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

Contents

Federal Register

Vol. 53, No. 147

Monday, August 1, 1988

Separate Parts In This Issue

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Administrative Orders:
Memorandum of July 21, 1988 (correction) 28938

14 CFR
39 (5 documents) 28855, 28856, 28858–28860
71 (3 documents) 28861, 28862
75 28862
Proposed Rules:
Ch. I 28888
21 28888
23 28888
71 28889

15 CFR
371 28862
375 28864
385 28862
399 28864

17 CFR
400 28978
402 28978
403 28978
404 28978
450 28978

23 CFR
658 28870

24 CFR
201 28871
203 28871
234 28871
511 28990

32 CFR
199 28873

33 CFR
117 28883
Proposed Rules:
165 28890

36 CFR
Proposed Rules:
7 28891

38 CFR
21 28883

40 CFR
52 28884
Proposed Rules:
261 28892

41 CFR
Proposed Rules:
101–1 28895
105–1 28896

44 CFR
Proposed Rules:
67 (2 documents) 28896, 28897

46 CFR
30 28970
98 28970
151 28970
153 28970

47 CFR
1 28940
87 28940

48 CFR
505 28885
514 28885
525 28885

49 CFR
Proposed Rules:
24 28995

50 CFR
215 28886

Rules and Regulations

Federal Register
Vol. 53, No. 147
Monday, August 1, 1988

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-176-AD; Amdt. 39-5988]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 727 series airplanes, which currently requires inspection and repair, if necessary, of the wing upper surface stringers for fatigue cracks. This amendment requires inspection of additional stringer-to-rib attachments on airplanes that have experienced stringer-to-rib attachment cracking and rework of certain repairs. This action is necessary because cracking has been reported at locations inboard of the inspection area defined in the existing AD. Failure to detect and repair cracks could result in loss of a wing panel. Furthermore, certain repairs called out in the existing AD have been found to be inadequate and, if installed, must be reworked.

EFFECTIVE DATE: September 5, 1988.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Stanton R. Wood, Airframe Branch, ANM-120S; telephone (206) 431-1924. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations by superseding AD 83-13-03, Amendment 39-4673 (48 FR 29468; June 27, 1983), to require inspection for fatigue cracks and repair, if necessary of the wing upper surface stringers from wing stations (WS) 601.5 to 738.5 on Boeing Model 727 series airplanes, was published in the **Federal Register** on March 16, 1988 (53 FR 8634). The notice proposed to require inspection of the wing upper stringer-to-rib attachments at WS 519 and 546.5 on airplanes that have experienced cracking of stringers from WS 601.5 outboard, in addition to the inspections required by AD 83-13-03. Also, certain repairs done in accordance with AD 83-13-03 must be inspected and modified. The period for compliance with the initial inspection requirement, however, remains the same as that required by the existing AD.

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

Three commenters responded through the Air Transport Association (ATA) of America. All three commenters requested that the compliance time for inspection of the wing stringer-to-rib attachment at WS 519.0 or 546.5, and the rework of certain previous repairs, be extended from the proposed 4,500 flight hours to 11,000 cycles or 3 years since last inspection. The reason for the extension requests were to permit the inspections/rework to be accomplished during the airplane's normal maintenance schedule. These commenters noted that the proposed inspections would take longer to accomplish than the time allotted to a "B" check and longer than was stated in the proposal or the service bulletin. The FAA does not concur. The commenters have not provided sufficient substantiation to establish that the proposed compliance times are inappropriate in regards to the safety issue addressed by this AD action. Since the cracks or repairs which necessitate the new inspections may have occurred some time before the effective date of this AD, the FAA has determined that safety requires that the additional inspections be performed in accordance with the proposal. However, the FAA has determined that the *4,500 flight hour* compliance times, based on the manufacturer's recommendation of "at a 'B' check", should be changed to *4,500 landings* to agree with the other inspection requirements, which are in number of landings. The final rule incorporates this change. The FAA has determined that this change will not increase the economic burden on operators, nor does it increase the scope of the AD.

One commenter questioned whether the inspections required by the existing AD to be performed at 11,000 or 22,000 landings could be extended to 12,000 or 24,000 landings. The commenter, however, did not submit substantiating data that would warrant an extension beyond the 11,000 or 22,000 landings. Therefore, the FAA cannot act upon this request for an extension of the inspection compliance time.

