filled, for direct reading:	
88-HS-16	9025.11.20	Clinical	Florida Medical Industries, Inc., Leesburg, FL

1/ Harmonized Tariff Schedule of the United States (USITC Publication 2030).

Annex II

Petitions Accepted for Review

Case No.	HTS Subheading 1/	Article	Petitioner
C. Petitions for waiver of competitive-need limit for a product on the list of eligible products.			
		Other toys; reduced-size ("scale") models and similar recreational models, working or not; puzzles of all kinds; and accessories thereof: [Articles provided for in subheadings 9503.10.00 thru 9503.80.80]	
		Other: [Kites] Other:	
88-HS-17	9503.90.50 (Mexico)	Inflatable toy balls, balloons and punchballs	American Imports, Inc., Irvine, CA
88-HS-18	9503.90.60 (Mexico)	Other toys (except models), not having a spring mechanism	Mattel, Inc., Hawthorne, CA; Kenner Parker Toys, Inc., Cincinnati, OH
88-HS-19	9503.90.70 (Mexico)	Other	do.

1/ Harmonized Tariff Schedule of the United States (USITC Publication 2030).

[FR Doc. 88-16303 Filed 7-19-88; 8:45 am]
BILLING CODE 3190-01-C

Implementation of Amendments to Specialty Steel Import Relief

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This notice revises the allocation for Austria for the restraint period July 20, 1988 through January 19, 1989 of the quotas currently applicable to imports of certain stainless steel wire rod and makes modifications in the Tariff Schedules of the United States (TSUS) to implement this allocation.

EFFECTIVE DATE: July 20, 1988.

FOR FURTHER INFORMATION CONTACT: Robert Cassidy or Ann Reed, Office of the United States Trade Representative, (202) 395-4510.

SUPPLEMENTARY INFORMATION: Presidential Proclamation 5679 of July 16, 1987 (58 FR 27308) provided for the temporary imposition of increased tariffs and quantitative restrictions on certain stainless steel and alloy tool steel imported into the United States, pursuant to section 203 of the Trade Act of 1974. Proclamation 5679 authorizes the U.S. Trade Representative to take such actions and perform such functions for the United States as may be necessary to administer and implement the relief, including negotiating orderly marketing agreements and allocating quota quantities on a country-by-country basis. The U.S. Trade Representative is also authorized to make modifications in the TSUS headnote of items proclaimed by the President in order to implement such actions.

Accordingly, the U.S. Trade Representative has determined that Item 926.16, Schedule 9, Subpart A, Part 2 of the appendix to the TSUS be modified by changing the allocation for Austria and changing the quota quantity for "Other", for the restraint period July 20, 1988 through January 19, 1989, as follows:

Item	Articles	Quota quantity [1]
926.16	If entered during the period from July 20, 1988, through Jan. 19, 1989, inclusive:	
	Austria	"54"
	Other, except as provided in headnote 10(g)(ii) to this subpart.	"143"

[1] Quota quantity (in short tons) if entered during the restraint period: July 20 through Jan. 10.

I have determined that the above changes in the import relief are appropriate to carry out the authority granted by the President to the United States Trade Representative and the obligations of the United States, with due consideration to the interests of the domestic producers of such specialty steel. This action is subject to further modification.

Alan Holmer,

Deputy United States Trade Representative.

[FR Doc. 88-16452 Filed 7-19-88; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket S-835]

Mormac Marine Transport, Inc.; Application for a Modification

Notice is hereby given that Mormac Marine Transport, Inc. (MMT) by letter dated July 14, 1988, has applied to the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended (Act), for modification to the written permission granted to Moore McCormack Bulk Transport, Inc. pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended, and Article II-13 of Operating-Differential Subsidy Agreement No. MA/MSB-295 for certain affiliations among officers and directors of Mormac Marine Group, Inc., formerly, Barker Associates, Inc., (Mormac Marine) and the Interlake Holding Company (Interlake Holding) and its subsidiaries.

By letter of March 20, 1987, to counsel for Moore McCormack Bulk Transport, Inc., the Maritime Administrator granted written permission for James R. Barker to own a pecuniary interest in, and to control Interlake Holding and Mormac Marine and through them, Interlake Steamship Company (Interlake), Interlake Leasing II, Inc., formerly Moore McCormack Leasing II, Inc. (Leasing) and MMT for the same scope of domestic ownership and operations by Interlake and Leasing as is contained in Article I-11 of MMT's Operating-Differential Subsidy Agreement. In addition, Maritime Administrator granted permission for any common officers and directors, so long as Mr. Barker's direct or indirect control of the companies exists.

MMT requests that this permission be modified to permit common ownership, officers and directors of Interlake, Leasing, and MMT, without a specific reference to Mr. Barker, in order to accommodate the sale of certain portions of the stock in Mormac Marine and Interlake Holding to Paul R. Tregurtha.

Fifty percent of the issued and outstanding common stock of Mormac Marine would be sold by Mr. Barker and members of his family to Mr. Tregurtha. Following the acquisition of the stock by Mr. Tregurtha, Mr. Tregurtha would become Chairman of Mormac Marine and Mr. Barker would become Vice Chairman of Mormac Marine. Mr. Barker and Mr. Tregurtha will, for the duration of any outstanding Title XI debt, retain voting control of the Mormac Marine stock.

Twenty-seven and one-half percent of the issued and outstanding common stock of Interlake Holding would also be sold to Mr. Tregurtha by Mr. Barker and members of his family. Mr. Barker, members of Mr. Barker's family, and Mr. Tregurtha will enter into a voting agreement pursuant to which Mr. Barker and Mr. Tregurtha will have the power, collectively, to vote 100 percent of the shares of Interlake Holding, each with equal voting power. Following the acquisition of Interlake Holding stock, Mr. Tregurtha will become Vice Chairman of Interlake Holding.

In order to accommodate the common ownership of Mormac Marine and Interlake Holding by Mr. Barker and Mr. Tregurtha, the permission granted to Bulk Transport pursuant to section 805(a) needs to be modified to permit common ownership as well as common officers and directors, deleting the reference to Mr. Barker.

Any person, firm or corporation having any interest (within the meaning of section 805(a) in MMT's request and desiring to submit comments concerning the request must by 5:00 p.m. on July 27, 1988 file written comments in triplicate with the Secretary, Maritime Administration, together with petition for leave to intervene. the petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petition for leave to intervene is received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating

exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies)).

By Order of the Maritime Administrator.

Date: July 18, 1988.

James E. Saari,

Secretary.

[FR Doc. 88-16380 Filed 7-19-88; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: July 14, 1988.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

U.S. Customs Service

OMB No.: 1515-0100.

Form No.: None.

Type of Review: Extension.

Title: Customhouse Brokers.

Description: 19 CFR Part 111, requires various types of information from customhouse brokers to ensure statutory and regulatory compliance. The information is used for audit and investigations of interstate theft, narcotics smuggling, and prevents persons connected with organized crime syndicates from penetrating the industry.

Respondents: Small businesses or organizations.

Estimated Number of Respondents:

Reporting: 2,246.

Recordkeeping: 4,682.

Estimated Burden Hours Per Response:

Reporting: 2 hours 15 min.

Recordkeeping: 308 hours 20 min.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 1,448,633 hours.

Clearance Officer: John Poore, (202) 566-2491, U.S. Customs Service, Room 6333, 1301 Constitution Avenue NW., Washington, DC 20229.

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Officer Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 88-16256 Filed 7-19-88; 8:45 am]

BILLING CODE 4810-25-M

Office of the Secretary

[Supplement to Department Circular; Public Debt Series No. 18-88]

Treasury Notes; Series G-1995

July 13, 1988.

The Secretary announced on July 12, 1988, that the interest rate on the notes designated Series G-1995, described in Department Circular—Public Debt Series—No. 18-88 dated July 6, 1988, will be 8⅞ percent. Interest on the notes will be payable at the rate of 8⅞ percent per annum.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

[FR Doc. 88-16246 Filed 7-19-88; 8:45 am]

BILLING CODE 4810-40-M

Customs Service

TSUSA/HTSUS Cross Reference Clarification

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of Use Limitations on TSUSA/HTSUS Cross Reference (USITC Publication 2051).

SUMMARY: The TSUSA/HTSUS Cross Reference Document is being improperly used by members of the international trade community as a substitute for the traditional tariff classification process. This notice informs interested persons that the use of the document provides only the probable classification of goods under the proposed Harmonized System and is not binding on the Customs Service.

EFFECTIVE DATE: July 20, 1988.

FOR FURTHER INFORMATION CONTACT: Hubbard L. Volenick, International Nomenclature Staff, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229 (202) 566-8530.

Notice

In January 1988, the United States International Trade Commission (USITC) published a Report to the President under section 332 of the Tariff Act of 1930, entitled "Continuity of Import and Export Trade Statistics After Implementation of the Harmonized Commodity Description and Coding System." The report, USITC publication 2051, was prepared in response to a request by the United States Trade Representative (USTR) in a effort to provide the international trade community with a means to bridge the current Tariff Schedules of the United States Annotated (TSUSA) and the proposed Harmonized Tariff Schedule of the United States (HTSUS). The proposed HTSUS is based on the Harmonized System, a nomenclature system developed by the Customs Cooperation Council for use in the Classification of goods for customs tariff, statistical and transport documentation purposes. The draft legislation to implement the Harmonized System in the U.S. is presently pending before the Congress. The Customs Service is currently providing the public upon request with advisory Harmonized System classification rulings.

The TSUSA/HTSUS cross-references are designed to assist the user in translating a known classification in the TSUSA into a likely classification under the HTSUS, *and should not be viewed as a substitute for the traditional tariff classification process.* The user is strongly cautioned against relying on the cross-references in order to determine appropriate tariff classifications under the proposed HTSUS. Such determinations can only be made by the U.S. Customs Service and depend upon the condition of an article as imported, the applicable article provisions and rules of classification set out in the proposed HTSUS, and the body of customs practices and regulations relevant to the importation.

Dated: July 13, 1988.

Michael H. Lane,

Acting Commissioner of Customs.

[FR Doc. 88-16282 Filed 7-19-88; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 139
Wednesday, July 20, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, Thursday, July 21, 1988, 10:00 a.m.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Voluntary Standards Policy Regulation

The staff will brief the Commission on proposed amendments to the Commission's regulations 16 CFR Parts 1031 and 1032 concerning staff participation in voluntary standards activities.

2. Bunk Beds Petition CP 86-2

The Commission will consider petition CP 86-2 requesting the Commission to issue a mandatory standard for bunk beds to address risks of injury to children from falls, entrapment, and strangulation.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301-492-5709.

PERSON FOR ADDITIONAL INFORMATION CONTACT: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md 20207, 301-492-6800.

Sheldon D. Butts,
Deputy Secretary.
July 18, 1988.

[FR Doc. 88-16420 Filed 7-18-88; 2:26 pm]
BILLING CODE 6355-01-M

COUNCIL ON ENVIRONMENTAL QUALITY

DATE, TIME AND PLACE: Monday, July 25, 1988, 10:00 a.m., Council on Environmental Quality Conference Room, First Floor, 722 Jackson Place, NW., Washington, DC 20503.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. The Council will be hearing a presentation from representatives of the U.S. Environmental Protection Agency on privatization of environmental financing.
2. Others matters may be discussed.

FOR FURTHER INFORMATION CONTACT: Lynne Grant Mohr, Administrative Specialist, Council on Environmental Quality, 722 Jackson Place, NW., Washington, DC 20503; Telephone: (202) 395-3742.

Dinah Bear,
General Counsel.
[FR Doc. 88-16422 Filed 7-18-88; 2:26 pm]
BILLING CODE 3125-01-M

FEDERAL HOME LOAN MORTGAGE CORPORATION

DATE AND TIME: Wednesday, July 20, 1988, 4:30 p.m.

PLACE: 1776 G Street, NW., Board Room, Third Floor, Washington, DC 20006.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION: Alan Hausman, 1759 Business Center Drive, P.O. Box 4115, Reston, Virginia 22090, (703) 759-8405.

MATTERS TO BE CONSIDERED: .

Closed: Minutes of May 16, 1988 and June 2, 1988, Board of Directors' Meetings.
Closed: President's Report.
Closed: Briefing on Underwriting Guidelines.
Closed: SS&TG Activities.
Closed: Financial Report.

Date sent to **Federal Register:** July 15, 1988.

Maud Mater,
Secretary.
[FR Doc. 88-16368 Filed 7-18-88; 9:55 am]
BILLING CODE 6719-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Notice forwarded to **Federal Register** on July 13, 1988.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Wednesday, July 20, 1988.

CHANGES IN THE MEETING: Deletion of the following open item(s) from the agenda: Proposed book-entry securities service pricing change regarding reversal transactions.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Date: July 15, 1988.

James McAfee,
Associate Secretary of the Board.
[FR Doc. 88-16356 Filed 7-18-88; 8:56 am]
BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 2:00 p.m., Sunday July 24, 1988.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: July 15, 1988.

James McAfee,
Associate Secretary of the Board.
[FR Doc. 88-16370 Filed 7-18-88; 9:56 am]
BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 1:30 p.m., Wednesday, July 27, 1988.

PLACE: Filene Board Room, 7th Floor, 1776 G. Street, NW., Washington, DC 20456.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of previous open meeting.
2. Economic Commentary.
3. Federal Credit Union Loan Interest Rate Ceiling.
4. Central Liquidity Facility Report and Review of CLF Lending Rate.
5. Insurance Fund Report including Briefing on Normal Operating Level.
6. Semiannual agenda of regulations.
7. Regulatory review of NCUA's rules and regulations:
   a. Final Amendments to Part 791, Rules of Board Procedure.
   b. Final Amendments to § 701.33, Reimbursement and Indemnification.
   c. Final Amendments to § 747.501 through 747.506, Rules and Procedures Relating to Suspension and Removal Actions under section 206(g) of the Federal Credit Union Act.
   d. Repeal of Part 761, Share Draft Programs for Federally Insured State Chartered Credit Unions.

8. Request by Napa County Employees FCU to Convert to a Community Charter.

TIME AND DATE: 9:00 a.m., Tuesday, July 26, 1988. .

PLACE: Filene Board Room, 7th Floor, 1776 G. Street, NW., Washington, DC 20456.

STATUS: Closed. .

MATTERS TO BE CONSIDERED:

1. Approval of minutes of previous closed meetings.
2. Requests for exemption from § 701.21(h)(2)(ii), NCUA rules and regulations. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Administrative action under section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Administrative action under section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (5), (7), and (8).
5. Proposed reorganization of ADP Oversight Committee. Closed pursuant to exemption (2).
6. NCUA's FY 89 and FY 90 Budgets. Closed pursuant to exemptions (2) and (9)(B).
7. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 357–1100.

Becky Baker,

Secretary of the Board.

[FR Doc. 88–16457 Filed 7–18–88; 3:12 pm]

BILLING CODE 7535-01-M

Corrections

Federal Register
Vol. 53, No. 139
Wednesday, July 20, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1079

[Docket No. AO-295-A38-; DA-88-111]

Milk in the Iowa Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Correction

In proposed rule document 88-15877 beginning on page 26446 in the issue of Wednesday, July 13, 1988, make the following correction:

§ 1079.2 [Corrected]

On page 26446, in the third column, in § 1079.2(c), in the first line, after "Clark," insert "Grundy,".

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Commodity Credit Corporation

7 CFR Part 1421

Price Support and Production Adjustment Programs

Correction

In rule document 88-11362 beginning on page 20280 in the issue of Friday, June 3, 1988, make the following corrections:

On page 20287, in the third column, in the 16th and 18th lines, "§ 1421.16" should read "§ 1421.18".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-41029; FRL-3381-7]

Twenty-second Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals

Correction

In notice document 88-11254 beginning on page 18196 in the issue of Friday, May 20, 1988, make the following corrections:

1. On page 18203, in the second column, in the ninth line, "B-Methyl" should read "B-Methyl".

2. On page 18204, in the third column, in the sixth line under the equation, "$\leq 260^{\circ}C$" should read "$>260^{\circ}C$".

3. On the same page, in the same column, in the 18th line under the equation, "Procter" was misspelled.

4. On page 18207, in the second column, the 19th line from the bottom should read: "*Log Adsorption Coefficient (log K_{oc})*:"

5. On page 18208, in the second column, in the first complete paragraph, the 21st line should read "0.35 ug/L of these compounds (Ref. 5,".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 88N-0242]

Hydrocortisone Acetate and Pramoxine Hydrochloride; Drugs for Human Use; Proposal To Withdraw Approval; Opportunity for a Hearing

Correction

In notice document 88-14876 beginning on page 25813 in the issue of Friday, July 1, 1988, make the following corrections:

1. On page 25013, in the first column, under **SUMMARY**, in the 13th line, between "that"and "hydrochloride" insert "pramoxine".

2. On the same page, in the third column, at the beginning of the fourth and sixth lines, "Cream" should read "Lotion".

BILLING CODE 1505-01-D

federal register

Wednesday
July 20, 1988

Part II

Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 55

Explosive Materials in the Fireworks Industry; Notice of Proposed Rulemaking

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 55

[Notice No. 665; re Notice No. 530]

Explosive Materials in the Fireworks Industry

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) proposes to amend regulations in 27 CFR Part 55 to modify certain regulations and add new sections in Subpart K dealing with storage to specifically address the fireworks industry.

The proposed regulations are a result of increased concern about the number and severity of explosions which have occurred on the premises of special fireworks industry members and recent tests on certain stored fireworks explosive materials.

DATE: Written comments must be received by September 19, 1988.

ADDRESSES: Send written comments to: Chief, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 189, Washington, DC 20044–0189. Copies of the written comments received in response to this notice will be available for public inspection during normal business hours at: ATF Reading Room, Room 4406, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lawrence White, ATF Specialist, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, (202) 566–7591.

SUPPLEMENTARY INFORMATION: The Bureau of Alcohol, Tobacco and Firearms (ATF) has become increasingly concerned about the number and severity of explosions which have occurred on the premises of special fireworks plants. Serious explosions have occurred which resulted in multiple deaths, serious injuries, damage to surrounding property, and the partial or complete destruction of special fireworks factories.

ATF is particularly concerned about the safe storage of special fireworks explosive materials. These are large fireworks designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion, deflagration, or explosion. They are classified as Class B explosives by the Department of Transportation in 49 CFR 173.88(d).

Most explosions occur while explosive materials are held in a building or area during an assembly process. The quantity and type of special fireworks explosive materials allowed to be held outside an approved storage magazine and in a building or area during an assembly process have not been the subject of specific regulations.

During May of 1985, the Bureau of Mines conducted tests for ATF to determine the sensitivity of special fireworks explosive materials to an accidental explosion when in storage. The results of these tests showed that special fireworks explosive materials are more sensitive to an accidental explosion than previously believed. As a result of these tests and industry recommendations, ATF published ATF Rul. 85–13, A.T.F.Q.B. 1985–3, 47, to provide that:

(1) No more than 10 pounds of flash powder used in special fireworks may be kept outside of an approved magazine and in any one processing building or area during a day's assembling operations;

(2) No more than 500 pounds of other explosive materials may be kept outside of an approved magazine and in any one processing building or area during a day's assembling operations; and

(3) Holding up to 10 pounds of flash powder or 500 pounds of other explosive materials used in special fireworks beyond the completion of the workday will require that the processing building or area be located in accordance with the table of distance requirements of 27 CFR 55.218.

The proposed regulations incorporate the provisions of this ruling by restricting the amount of flash powder and other explosive materials used in fireworks that may be kept outside of an approved magazine and in a processing building or area during a day's manufacturing or assembling operations. Quantities in excess of these amounts are not within the exemption in 27 CFR 55.205 for explosive materials "in the process of manufacture" and must be stored in approved magazines.

The proposed regulations also require that dry explosive powders and mixtures, and finished and unfinished special fireworks in a manufacturing, assembly, or processing premises at the conclusion of a day's operations, are not "in the process of manufacture" or "being handled in the operating process" for the purposes of 27 CFR 55.205. Thus, flash powder and other explosive materials used in fireworks must be stored in approved magazines.

ATF is also proposing by this notice to extend the high explosives classification to flash powder and bulk salutes for storage purposes since they can be made to detonate by means of a blasting cap when unconfined. Under the proposed regulations "bulk salutes" means unfinished salutes and finished salutes which are segregated from other special fireworks. However, when finished salutes have been packed into shipping containers with other special fireworks, they are subject to the same storage requirements as for low explosives.

It is anticipated that the reclassification of flash powder and bulk salutes as high explosives for the purpose of storage will have an adverse economic impact on a number of fireworks industry members.

Specifically, some industry members will incur a one-time cost of upgrading or purchasing a magazine to store fireworks explosive materials. Further, certain industry members have premises where a magizine could not be located to comply with the American Table of Distances.

These industry members would need to relocate their plant premises, reduce capacity or purchase or lease magazines at a location other than their existing premises to and from which their explosive materials would be transported. Therefore, to lessen the impact on existing industry members, ATF is proposing to allow a 12-month period from the effective date of these regulations for existing industry members to comply with the high explosives storage requirements for flash powder and bulk salutes.

In addition to incorporating the provisions of ATF Ruling 85–13 and extending the high explosives classification to flash powder and bulk salutes, ATF is proposing by the notice (1) to establish new "minimum separation of distance" tables applicable to fireworks plants, fireworks process buildings, and fireworks plant magazines, (2) to incorporate provisions of ATF Rul. 79–8, A.T.F.Q.B. 1979–1, 27, relating to the recording of the quantity and description of special fireworks, and (3) to remove the recordkeeping requirement for licensees and permittees selling or disposing of exempt quantities of black powder.

The proposal relating to black powder would implement provisions of Pub. L. No. 99–308, 100 Stat. 449 (1986). Public Participation—Written Comments ATF is issuing this notice of proposed rulemaking to request comments concerning this proposed amendment of 27 CFR Part 55 and the initial regulatory

flexibility analysis. ATF is particularly interested in receiving any available detailed economic impact data during the comment period so that a final economic impact analysis can be made.

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

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 60-day comment period. The request should include reasons why the respondent believes a public hearing is necessary. The Director reserves the right to determine whether a public hearing should be held.

Executive Order 12291

In compliance with Executive Order 12291, 46 FR 13193 (1981), 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.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are applicable to this proposal. An initial regulatory flexibility analysis has been prepared and reads as follows.

Initial Regulatory Flexibility Analysis for Explosive Materials in the Fireworks Industry—Regulations (27 CFR Part 55)

Rationale for Agency Action

The law (18 U.S.C. 841–848) sets forth a Federal responsibility over the importation, manufacture, distribution, and storage of explosive materials. Regulations implementing the law contain the procedural and substantive requirements relative to, among other things, the storage of explosive materials. There has been an increase in the number and severity of explosions on the premises of special fireworks plants and ATF is particularly concerned about the safe storage of special fireworks, explosive materials. The quantity and type of special fireworks explosive materials allowed to be held outside an approved storage magazine and in a building or area during an assembly process have not been subject to specific regulations.

Objective and Legal Basis of the Proposed Rule

A. *Objective basis.* The objective basis of the proposed regulations is to extend the high explosives classification to certain special fireworks explosive materials for the purpose of storage and to establish new minimum separation of distance tables applicable to fireworks plants, fireworks process buildings, and fireworks plant storage magazines.

B. *Legal basis.* The legal basis for the proposed regulations is found in 18 U.S.C. 847. This law gives the Secretary of the Treasury broad discretion to enact rules and regulations reasonably necessary for the importation, manufacture, distribution, and safe storage of explosive materials.

Further, Section 846 of Title 18 authorizes the Secretary to prescribe precautionary measures to prevent the recurrence of accidental explosions in which explosive materials were involved. Treasury Department Order No. 120–01 dated June 6, 1972, effective July 1, 1972, (formerly No. 221) delegated to the Bureau of Alcohol, Tobacco and Firearms the function of administering such regulations.

C. *Estimate of number of small entities affected and types.* It is estimated that this document will affect about 300 small entities involved in the fireworks industry.

Detailed Estimate and Description of the Reporting, Recordkeeping and Compliance Requirements Anticipated

A. *Reporting requirements.* The proposed regulations in this document will not affect reporting requirements.

B. *Recordkeeping requirements.* The proposed regulations in this document will not affect recordkeeping requirements.

C. *Compliance requirements.* The compliance requirements of the proposed regulations were determined by a survey conducted to determine the possible economic impact on the fireworks industry in requiring increased standards for the storage and handling of fireworks explosive materials. Approximately 50 percent of the 300 industry members were surveyed to arrive at projected costs in implementing the proposed regulations.

Two types of costs to fireworks industry members were projected in implementing the proposed regulations. A one time cost of upgrading or purchasing a magazine to store certain fireworks explosive materials would average about 2,500 dollars for an estimated 62 industry members for a total of 155,000 dollars.

The other cost, involving an estimated 29 industry members, is more difficult to establish. These industry members have premises on which storage magazines could not comply with the American Table of Distances. Based on their current levels of operation, these industry members would need to relocate their plant premises or purchase or lease magazines at a location other than their existing premises to and from which the explosive materials would be transported. The recurring annual costs to each of these 29 industry members may be as much as 5,000 dollars per year.

Conflicting, Duplicative or Overlapping Federal Rules

None of the requirements of these proposed regulations will conflict, duplicate, or overlap other Federal rules.

Alternatives

A. *Multitiering.* This concept was not used because the proposed regulations involve requirements protecting the public safety in the storage of special fireworks explosive materials applicable to all persons involved in the fireworks industry.

B. *Simplification of requirements.* The requirements as they are proposed were determined to be the minimum necessary to improve the safe storage of special fireworks explosive materials.

C. *Performance standards.* This concept was utilized by recognizing the economic impact on any industry member required to upgrade an existing storage facility to the standards for high explosives or to acquire a new high explosives storage magazine. ATF is proposing to allow a 12-month period from the effective date of these regulations for existing industry members to comply with the high explosives storage requirements for flash powder and bulk salutes. However, existing licensees or permittees who must file a new license or permit application for new or additional premises, or any new applicant desiring to enter into the fireworks business after the effective date of these regulations shall comply with the high explosives storage

requirements before the application is approved.

D. *Exemption of small entities.* The law does not authorize exemption of any entity from the requirements.

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 notice because no requirement to collect information is proposed.

List of Subjects in 27 CFR Part 55

Administrative practice and procedure, Authority delegation, Customs duties and inspection, Explosives, Hazardous materials, Imports, Penalties, Reporting and recordkeeping requirements, Safety, Security measures, Seizures and forfeitures, Transportation, and Warehouses.

Drafting Information

The principal author of this document is Lawrence White, ATF Specialist, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms.

Obsolete Explosive Materials Rulings

The provisions of the following ATF Rulings and Procedures are either incorporated into or are obsoleted by the proposed regulations: ATF Rul. 79–8, A.T.F.Q.B. 1979–1, 27; ATF Rul. 85–13, A.T.F.Q.B. 1985–3, 47; and Industry Circular 82–8, dated July 13, 1982.

Authority and Issuance

27 CFR Part 55—*Commerce in Explosives* is proposed to be amended as follows:

PART 55—[AMENDED]

Paragraph 1. The authority citation for Part 55 continues to read as follows:

Authority: 18 U.S.C. 847.

Par. 2. Section 55.11 is amended by revising the definition of ammunition to correct a misspelled word, and adding definitions for bulk salutes, bullet-sensitive explosive materials, common fireworks, fireworks, fireworks plant, flash powder, fireworks mixing building, fireworks nonprocess building, fireworks process building, fireworks plant warehouse, fireworks shipping building, pyrotechnic compositions, salute, screen barricade, and special fireworks to read as follows:

§ 55.11 Meaning of terms.

* * * * *

Ammunition. Small arms ammunition or cartridge cases, primers, bullets, or smokeless propellants designed for use in small arms, including percussion caps, and 3/32 inch and other external burning pyrotechnic hobby fuses. The term does not include black powder.

* * * * *

Bulk salutes. Salute components prior to final assembly into aerial shells, and finished salute shells held separately prior to being packed with other types of special fireworks.

Bullet-sensitive explosive materials. Explosive materials that can be exploded by 150-grain M2 ball ammunition having a nominal muzzle velocity of 2700 fps (824 mps) when fired from a .30 caliber rifle at a distance of 100 ft (30.5 m), measured perpendicular. The test material is at a temperature of 70 to 75 degrees F (21 to 24 degrees C) and is placed against a ½ inch (12.4 mm) steel backing plate.

* * * * *

Common fireworks. Any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in Title 16, Code of Federal Regulations, Parts 1500 and 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials. Common fireworks are classified as Class C explosives by the U.S. Department of Transportation (DOT).

* * * * *

Fireworks. Any composition or device designed to produce a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of "common fireworks" or "special fireworks" described by U.S. Department of Transportation in 49 CFR 173.88 and 173.100.

Fireworks mixing building. Any building or area used primarily for mixing and blending pyrotechnic compositions.

Fireworks nonprocess building. Any office building, fireworks plant warehouse, or other building or area in a fireworks plant where no fireworks, pyrotechnic compositions or explosive materials are processed or stored.

Fireworks plant. All land and buildings thereon used for or in connection with the assembly or processing of fireworks, including warehouses used with or in connection with fireworks plant operations.

Fireworks plant warehouse. Any building or structure used exclusively for the storage of materials which are neither pyrotechnic compositions nor explosive materials used to assemble fireworks.

Fireworks process building. Any mixing building; any building in which pyrotechnic compositions or explosive materials is pressed or otherwise prepared for finish and assembly; any finishing or assembly building; or any building in which fireworks are prepared for shipment, or any area where such activities occur.

Fireworks shipping building. A building used for the packing of assorted special fireworks into shipping cartons for individual public displays and for the loading of packaged displays for shipment to purchasers.

Flash powder. An explosive material intended to produce an audible report and a flash of light when ignited and typically containing potassium perchlorate, sulfur or antimony sulfide, and aluminium metal.

* * * * *

Pyrotechnic compositions. A chemical mixture which, upon burning and without explosion, produces visible, brilliant displays, bright lights, or sounds.

* * * * *

Salute. An aerial shell, classified as a special firework, that contains a charge of flash powder and is designed to produce a flash of light and a loud report as the pyrotechnic effect.

Screen barricade. Any barrier that will contain the embers and debris from a fire or deflagration in a process building, thus preventing propagation of fire to other buildings or areas. Such barriers may be constructed of metal roofing, ¼ to ½ inch (6 and 13 mm) mesh screen, or equivalent material. The barrier extends from floor level to a height such a straight line from the top of any side wall of the donor building to the eave line of any exposed building intercepts the screen at a point not less than 5 feet (1.5 m) from the top of the screen. The top 5 feet (1.5 m) of the screen is inclined towards the donor building at an angle of 30 to 45 degrees.

* * * * *

Special fireworks. Large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of

pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as "common fireworks." Special fireworks are classified as Class B explosives by the U.S. Department of Transportation.

* * * * *

Par. 3. Section 55.26(a)(2) is revised to read as follows:

§ 55.26 Prohibited shipment, transportation, or receipt of explosive materials.

(a) * * *

* * * * *

(2) The lawful purchase by a nonlicensee or nonpermittee of commercially manufactured black powder in quantities not to exceed 50 pounds, if the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices.

* * * * *

Par. 4. Section 55.105 is amended by revising paragraph (g) to read as follows:

§ 55.105 Distributions to nonlicensees and nonpermittees.

* * * * *

(g) A licensee or permittee disposing or surplus stock may sell or distribute commercially manufactured black powder in quantities of 50 pounds or less to a nonlicensee or nonpermittee if the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices.

Par. 5. Section 55.122 is amended by revising paragraphs (b)(4) and (5) and (c)(4) and (5) and removing paragraph (f) to read as follows:

§ 55.122 Records maintained by licensed importers.

* * * * *

(b) * * *

* * * * *

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, number or special fireworks, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), special fireworks (sf), etc.) and size (length and diameter or diameter only of special fireworks).

(c) * * *

* * * * *

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, number of special fireworks, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), special fireworks (sf), etc.) and size (length and diameter or diameter only or special fireworks).

* * * * *

Par. 6. Section 55.123 is amended by revising paragraphs (b)(3) and (4), (c)(4) and (5) and (d)(2) and (3) and by removing paragraph (g) to read as follows:

§ 55.123 Records maintained by licensed manufacturers.

* * * * *

(b) * * *

* * * * *

(3) Quantity (applicable quantity units, such as pounds or explosives, number of detonators, number of special fireworks, etc.).

(4) Name, brand name or description (dynamite (dyn), blasting agents (ba), detonators (det), special fireworks (sf), etc.) and size (length and diameter or diameter only of special fireworks).

(c) * * *

* * * * *

(4) Quantity (application quantity units, such as pounds of explosives, number of detonators, number of special fireworks, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), special fireworks (sf), etc.) and size (length and diameter or diameter only of special fireworks).

* * * * *

(d) * * *

* * * * *

(2) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, number of special fireworks, etc.).

(3) Description (dynamite (dyn), blasting agents (ba), detonators (det), special fireworks (sf), etc.) and size (length and diameter or diameter only of special fireworks).

* * * * *

Par. 7. Section 55.124 is amended by revising paragraphs (b) (4) and (5) and (c) (4) and (5) and by removing paragraph (g) to read as follows:

§ 55.124 Records maintained by licensed dealers.

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(b) * * *

* * * * *

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, number of special fireworks, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), special fireworks (sf), etc.) and size (length and diameter or diameter only of special fireworks).

* * * * *

(c) * * *

* * * * *

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, number of special fireworks, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), special fireworks (sf), etc.) and size (length and diameter or diameter only of special fireworks).

* * * * *

Par. 8. Section 55.125 is amended by removing paragraph (b)(3) and paragraph (f), by revising paragraph (c) (4) and (5), and redesignating paragraph (g) as paragraph (f) to read as follows:

§ 55.125 Records maintained by licensed manufacturers-limited and permittees.

* * * * *

(c) * * *

* * * * *

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, number of special fireworks, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), special fireworks (sf), etc.) and size (length and diameter or diameter only of special fireworks).

* * * * *

Par. 9. Section 55.127 is revised to read as follows:

§ 55.127 Daily summary of magazine transactions.

In taking the inventory required by §§ 55.122, 55.123, 55.124, and 55.125, a licensee or permittee shall enter the inventory in a record of daily transactions to be kept at each magazine of an approved storage facility; however, these records may be kept at one central location on the business premises if separate records of daily transactions are kept for each magazine. Not later than the close of the next business day, each licensee and permittee shall record by manufacturer's name or brand name, the total quantity received in and removed from each magazine during the day, and the total remaining on hand at the end of the day. Quantity entries for special fireworks may be expressed as the number and size of individual special fireworks in a finished state or as the number of packaged display segments or packaged displays. Information as to the number and size of special fireworks contained in any one packaged display segment or packaged display shall be provided to any ATF officer on request. Any discrepancy which might indicate a theft or loss of explosive materials is to be reported in accordance with § 55.30.

§ 55.130 [Removed]

Par. 10. Section 55.130 is removed.

Par. 11. Section 55.141(b) is revised to read as follows:

§ 55.141 Exemptions.

* * * * *

(b) *Black powder.* Except for the provisions applicable to persons required to be licensed under Subpart D, this part does not apply with respect to commercially manufactured black powder in quantities not to exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, if the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms, as defined in 18 U.S.C. 921(a)(16) or antique devices, as exempted from the term "destructive devices" in 18 U.S.C. 921(a)(4).

Par. 12. Section 55.201 is amended by revising paragraph (a) and adding new paragraphs (d) and (e) to read as follows:

§ 55.201 General.

(a) Section 842(j) of the Act and § 55.29 of this part require that the storage of explosive materials by any person must be in accordance with the regulations in this part. Further, section 846 of this Act authorizes regulations to prevent the recurrence of accidental explosions in which explosive materials were involved. The storage standards prescribed by this subpart confer no right or privileges to store explosive materials in a manner contrary to State or local law.

* * * * *

(d) The regulations set forth in §§ 55.221 through 55.224 pertain to the storage of special fireworks, pyrotechnic compositions and explosive materials used in assembling fireworks.

(e) The provisions of § 55.202(a) classifying flash powder and bulk salutes as high explosives are mandatory after (30-days from the date of publication of the final rule in the **Federal Register**): *Provided,* That those persons who hold licenses or permits under this part on that date shall, with respect to the premises covered by such licenses or permits, comply with the high explosives storage requirements for flash powder and bulk salutes by (12-months from the effective date of the final rule published in the **Federal Register**).

Par. 13. Section 55.202 is amended to revise paragraphs (a) and (b) to read as follows:

§ 55.202 Classes of explosive materials.

* * * * *

(a) *High explosives.* Explosive materials which can be caused to detonate by means of a blasting cap when unconfined (for example, dynamite, flash powders, and bulk salutes). See also § 55.201(e).

(b) *Low explosives.* Explosive materials which can be caused to deflagrate when confined (for example, black powder, safety fuses, igniters, igniter cords, fuse lighters, and "special fireworks" defined as Class B explosives by U.S. Department of Transportation regulations in 49 CFR Part 173, except for bulk salutes).

* * * * *

Par. 14. Section 55.206 is amended by revising paragraph (b) to read as follows:

§ 55.206 Location of magazines.

* * * * *

(b) Outdoor magazines in which low explosives are stored must be located no closer to inhabited buildings, passenger railways, public highways, or other magazines in which explosive materials are stored, than the minimum distances specified in the table of distances for storage of low explosives in § 55.219, except that the table of distances in § 55.224 shall apply to the minimum distances for the storage of special fireworks from these locations. The distances shown in § 55.219 may not be reduced by the presence of barricades.

* * * * *

Par. 15. Section 55.221 is added to read as follows:

§ 55.221 Requirements for special fireworks, pyrotechnic compositions, and explosive materials used in assembling fireworks.

(a) Special fireworks, pyrotechnic compositions and explosive materials used to assemble fireworks shall be stored at all times as required by this subpart unless they are in the process of manufacture, assembly, packaging, or are being transported.

(b) No more than 500 pounds (227 kg) of pyrotechnic compositions or explosive materials are permitted at one time in any fireworks mixing building, any building or area in which the pyrotechnic compositions or explosive materials are pressed or otherwise prepared for finishing or assembly, or any finishing or assembly building. All pyrotechnic compositions or explosive materials not in immediate use will be stored in covered, non-ferrous containers.

(c) The maximum quantity of flash powder permitted in any fireworks process building is 10 pounds (4.5 kg).

(d) All dry explosive powders and mixtures, partially assembled special fireworks, and finished special fireworks shall be removed from fireworks process buildings at the conclusion of a day's operations and placed in approved magazines.

Par. 16. Sections 55.222 through 55.224 are added to read as follows:

§ 55.222 Table of distances between fireworks process buildings and between fireworks process and fireworks nonprocess buildings.

Net weight of fireworks (pounds) [1]	Special fireworks (feet) [2]	Common fireworks (feet) [3]
0 to 100	57	37
101 to 200	69	37
201 to 300	77	37
301 to 400	85	37
401 to 500	91	37
Above 500	Not permitted [4 5]	Not permitted [4 5]

[1] Net weight is the weight of all pyrotechnic compositions, and explosive materials and fuse only.

[2] The distances in this column apply only with natural or artificial barricades. If such barricades are not used, the distances must be doubled.

[3] While common fireworks in a finished state are not subject to regulation, explosive materials used to manufacture or assemble such fireworks are subject to regulation. Thus, fireworks process buildings where common fireworks are being processed must meet these requirements.

[4] A maximum of 500 pounds of in-process pyrotechnic compositions or explosive materials, either loose or in partially-assembled fireworks, is permitted in any fireworks process building. Finished special fireworks may not be stored in a fireworks process building.

[5] A maximum of 10 pounds of flash powder, either in loose form or in assembled units, is permitted in any fireworks process building. Quantities in excess of 10 pounds must be kept in an approved magazine.

§ 55.223 Table of distances between fireworks process buildings and other specified areas.

DISTANCE FROM PASSENGER RAILWAYS, PUBLIC HIGHWAYS, FIREWORKS PLANT BUILDINGS USED TO STORE COMMON FIREWORKS, MAGAZINES AND FIREWORKS SHIPPING BUILDINGS, AND INHABITED BUILDINGS [1 2]

Net weight of fireworks (pounds) [3]	Special fireworks (feet)	Common fireworks (feet) [4]
0 to 100	200	25
101 to 200	200	50
201 to 300	200	50
301 to 400	200	50
401 to 500	200	50
Above 500	Not permitted	Not permitted

[1] This table does not apply to the separation distances between fireworks process buildings (see § 55.222) and between magazines (see §§ 55.218 and 55.224).

[2] The distances in this table apply with or without artificial or natural barricades or screen barricades.

However, the use of barricades is highly recommended.

[3] Net weight is the weight of all pyrotechnic compositions, and explosive materials and fuse only.

[4] While common fireworks in a finished state are not subject to regulation, explosive materials used to manufacture or assemble such fireworks are subject to regulation. Thus, fireworks process buildings where common fireworks are being processed must meet these requirements.

§ 55.224 Table of distances for the storage of special fireworks (except bulk salutes).

Net weight of fireworks (pounds) [1]	Distance between magazine and inhabited building, passenger railway, or public highway (feet) [2 3]	Distance between magazines (feet) [4]
0 to 1000	150	100
1001 to 5,000	230	150
5001 to 10,000	300	200
Above 10,000	Use table § 55.218	

[1] Net weight is the weight of all pyrotechnic compositions, and explosive materials and fuse only.

[2] For fireworks storage magazines in use prior to (30-days from the date of publication of the final rule in the FEDERAL REGISTER), the distances in this table may be halved if properly barricaded between the magazine and potential receptor sites.

[3] This table does not apply to the storage of bulk salutes. Use table at § 55.218.

[4] For the purposes of applying this table, the term "magazine" also includes fireworks shipping buildings for special fireworks.

Signed: June 2, 1988.

Stephen E. Higgins,

Director.

Approved: July 1, 1988.

Salvatore R. Martoche,

Acting Assistant Secretary for Enforcement.

[FR Doc. 88-16087 Filed 7-19-88; 8:45 am]

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federal register

Wednesday
July 20, 1988

Part III

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Part 5 et al.

Federal Acquisition Regulations (FAR); Miscellaneous Amendments; Interim Rule and Final Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 5, 6, 9, 13, 14, 15, 17, 19, 22, 23, 25, 30, 31, 35, 42, 45, 47, 52, and 53

[Federal Acquisition Circular 84-38]

Federal Acquisition Regulation (FAR); Miscellaneous Amendments

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

ACTION: Interim rule with request for comments and final rule.

SUMMARY: Federal Acquisition Circular (FAC) 84-38 amends the Federal Acquisition Regulation (FAR) with respect to the following: Research and Development Contract Procedures (Broad Agency Announcements); Changes to the Government Procurement Code; Subcontracting Plants; Fast Payment Procedures; Furnishing Foreign Items under Small Business-Small Purchase Set-Asides; Use of Standard Form 99; Clarification of Status of Omission of Clean Air and Water Acts Clauses; Capitalization Threshold; Insurance Discount Factors; Symposia Costs; Parcel Post Shipments; Definition of Special Test Equipment; Fly America Act Clause; Evaluation Factors; and Integrity of Unit Prices.

DATES: *Effective Dates:* August 19, 1988, except as follows:

Item II—(Section 5.301 and Parts 14, 15, 17 and 25)—August 1, 1988.

Items XIII and IX—(Sections 30.404-63 and 30.416-63)—September 19, 1988.

Comment Date: Comments on the interim rule, Section 5.301 and Parts 14, 15, 17, and 25, should be submitted to the FAR Secretariat at the address shown below on or before September 19, 1988, to be considered in the formulation of a final rule. Please cite Item II, FAC 84-38, in all correspondence on this subject.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 523-4755.

SUPPLEMENTARY INFORMATION:

A. Paperwork Reduction Act

FAC 84-38, Items I thru XIII. The Paperwork Reduction Act (Pub. L. 96-511) does not apply because these final rules do not impose any reporting or recordkeeping requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

B. Regulatory Flexibility Act

FAC 84-38, Item I. DoD, GSA, and NASA certify that this final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because the rule is directed toward achieving uniformity in internal procedures used by Federal agencies in soliciting and awarding contracts for basic research, and in awarding contracts based upon receipt of unsolicited research proposals. Procedures will benefit small entities providing research services to multiple Federal agencies. An Initial Regulatory Flexibility Analysis was performed and submitted to the Chief Counsel for Advocacy of the Small Business Administration and comments were invited from small entities and other interested parties. No comments were received that addressed the Initial Regulatory Flexibility Analysis. Accordingly, the Councils have not prepared a Final Regulatory Flexibility Analysis for the final rule.

FAC 84-38, Item II. Executive Order 12260 (December 31, 1980) implemented the Agreement on Government Procurement pursuant to Title III of the Trade Agreements Act of 1979 (19 U.S.C. 2511-2518 and Section 301 of Title 3 of the United States Code). By November 16, 1987, final acceptance of certain amendments was notified by all parties to the Agreement on Government Procurement. The interim rule implements the changes in the Federal Acquisition Regulation. The changes pertain to the extension of the applicability of the Trade Agreements Act to leases of designated country end products, not just purchases. In addition, the determination of applicability of the Act to a particular acquisition is now based on the estimated value of the acquisition, not the offers received. Other corresponding changes are being made to comply with requirements for synopses of award and notification to unsuccessful offerors. This interim rule, therefore, is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected FAR sections will also be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite FAR Case 88-610 in all correspondence.

FAC 84-38, Items III, VI, VII, XI, XII, and XIII. The Regulatory Flexibility Act (Pub. L. 96-354) does not apply because each revision is not a "significant revision" as defined in FAR 1.501-1; i.e., it does not alter the substantive meaning of any coverage in the FAR having a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of the issuing agencies. Accordingly, and consistent with section 1212 of Pub. L. 98-525 and section 302 of Pub. L. 98-577 pertaining to publication of proposed regulations (as implemented in FAR Subpart 1.5, Agency and Public Participation), solicitation of agency and public views on the revisions is not required. Since such solicitation is not required, the Regulatory Flexibility Act does not apply.

FAC 84-38, Item IV. It is expected that this final rule will have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.). A Final Regulatory Flexibility Analysis has been prepared and will be submitted to the Chief Counsel for Advocacy of the Small Business Administration.

FAC 84-38, Item V. DoD, GSA, and NASA certify that this final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because this final rule is considered to represent a clarification of the policy already in FAR 19.501(f)(2). No comments were received from small entities in response to the proposed rule.

FAC 84-38, Items VIII and IX. DoD, GSA, and NASA certify that the revisions to FAR Part 30, will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because the changes deal with Cost Accounting Standards (CAS) from which small business concerns are exempt.

FAC 84-38, Item X. DoD, GSA, and NASA certify that this final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because meeting, conference, symposia, and seminar costs are not considered a significant cost of doing business in most situations. Furthermore, the revision to the current rule in this case is not a substantial one, but rather an elaboration and

clarification of existing policy defining the types of costs that are allowable as contract costs. No comments were received from any small entities.

C. Determination to Issue an Interim Regulation

FAC 84-38, Item II. A determination has been made under the authority of the Secretary of the Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that this regulation must be issued as an interim regulation to promptly implement the February 14, 1988, amendments to the Agreement on Government Procurement.

D. Public Comments

FAC 84-38, Item I. A proposed rule was published in the **Federal Register** on May 6, 1987 (52 FR 17280). The comments that were received as a result of the proposed rule were considered by the Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council in the development of this final rule.

FAC 84-38, Item IV. A proposed rule was published in the **Federal Register** on December 9, 1986 (51 FR 44410). The comments that were received as a result of the proposed rule were considered by the Councils in the development of this final rule.

FAC 84-38, Item V. A proposed rule was published in the **Federal Register** on July 29, 1986 (51 FR 27129). The final rule was modified to clarify that both manufacturer and regular dealers are required to provide domestically produced or manufactured products.

FAC 84-38, Items VIII and IX. See Part III—Preambles Published under the FAR System, in Appendix A to Part 30. The supplementary information under Preamble A to 30.404 and Preamble A to 30.416 provides information concerning the publication of the proposed rules and the public comments that were received.

FAC 84-38, Item X. A proposed rule was published in the **Federal Register** on May 13, 1987 (52 FR 18158). Based upon analysis of the public comments, it was determined that the proposed rule struck a proper balance of all interests concerned, although some minor changes were made to further clarify the rule as suggested by the comments.

FAC 84-38, Item XII. A proposed rule was published in the **Federal Register** on February 9, 1987 (52 FR 4086). Both Councils reviewed and considered the comments and agreed to proceed with the final rule without change.

Lists of Subjects in 48 CFR Parts 5, 6, 9, 13, 14, 15, 17, 19, 22, 23, 25, 30, 31, 35, 42, 45, 47, 52, and 53.

Government procurement.

Dated: July 15, 1988.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 84-38 is effective August 19, 1988, except as follows:

Item II—(Section 5.301 and Parts 14, 15, 17, and 25)—August 1, 1988.

Items XIII and IX—(Sections 30.404-63 and 30.416-63)—September 19, 1988.

S.J. Evans,

Assistant Administrator for Procurement, NASA.

Eleanor R. Spector,

Deputy Assistant Secretary of Defense for Procurement.

John Alderson,

Acting Administrator, General Services Administration.

July 14, 1988.

Federal Acquisition Circular (FAC) 84-38 amends the Federal Acquisition Regulation (FAR) as specified below:

Item I—Research and Development Contract Procedures (Broad Agency Announcements)

FAR 5.202, 6.003, 6.102, 6.302, 35.001, and 35.016 are revised to clarify procedures to be followed by agencies in awarding contracts based upon receipt of unsolicited research proposals by revising guidance contained within FAR Parts 5 and 6. These revisions are based, in part, upon clarifying amendments made to 10 U.S.C. 2304(d)(1)(A) by section 923(b), Title IX, Pub. L. 99-500, enacted on October 18, 1986. Additionally, this final rule amends FAR Part 35 and specifies procedures to be followed by agencies in soliciting and awarding contracts for basic research pursuant to general solicitations (broad agency announcements) as authorized by the Competition in Contracting Act of 1984, Pub. L. 98-369, and FAR 6.102(d)(2).

Item II—Changes to the Government Procurement Code

FAR 5.301 and Parts 14, 15, 17, and Subpart 25.4 are revised to incorporate changes necessitated by a major renegotiation of the Government Procurement Code of the United States Trade Representative. The primary purpose of the renegotiation was to bring the practices of the Signatories more into line with U.S. practices. The Office of the U.S. Trade Representative published a notice of these changes in the **Federal Register** on February 4, 1988 (53 FR 3285).

Executive Order 12260 (December 31, 1980) implemented the Agreement on Government Procurement pursuant to Title III of the Trade Agreements Act of 1979 (19 U.S.C. 2511-2518 and 3 U.S.C. 301). The Agreement on Government Procurement was revised with an effective date of February 14, 1988. This item implements changes in Subpart 25.4 and in various other sections. There are two principal changes to Subpart 25.4. They pertain to the extension of the application of the Trade Agreements Act coverage to leases of designated country end products, not just to purchases. In addition, the determination of applicability of the Trade Agreements Act coverage to a particular acquisition is now based on the estimated value of the acquisition, not the offers received. Changes are also being made to Part 5 regarding synopsis of awards; to Parts 14 and 15 regarding the content of the notification to unsuccessful offerors; and to Part 17 regarding the use of options in calculating the estimated value of the acquisition.

The requirements of this interim rule are effective for all solicitations issued on or after August 1, 1988. Also, solicitations issued on or after February 14, 1988, and for which the date established for receipt of offers does not expire prior to August 1, 1988 shall be amended as appropriate to notify offerors of the application of the revised procedures in this interim rule.

Item III—Subcontracting Plans

FAR 9.104-3 and 19.705-6 are revised to clarify the requirements at Section 8(d)(4)(c) of the Small Business Act that the prospective contractor's compliance with subcontracting plans submitted on previous contracts be considered as a factor in determining contractor responsibility for future awards involving subcontracting plans; and to improve coordination and better define responsibilities of contracting officers and contract administration offices associated with administration of subcontracting plans.

Item IV—Fast Payment Procedure

FAR Subpart 13.3 and the related clause at 52.213-1, Fast Payment Procedure, are revised to implement requirements contained in Office of Management and Budget (OMB) Circular A-125, "Prompt Payment," on use of fast payment methods. Specific revisions will (a) allow, rather than mandate, use of fast payment procedures; (b) more

specifically describe the conditions that would justify use of the procedure; and (c) increase the period of time from 90 days to 180 days for verifying contractor delivery of required supplies and for corrective action by the Government as necessary.

Item V—Furnishing Foreign Items Under Small Business-Small Purchase Set-Aside

FAR 19.508(a) and the clause at 52.219–4, Notice of Small Business-Small Purchase Set-Aside, are revised to clarify that acquisitions for supplies are to be made from only either (a) small business concerns furnishing their own manufactured products or (b) small business concerns providing the product of another manufacturer. In either case, such products must be manufactured or produced in the United States, its territories or possessions, Puerto Rico, or the Trust Territory of the Pacific Islands.

Item VI—Use of Standard Form (SF) 99, Notice of Award of Contract

FAR 22.608–5(b) is deleted to eliminate the need to submit a Standard Form (SF) 99 to the Department of Labor (DOL) whenever SF 279 is not sent to the Federal Procurement Data System. In the **Federal Register** on March 2, 1987 (52 FR 6146), DOL revised their regulations to discontinue the use of Standard Form 99, Notice of Award of Contract, for contracts subject to the Walsh-Healey Public Contracts Act and eliminate the requirement for contracting agencies to report to DOL's wage and hour division each contract award subject to Walsh-Healey Public Contracts Act.

Item VII—Clarification of Status of Omission of Clean Air and Water Acts Clauses

FAR 23.104 is revised to clarify that the exemptions listed thereunder pertain only to the actions prohibited under 23.103(b).

Item VIII—Capitalization Threshold

FAR 30.404–40(b)(1), 30.404–60(a)(1), and 30.404–60(a)(1)(i), are modified to increase the minimum acquisition cost criterion for capitalization purposes from $1000 to $1500.

FAR 30.404–40(b)(1) provides that a contractor's capitalization policy shall designate a minimum service life criterion, which shall not exceed two years, and a minimum acquisition cost criterion, which shall not exceed $1000. The modification increases the minimum acquisition cost criterion from $1000 to $1500 due to the impact of inflation. The purpose of the change is to only require capitalization of those assets that are of significant value.

The effective date of this modification is September 19, 1988.

This modification of the Cost Accounting Standards shall be followed by each contractor on or *after* the start of its next cost accounting period, beginning after receipt of a contract to which this modification is applicable.

Recipients of this modification are encouraged to keep the previous version of the Standard until further advised.

Item IX—Insurance Discount Factors

FAR 30.416–50(a)(3)(ii) is modified to delete the requirement to use stated rates in discounting certain self-insured losses to present value.

FAR 30.416–50(a)(3)(ii) provides that, in measuring certain self-insured losses, contractors are to discount these losses to present value where payments to the claimant will not take place for over a year after the loss occurs. If a state provides a discount rate for computing lump-sum settlements, the Standard requires that the state rate be used for computing present value. Otherwise, the Pub. L. 92–41 Treasury Rate is to be used. The modification to FAR 30.416–50(a)(3)(ii) requires use of the Treasury Rate in all cases. The purpose of the modification is to provide a more accurate valuation of the contractor's liability.

The effective date of this modification is September 19, 1988.

This modification of the Cost Accounting Standards shall be followed by each contractor on or after the start of its next cost accounting period beginning *after* receipt of a contract to which this modification is applicable.

Recipients of this modification are encouraged to keep the previous version of the Standard until further advised.

Item X—Symposia Costs

There has been a proliferation of non-Federal Government sponsored symposia resulting in possibly unreasonable costs being charged against Government contracts. In addition, Government contracting officers and auditors have found that the previous cost principle at FAR 31.205–43 did not address the attendance of company employees at such activities, it did not describe the circumstances in which the cost of attendance by individuals who are not employed by the contractor might be allowable, and it did not distinguish between setting up or sponsoring meetings, conferences, symposia, and seminars and attending those events. This revised allowability rule clarifies the policy of the Government with respect to these costs, and describes more specifically the nature of costs which are allowable. The revisions do not reflect or result from a change in allowability policy.

Item XI—Parcel Post Eligible Shipments

FAR 42.1404–1 is revised to incorporate additional procedures and limits for the use of parcel post eligible shipments. This will reduce handling cost and avoid additional delays in delivery of these shipments.

Item XII—Definition of Special Test Equipment

FAR 45.101 and the clause at 52.245–18, Special Test Equipment, are revised to reduce the possibility of misclassification of test equipment as either or special or general purpose. The clause and definition now provide a positive statement that general purpose components may be considered special when they are interconnected and interdependent.

Item XIII—Fly America Act Clause

FAR 47.405 and the clause 52.247–63, Preference for U.S.-Flag Air Carriers, are revised to clarify the statement of existing Government policy and when the clause should be included in contracts. This final rule clarifies that the clause should be included in contracts whenever international air transportation of Government-owned property may *occur* under the contract and not just when such transportation is *required* under the contract.

Therefore, 48 CFR Parts 5, 6, 9, 13, 14, 15, 17, 19, 22, 23, 25, 30, 31, 35, 42, 45, 47, 52 and 53 are amended as set forth below.

The interim rules in FAC 84–28, published in the **Federal Register** on June 9, 1987 (52 FR 21884), amending section 15.605 pertaining to Item III, Evaluation Factors, and amending section 15.812 and the clause at 52.215–26 pertaining to Item IV, Integrity of Unit Prices, are hereby adopted as final rules without change.

1. The authority citation for 48 CFR Parts 5, 6, 9, 13, 14, 15, 17, 19, 22, 23, 25, 30, 31, 32, 35, 42, 45, 47, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

PART 5—PUBLICIZING CONTRACT ACTIONS

2. Section 5.202 is amended by revising paragraph (a)(8) to read as follows:

5.202 Exceptions.

(a) * * *

(8) The contract action results from the acceptance of an unsolicited research proposal that demonstrates a unique and innovative concept (see 6.003) and publication of any notice complying with 5.207 would improperly disclose the originality of thought or innovativeness of the proposed research, or would disclose proprietary information associated with the proposal. This exception does not apply if the contract action results from an unsolicited research proposal and acceptance is based solely upon the unique capability of the source to perform the particular research services proposed (see 6.302–1(a)(2)(i);

* * * * *

3. Section 5.301 is amended by revising the first sentence in paragraph (a) and by adding paragraph (c) to read as follows:

5.301 General.

(a) Except for contract actions described in paragraph (b) of this section, contracting officers shall synopsize in the Commerce Business Daily (CBD) awards exceeding $25,000 that (1) are subject to the Trade Agreements Act (see 25.402 and 25.403), or (2) are likely to result in the award of any subcontracts. * * *

* * * * *

(c) With respect to acquisitions subject to the Trade Agreements Act, contracting officers shall submit synopses in sufficient time to permit their publication in the CBD not later than 60 days after award.

PART 6—COMPETITION REQUIREMENTS

4. Section 6.003 is amended by adding in alphabetical order the definition "Unique and innovative concept" to read as follows:

6.003 Definitions.

* * * * *

"Unique and innovative concept," when used relative to an unsolicited research proposal, means that, in the opinion and to the knowledge of the Government evaluator, the meritorious proposal is the product of original thinking submitted in confidence by one source; contains new novel or changed concepts, approaches, or methods; was not submitted previously by another; and, is not otherwise available within the Federal Government. In this context, the term does not mean that the source has the sole capability of performing the research.

5. Section 6.102 is amended by revising paragraph (d)(2) to read as follows:

6.102 Use of competitive procedures.

* * * * *

(d) * * *

(2) Competitive selection of basic and applied research and that part of development not related to the development of a specific system or hardware procurement is a competitive procedure if award results from—

* * * * *

6. Section 6.302–1 is amended by revising paragraph (a)(2)(i) to read as follows:

6.302–1 Only one responsible source and no other supplies or services will satisfy agency requirements.

(a) * * *

(2) * * *

(i) Supplies or services may be considered to be available from only one source if the source has submitted an unsolicited research proposal that (A) demonstrates a unique and innovative concept, or, demonstrates a unique capability of the source to provide the particular research services proposed; (B) offers a concept or services not otherwise available to the Government; and (C) does not resemble the substance of a pending competitive acquisition. (See 10 U.S.C. 2304(d)(1)(A) and 41 U.S.C. 253(d)(1)(A).)

* * * * *

PART 9—CONTRACTOR QUALIFICATIONS

7. Section 9.104–3 is amended by adding a fourth sentence in paragraph (c) to read as follows:

9.104–3 Application of standards.

* * * * *

(c) * * * Prior compliance with subcontracting plans required by Subpart 19.7 shall be considered in determining the responsibility of an offeror bidding on a contract requiring a subcontracting plan.

* * * * *

PART 13—SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES

8. Section 13.301 is amended by revising the first sentence of the introductory text to read as follows:

13.301 General.

The fast payment procedure allows payment under limited conditions to a contractor prior to the Government's verification that supplies have been received and accepted. * * *

* * * * *

9. Section 13.302 is amended by revising both the introductory text and paragraph (a); by redesignating the existing paragraphs (b) and (c) as (c) and (d); and by adding new paragraphs (b), (e), and (f) to read as follows:

13.302 Conditions for use.

If the conditions in paragraphs (a) through (f) of this section are present, the fast payment procedure may be used, provided that use of the procedure is consistent with the other conditions of the purchase. The conditions for use of the fast payment procedure are as follows:

(a) Individual orders do not exceed $25,000 except that executive agencies may permit higher dollar limitations for specified activities or items on a case-by-case basis.

(b) Deliveries of supplies are to occur at locations where there is both a geographical separation and a lack of adequate communications facilities between Government receiving and disbursing activities that will make it impractical to make timely payment based on evidence of Government acceptance. Use of the fast payment procedure would not be indicated, for example, for small purchases by an activity if material being purchased is destined for use at that activity and contract administration will be performed by the purchasing office at that activity.

* * * * *

(e) The purchasing instrument is a firm-fixed-price contract, a purchase order, or a delivery order for supplies.

(f) A system is in place to ensure: (1) documenting evidence of contractor performance under fast payment acquisitions, (2) timely feedback to the contracting officer in case of contractor deficiencies, and (3) identification of suppliers who have a current history of abusing the fast payment procedure. (Also see Subpart 9.1.)

PART 14—SEALED BIDDING

10. Section 14.408–1 is amended by revising paragraph (a) to read as follows:

14.408–1 Award of unclassified contracts.

(a)(1) The contracting officer shall as a minimum (subject to any restrictions in Subpart 9.4)—

(i) Notify unsuccessful bidders promptly that their bids were not accepted;

(ii) Extend appreciation for the interest the unsuccessful bidders have shown in submitting a bid; and

(iii) When award is made to other than a low bidder, state the reason for rejection in the notice to each of the unsuccessful low bidders.

(2) For acquisitions subject to the Trade Agreements Act (see 25.405(e)), within 7 working days after a contract award, agencies shall give unsuccessful offerors from designated countries written notice stating—

(i) That their offers were not accepted;

(ii) That a contract has been awarded;

(iii) The dollar amount of the successful offer; and

(iv) The name and address of the successful offeror.

* * * * *

PART 15—CONTRACTING BY NEGOTIATION

11. Section 15.1001 is amended by revising paragraph (c)(2) to read as follows:

15.1001 Notifications to unsuccessful offerors.

* * * * *

(c) * * *

(2) For acquisitions subject to the Trade Agreements Act (see 25.405(e)), provide the information in subparagraph (c)(1) of this section within 7 working days after a contract award to unsuccessful offerors from designated countries.

* * * * *

PART 17—SPECIAL CONTRACT METHODS

12. Section 17.203 is amended by adding paragraph (h) to read as follows:

17.203 Solicitations.

* * * * *

(h) See 25.402(a)(4) regarding use of options in calculating the estimated contract amount for application of the Trade Agreements Act threshold.

PART 19—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

19.508 [Amended]

13. Section 19.508 is amended by inserting the word "or" before the words "the Trust Territory" and by removing in paragraph (a)(1) the words "or the District of Columbia,".

14. Section 19.705–6 is amended by adding paragraph (e) to read as follows:

19.705–6 Postaward responsibilities of the contracting officer.

* * * * *

(a) Forwarding a copy of each plan, or a determination that there is no requirement for a subcontracting plan, to the cognizant contract administration office.

PART 22—ACQUISITION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

15. Section 22.608–5 is revised to read as follows:

22.608–5 Award.

When a contract subject to the Act is awarded, the contracting officer, in accordance with regulations or instructions issued by the Secretary of Labor and individual agency procedures, shall furnish to the contractor DOL Publication WH–1313, Notice to Employees Working on Government Contracts.

PART 23—ENVIRONMENT, CONSERVATION, AND OCCUPATIONAL SAFETY

16. Section 23.104 is amended by revising paragraphs (a) and (c) to read as follows:

23.104 Exemptions.

(a) Except as provided in paragraphs (b) and (c) of this section, contracts and subcontracts are not subject to the restriction in 23.103(b) if they are (1) $100,000 or under; or (2) for indefinite quantities and the contracting officer believes that the amount ordered in any year under the contract will not exceed $100,000.

* * * * *

(c) The agency head may exempt any contract, subcontract, or class of contracts or subcontracts from the requirement in 23.103(b) for 1 year when it is in the paramount interest of the United States to do so.

* * * * *

PART 25—FOREIGN ACQUISITION

17. Section 25.105 is amended by adding paragraph (d) to read as follows:

25.105 Evaluating offers.

* * * * *

(d) The evaluation in paragraph (a) of this section shall not be applied to offers of Israeli end products at or above $50,000 (see 25.402(a)(2)).

18. Section 25.402 is amended by revising paragraph (a)(1); by adding paragraphs (a)(3), (a)(4), and (f); and by revising paragraphs (c) and (d) to read as follows:

25.402 Policy.

(a)(1) Executive Order 12260 requires the U.S. Trade Representative to set the dollar threshold for application of the Trade Agreement Act. The threshold will be published in the **Federal Register** and will be distributed through agency procedures on an expedited basis. When the value of the proposed acquisition of an eligible product is estimated to be at or over the dollar threshold, agencies shall evaluate offers for an eligible product without regard to the restrictions of the Buy American Act (see Subpart 25.1) or the Balance of Payments Program (see Subpart 25.3). When the value of the proposed acquisition is estimated to be below the Trade Agreements Act threshold, the restrictions of the Buy American Act or the Balance of Payments Program shall be applied to foreign offers, except as noted in subparagraph (a)(2) of this section (see 25.105).

* * * * *

(3) To determine whether the Trade Agreements Act applies to the acquisition of products by lease, rental, or lease-purchase contract (including lease-to-ownership, or lease-with-option-to purchase), the contracting officer shall calculate the estimated acquisition value as follows:

(i) If a fixed-term contract of 12 months or less is contemplated, use the total estimated value of this acqusition.

(ii) If a fixed-term contract of more than 12 months is contemplated, use the total estimated value of the acquisition plus the estimated residual value of the leased equipment at the conclusion of the contemplated term of the contract.

(iii) If an indefinite-term contract is contemplated, use the estimated monthly payment multiplied by 48.

(iv) If there is any doubt as to the contemplated term of the contract, use the estimated monthly payment multiplied by 48.

(4) If a contemplated acquisition includes an option clause (see Subpart 17.2), when calculating the threshold for application of Trade Agreements Act provisions include the value of all options.

* * * * *

(c) Except when waived under section 302(b)(2) of the Trade Agreements Act, there shall be no acquisition of foreign end products subject to the Act unless the foreign end products are designated country end products or Caribbean Basin country end products.

(d) No requirement for the acquisition of eligible products shall be divided with the intent of reducing the estimated value of the acquisition below the dollar threshold addressed in paragraph (a) of this section.

* * * * *

(f) Subject to the provisions of U.S. law and regulation, a supplier established in a designated country shall not be accorded less favorable treatment than is accorded to another

supplier established in that country on the basis of—

(1) Foreign ownership or affiliation, or

(2) Where the goods being supplied were produced, provided that the country of production is a designated country.

19. Section 25.403 is amended by revising paragraphs (a) and (b); and by removing and reserving paragraph (k) to read as follows:

25.403 Exceptions.

* * * * *

(a) An acquisition of an eligible product where the estimated value of the acquisition falls below the Trade Agreements Act dollar thresholds discussed in 25.402(a);

(b) Products of countries (1) not listed in 25.401, or (2) barred by 25.402(c);

* * * * *

(k) [Reserved]

* * * * *

20. Section 25.405 is amended by revising the introductory text and paragraph (e) to read as follows:

25.405 Procedures.

When the Trade Agreements Act applies, the following procedures shall be used:

* * * * *

(e) Within 7 working days after a contract award for an eligible product, agencies shall give unsuccessful offerors from designated countries written notice in accordance with 14.408-1(a) (2) and 15.1001 (c) (2).

PART 30—COST ACCOUNTING STANDARDS

21. Section 30.307 is amended by revising the first, fifth, and sixth sentences to read as follows:

30.307 Cost Accounting Standards Preambles.

Appendix A of this part contains the nonregulatory preambles to the Cost Accounting Standards, preambles to related Rules and Regulations, and preambles published under the FAR System. * * * Part I, Preambles to the Cost Accounting Standards, and Part II, Preambles to the Related Rules and Regulations, published by the Cost Accounting Standards Board, were originally published in Title 4 of the Code of Federal Regulations and are only published in the looseleaf edition of the FAR. Part III contains preambles published under the FAR system that are published in the Appendix A to Part 30 of Title 48, as well as in the looseleaf version of the FAR.

22. Sections 30.401-62 and 30.401-63 are added and reserved to read as follows:

30.401-62 Exemption. [Reserved]

30.401-63 Effective date. [Reserved]

23. Sections 30.402-62 and 30.402-63 are added and reserved to read as follows:

30.402-62 Exemption. [Reserved]

30.402-63 Effective date. [Reserved]

24. Sections 30.403-62 and 30.403-63 are added and reserved to read as follows:

30.403-62 Exemption. [Reserved]

30.403-63 Effective date. [Reserved]

30.404-40 [Amended]

25. Section 30.404-40 is amended in paragraph (b)(1) by removing in the second sentence the figure "$1,000" and inserting in its place the figure "$1,500."

30.404-60 [Amended]

26. Section 30.404-60 is amended by removing in the second sentence of paragraph (a)(1) the figure "$1,000" and inserting in its place the figure "$1,500"; and by removing in the first sentence of paragraph (a)(1)(i) the figure "$1,200" and inserting in its place the figure "$1,700".

27. Sections 30.404-61 and 30.404-62 are added and reserved to read as follows:

30.404-61 Interpretation. [Reserved]

30.404-62 Exemption. [Reserved]

28. Section 30.404-63 is added to read as follows:

30.404-63 Effective date.

The effective date of the modifications to 30.404-40 (b) (1), 30.404-60 (a)(1), and 30.404-60 (a)(1)(i), which increase the minimum acquisition cost criterion for capitalization of tangible capital assets to $1,500, is September 19, 1988. The modification shall be applied to accrued expenditures for acquisition of tangible capital assets on or after the start of the contractor's next cost accounting period, beginning after receipt of a contract to which the modification is applicable.

29. Sections 30.405-61, 30.405-62, and 30.405-63 are added and reserved to read as follows:

30.405-61 Interpretation. [Reserved]

30.405-62 Exemption. [Reserved]

30.405-63 Effective date. [Reserved]

30. Sections 30.406-61, 30.406-62, and 30.406-63 are added and reserved to read as follows:

30.406-61 Interpretation. [Reserved]

30.406-62 Exemption. [Reserved]

30.406-63 Effective date. [Reserved]

31. Sections 30.407-61, 30.407-62, and 30.407-63 are added and reserved to read as follows:

30.407-61 Interpretation. [Reserved]

30.407-62 Exemption. [Reserved]

30.407-63 Effective date. [Reserved]

32. Sections 30.408-61, 30.408-62, and 30.408-63 are added and reserved to read as follows:

30.408-61 Interpretation. [Reserved]

30.408-62 Exemption. [Reserved]

30.408-63 Effective date. [Reserved]

33. Sections 30.409-61, 30.409-62, and 30.409-63 are added and reserved to read as follows:

30.409-61 Interpretation. [Reserved]

30.409-62 Exemption. [Reserved]

30.409-63 Effective date. [Reserved]

34. Sections 30.410-61, 30.410-62, and 30.410-63 are added and reserved to read as follows:

30.410-61 Interpretation. [Reserved]

30.410-62 Exemption. [Reserved]

30.410-63 Effective date. [Reserved]

35. Sections 30.411-61, 30.411-62, and 30.411-63 are added and reserved to read as follows:

30.411-61 Interpretation. [Reserved]

30.411-62 Exemption. [Reserved]

30.411-63 Effective date. [Reserved]

36. Sections 30.412-61, 30.412-62, and 30.412-63 are added and reserved to read as follows:

30.412-61 Interpretation. [Reserved]

30.412-62 Exemption. [Reserved]

30.412-63 Effective date. [Reserved]

37. Sections 30.413-61, 30.413-62, and 30.413-63 are added and reserved to read as follows:

30.413-61 Interpretation. [Reserved]

30.413-62 Exemption. [Reserved]

30.413-63 Effective date. [Reserved]

30.414-61 [Redesignated as 30.414-62]

38. Section 30.414-61 is redesignated as 30.414-62 and sections 30.414-61 and

30.414–63 are added and reserved to read as follows:

30.414–61 Interpretation. [Reserved]

* * * * *

30.414–63 Effective date. [Reserved]

39. Sections 30.415–61, 30.415–62, and 30.415–63 are added and reserved to read as follows:

30.415–61 Interpretation. [Reserved]

30.415–62 Exemption. [Reserved]

30.415–63 Effective date. [Reserved]

40. Section 30.416–50 is amended by revising paragraph (a)(3)(ii) to read as follows:

30.416–50 Techniques for application.

(a) * * *

(3) * * *

(ii) If a loss has been incurred and the amount of the liability to a claimant is fixed or reasonably certain, but actual payment of the liability will not take place for more than 1 year after the loss is incurred, the amount of the loss to be recognized currently shall be the present value of the future payments, determined by using a discount rate equal to the interest rate as determined by the Secretary of the Treasury pursuant to Pub. L. 92–41, 85 Stat. 97, in effect at the time the loss is recognized. Alternatively, where settlement will consist of a series of payments over an indefinite time period, as in workmen's compensation, the contractor may follow a consistent policy of recognizing only the actual amounts paid in the period of payment.

* * * * *

41. Sections 30.416–61 and 30.416–62 are added and reserved to read as follows:

30.416–61 Interpretation. [Reserved]

30.416–62 Exemption. [Reserved]

42. Section 30. 416–63 is added to read as follows:

30.416–63 Effective date.

The effective date of the modification deleting the reference to state discount rates at 30.416–50(a)(3)(ii), is September 19, 1988. The modification shall be followed by each contractor on or after the start of its next cost accounting period beginning after the receipt of a contract to which the modification is applicable.

43. Sections 30.417–61, 30.417–62, and 30.417–63 are added to read as follows:

30.417–61 Interpretation. [Reserved]

30.417–62 Exemption. [Reserved]

30.417–63 Effective date. [Reserved]

30.418–61 [Redesignated as 30.418–62]

44. Section 30.418–61 is redesignated as 30.418–62 and sections 30.418–61 and 30.418–63 are added and reserved to read as follows:

30.418–61 Interpretation. [Reserved]

* * * * *

30.418–63 Effective date. [Reserved]

30.420–61 [Redesignated as 30.420–62]

45. Section 30.420–61 is redesignated as 30.420–62 and new sections 30.420–61 and 30.420–63 are added and reserved to read as follows:

30.420–61 Interpretation. [Reserved]

30.420–63 Effective date. [Reserved]

46. Appendix A to Part 30 is added to read as follows:

Appendix A to Part 30—Preambles to the Cost Accounting Standards

Part I—Preambles to the Cost Accounting Standards Published by the Cost Accounting Standards Board

Note: Preambles to the Cost Accounting Standards published by the Cost Accounting Standards Board appear in Title 4 of the Code of Federal Regulations and are republished in the looseleaf edition of the FAR.

Part II—Preambles to the Related Rules and Regulations Published by the Cost Accounting Standards Board

Note: Preambles to the Related Rules and Regulations published by the Cost Accounting Standards Board appear in Title 4 of the Code of Federal Regulations and are republished in the looseleaf edition of the FAR.

Part III—Preambles Published Under the FAR System

Preamble A to 30.404, Capitalization of Tangible Assets

This final rule, in Federal Acquisition Circular (FAC) 84–38, revises 30.404–40(b)(1), 30.404–60(a)(1), and 30.404–60(a)(1)(i).

Summary

Section 30.404 requires that contractors have written policies for capitalization which must include a minimum acquisition cost criterion of $1000. The Standard is being amended to raise the threshold to $1500. The purpose of the change is to permit contractors to adopt practices appropriated in today's economy. *Efffective date.* The effective date of this modification is September 19, 1988.

Supplementary Information:

Background

The CAS Board established the minimum acquisition cost criterion for capitalization at $500 when it originally promulgated CAS 404 in 1973. The Board's initial $500 limitation encompassed the practices of 97 percent of the companies whose Disclosure Statements were filed with the Board. In the promulgation comments to the Standard, the Board recommended that the special limits in the standard ". . . may need to be reviewed in the future . . . (and will be revised) promptly if developments warrant a change."

On March 3, 1980, the Board *did* revise the limitation upward to $1000 as it recognized that circumstances had changed significantly since the promulgation of Standard 404. The Board found that the performance of several official indices showed increases from 60 to 80 percent and a survey of companies not influenced by the limitation of Standard 404 showed a significant number using $1000 as the minimum cirterion for capitalization.

The impact of inflation has continued over the 7 years since 1980, although at a lower level. Indices from the Commerce Department for the implicit price deflators on nonresidential structures and machinery and equipment showed increases from 30 to 35 percent over the period 1979 through 1985. When applied to the current $1000 criterion, this yields values from $1300 to $1350. In addition, economic projections showed inflation levels rising slightly from 1986 through 1989. Consequently, this change increases the minimum acquisition cost criterion for capitalization of tangible capital assets to $1500 to cover both actual and projected price increases.

The amendment which is now being promulgated is derived directly from the proposed rule which was published in the **Federal Register** on July 9, 1986 (51 FR 24971), with an invitation for interested parties to submit comments.

Four letters of comment were received on the July 9, 1986, proposal. Only one letter directly addressed the appropriateness of the proposed revisions to 30.404. That comment stated that inflation should not be the motivating factor in determining significant costs for capitalization, but rather materiality of the cost should be the factor in determining significance.

The CAS Board's comments in the CAS 404 preamble and its action to increase the capitalization threshold based upon inflation, discussed above, indicate that the Board considered the materiality and significance of asset acquisition cost to be directly related to the level of prices in the economy. The Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council agree with the CAS Board's outlook on this matter and expect the increase in capitalization threshold provided in this modification to 30.404 will be beneficial to Government contract costing by not requiring capitalization of assets that are of insignificant value.

Preamble A to 30.416, Accounting for Insurance Costs

This final rule, in Federal Acquisition Circular (FAC) 84–38, revises 30.416–50(a)(3)(ii).

Summary

FAR 30.416–50(a)(3)(ii) revisions delete the requirement to use state rates in discounting certain self-insured losses to present value.

Effective date: The effective date of this modification is September 19, 1988.

This modification shall be followed by each contractor on or after the start of its next cost accounting period, beginning after receipt of a contract to which this modification is applicable.

Supplementary Information

Background

Section 30.416 provides that the amount of insurance cost to be assigned to a cost accounting period is the projected average loss (PAL) for that period plus insurance administration expense in that period. The PAL is either the insurance premium, where the risk of loss is covered by the purchase of insurance, or a self-insurance charge, where the exposure to risk is not covered by the purchase of insurance. Where it is probable that the actual amount of losses will not differ significantly from the PAL, the actual amount of losses may be considered to represent the PAL for the period as the self-insurance charge.

In self-insurance, when the actual amount of losses is being used to represent the PAL, contractors are to discount those losses to present value, where payments to the claimant will not take place for over a year after the loss occurs. If a state provides a discount rate for computing lump-sum settlements, 30.416 requires that the state rate be used for computing present value. Otherwise, the Pub. L. 92–41 Treasury rate is to be used. The differing rates specified by the states, and the lack of specified rates in some states, result in inconsistent treatment of self-insurance charges on defense contracts.

The purpose of requiring a present value computation for contract cost accounting purposes is to recognize the time value of money for funds advanced to and used by the contractor for extended periods before being disbursed. The Pub. L. 92–41 Treasury rate is generally specified for this purpose. The majority of state laws covering worker's compensation insurance specify a discount rate in the range of 3–6 percent. The use of a low rate results in a larger settlement than would use of a current money market rate. The purpose of low state rates is to discourage lump-sum settlements. This purpose is unrelated to that of fair valuation for contract cost accounting purposes. The use of state rates may produce inaccurate measures of present values and will most certainly create inconsistencies in the pricing of contracts due to the lack of consistent determinations of present values. Consequently, the proposed rule, published in the **Federal Register** on July 8, 1986 (51 FR 24788), deleted the reference to state discount rates at 30.416–50(a)(3)(ii) and required use of the Pub. L. 92–41 Treasury rate in all cases.

Four comments were received in response to the proposed rule. None of the comments directly challenged the appropriateness of the proposed revision. Therefore, no changes were made to the proposed rule as a result of the public comments.

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

47. Section 31.205–43 is amended by revising paragraph (c) to read as follows:

31.205–43 Trade, business, technical and professional activity costs.

* * * * *

(c) When the principal purpose of a meeting, conference, symposium, or seminar is the dissemination of trade, business, technical or professional information or the stimulation of production or improved productivity:

(1) Costs of organizing, setting up, and sponsoring the meetings, symposia, etc., including rental of meeting facilities, transportation, subsistence, and incidental costs;

(2) Costs of attendance by contractor employees, including travel costs (see 31.205–46); and

(3) Costs of attendance by individuals who are not employees of the contractor, *provided* (i) such costs are not also reimbursed to the individual by the employing company or organization, and (ii) the individual's attendance is essential to achieve the purpose of the conference, meeting, symposium, etc.

PART 35—RESEARCH AND DEVELOPMENT CONTRACTING

35.001 [Amended]

48. Section 35.001 is amended by adding in alphabetical order the definition "Broad agency announcement" to read as follows:

* * * * *

"Broad agency announcement" means a general announcement of an agency's research interest including criteria for selecting proposals and soliciting the participation of all offerors capable of satisfying the Government's needs (see 6.102(d)(2)).

* * * * *

49. Section 35.016 is added to read as follows:

35.016 Broad agency announcement.

(a) *General.* This paragraph prescribes procedures for the use of the broad agency announcement (BAA) with Peer or Scientific Review (see 6.102(d)(2)) for the acquisition of basic and applied research and that part of development not related to the development of a specific system or hardware procurement. BAA's may be used by agencies to fulfill their requirements for scientific study and experimentation directed toward advancing the state-of-the-art or increasing knowledge or understanding rather than focusing on a specific system or hardware solution. The BAA technique shall only be used when meaningful proposals with varying technical/scientific approaches can be reasonably anticipated.

(b) The BAA, together with any supporting documents, shall—

(1) Describe the agency's research interest, either for an individual program requirement or for broadly defined areas of interest covering the full range of the agency's requirements;

(2) Describe the criteria for selecting the proposals, their relative importance and the method of evaluation;

(3) Specify the period of time during which proposals submitted in response to the BAA will be accepted; and

(4) Contain instructions for the preparation and submission of proposals.

(c) The availability of the BAA shall be published in the Commerce Business Daily and, if authorized pursuant to Subpart 5.5, may also be published in noted scientific, technical, or engineering periodicals. The notice shall be published no less frequently than annually.

(d) Proposals received as a result of the BAA shall be evaluated in accordance with evaluation criteria specified therein through a peer or scientific review process. Written evaluation reports on individual proposals will be necessary but proposals need not be evaluated against each other since they are not submitted in accordance with a common work statement.

(e) The primary basis for selecting proposals for acceptance shall be technical, importance to agency programs, and fund availability. Cost realism and reasonableness shall also be considered to the extent appropriate.

(f) Synopsis under Subpart 5.2, Synopses of Proposed Contract Actions, of individual contract actions based upon proposals received under the BAA is not required. The notice published pursuant to subparagraph (c), of this section, fulfills the synopsis requirement.

PART 42—CONTRACT ADMINISTRATION

50. Section 42.1404–1 is amended by revising the section title and by adding a new third and a new fourth sentence to paragraph (a)(1) to read as follows:

42.1404–1 Parcel post eligible shipments.

(a)(1) * * * Parcel post eligible shipments for overseas destinations will not be sent via Small Package Delivery services or parcel post to CONUS military air or water terminals. These

shipments will be mailed through the APO or FPO to the overseas user. * * *

* * * * *

PART 45—GOVERNMENT PROPERTY

51. Section 45.101(a) definition "Special test equipment" is revised to read as follows:

45.101 Definitions.

* * * * *

"Special test equipment," as used in this part, means either single or multipurpose integrated test units engineered, designed, fabricated, or modified to accomplish special purpose testing in performing a contract. It consists of items or assemblies of equipment, including standard or general purpose items or components, that are interconnected and interdependent so as to become a new functional entity for special testing purposes. It does not include material, special tooling, facilities (except foundations and similar improvements necessary for installing special test equipment), and plant equipment items used for general plant testing purposes.

* * * * *

PART 47—TRANSPORTATION

47.405 [Amended]

52. Section 47.405 is amended in the first sentence by removing the words "be required" and inserting in their place the word "occur".

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

53. Section 52.213–1 is amended by inserting a colon in the introductory text following the word "clause" and removing the remainder of the sentence; by removing in the title of the clause the date "(April 1984)" and inserting in its place the date "(JUL 1988)"; by revising the last sentence in paragraph (b); and by removing both derivation lines following "(End of clause)" to read as follows:

52.213–1 Fast Payment Procedure.

* * * * *

(b) * * * The Contractor shall either replace, repair, or correct those supplies promptly at the Contractor's expense, but only if instructions to do so are furnished by the Contracting Officer within 180 days from the date title to the supplies vests in the Government.

* * * * *

54. Section 52.219–4 is revised to read as follows:

52.219–4 Notice of Small Business-Small Purchase Set-Aside.

As prescribed in 19.508(a), insert the following provision:

Notice of Small Business-Small Purchase Set-Aside (Jul 1988)

Quotations under this acquisition are solicited from small business concerns only. If this purchase is for supplies, it will be made only from a small business concern furnishing its own manufactured product, or from a small business concern providing the product of another manufacturer. In either case, such product must be manufactured or produced in the United States, its territories or possessions, Puerto Rico, or the Trust Territory of the Pacific Islands. Quotations that are not from a small business shall not be considered and shall be rejected.

(End of provision)

55. Section 52.225–3 is amended by removing in the title of the clause the date "(APR 1984)" and inserting in its place the date "(JUL 1988)"; by revising paragraph (b)(4); and by removing both derivation lines following "(End of clause)" to read as follows:

52.225–3 Buy American Act—Supplies.

* * * * *

(b) * * *

(4) For which the agency determines the cost to be unreasonable (see section 25.105 of the Federal Acquisition Regulation).

* * * * *

56. Section 52.245–18 is amended by inserting in the introductory text a colon following the word "clause" and removing the remainder of the sentence; by removing in the title of the clause the date "(APR 1984)" and inserting in its place the words "(JUL 1988)"; by revising paragraph (a) of the clause; and by removing the derivation line following "(End of clause)" to read as follows:

52.245–18 Special text equipment.

(a) "Special test equipment," as used in this clause, means either single or multipurpose integrated test units engineered, designed, fabricated, or modified to accomplish special purpose testing in performing a contract. It consists of items or assemblies of equipment, including standard or general purpose items or components, that are interconnected and interdependent so as to become a new functional entity for special testing purposes. It does not include material, special tooling, facilities (except foundations and similar improvements necessary for installing special test equipment), and plant equipment items used for general plant testing purposes.

* * * * *

52.247–63 [Amended]

57. Section 52.247–63 is amended in the first sentence of the introductory text by inserting a colon following the word "clause" and removing the remainder of the paragraph.

PART 53—FORMS

53.222 [Amended]

58. Section 53.222 is amended by removing in paragraph (b) the words "(See 22.608–5(b).)".

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H.R. 4288/Pub. L. 100-367

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