The second commenter requested credit for previous inspections accomplished in accordance with AD 83-13-03. The FAA notes that this "credit" is provided in the final rule by the statement ". . . unless previously accomplished."

The final commenter requested that paragraph E. more clearly define the previous repairs that must be modified. The FAA agrees and has expanded that paragraph in the final rule in response to this comment.

Additionally, the final rule has been revised to remove all references to the use of "later FAA-approved revisions of the applicable service bulletin," in order to be consistent with FAA policy in that regard. The FAA has determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD, since later revisions of the service bulletin may be approved as an alternate means of compliance with this AD, as provided by paragraph H.

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

It is estimated that 200 airplanes of U.S. registry will be affected by this AD. If the inspection of the wing stringers at

WS 519 and 546.5 is conducted at the same time as the inspections of the outboard stringers, it will require 1 to 8 additional manhours, at an average labor cost of $40 per manhour; this equals a total cost of $40 to $320 per airplane. If the inspection of the stringers at WS 519 and 546.5 is not conducted at the same time as that of the outboard stringers, it will require approximately 29 to 36 manhours, at an average labor cost of $40 per manhour; this would equal a total cost of $1,160 to $1,440 per airplane. Based on these figures, the total cost impact on this AD on U.S. operators is estimated to be between $8,000 and $288,000.

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

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities, because few, if any, Model 727 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

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

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

2. By superseding AD 83-13-03, Amendment 39-4673 (48 FR 29468; June 27, 1983), with the following new airworthiness directive:

Boeing: Applies to Model 727 series airplanes, except Model 727-200F, certificated in any category. Compliance required as indicated, unless previously accomplished.

To ensure the structural integrity of the wing upper surface stringers, accomplish the following:

A. Using eddy current, x-ray, or visual inspection techniques, inspect wing upper surface stringers for cracks, in accordance with Boeing Alert Service Bulletin 727-57A159, Revision 1, dated October 29, 1982, as follows:

1. For airplanes with 45,000 or more landings on August 16, 1983, inspect prior to the accumulation of 1,000 additional landings after August 16, 1983.

2. For airplanes with at least 40,000 and less than 45,000 landings on August 16, 1983, inspect prior to the accumulation of 2,000 additional landings after August 16, 1983.

3. For all other airplanes, inspect prior to the accumulation of 3,000 additional landings after August 16, 1983, or prior to accumulating 33,000 total landings, whichever occurs later.

B. Repeat the inspections required by paragraph A., above, and, if applicable, paragraph C., below, at the following intervals:

1. If the immediately preceding inspection was performed using eddy current methods, reinspect within the next 22,000 landings.

2. If the immediately preceding inspection was performed using x-ray or visual methods, reinspect within the next 11,000 landings.

C. If cracks are detected during the inspections required by paragraph A. or B., above, unless previously accomplished, inspect the stringer-to-rib attachment at wing stations (WS) 519.0 and 546.5 for cracks, using eddy current, x-ray, or visual techniques, in accordance with Boeing Alert Service Bulletin 727-57A159, Revision 3, dated September 18, 1986, in accordance with the following schedule:

1. Prior to the accumulation of 4,500 landings after the effective date of this AD, for airplanes on which cracks have been detected prior to the effective date of this AD.

2. Prior to further flight, for airplanes on which cracks have been detected after the effective date of this AD.

D. Any cracked structure detected as a result of the inspections required by paragraphs A., B., C., E., or F. of this AD, must be repaired prior to further flight, in accordance with a procedure listed in Boeing Alert Service Bulletin 727-57A159, Revision 3, dated September 18, 1986. Repair or modification in accordance with Boeing Alert Service Bulletin 727-57A159, Revision 3, dated September 18, 1986, eliminates the repetitive inspection requirements of paragraph B., above, and constitutes terminating action for only those attachments so repaired or modified.

E. Within the next 4,500 landings after the effective date of this AD, unless previously accomplished in accordance with Boeing Service Bulletin 727-57A159, Revision 3, dated September 18, 1986, inspect and modify stringers (excluding stringer tabs) previously repaired utilizing the preventative modification in accordance with Figure 12 of Boeing Service Bulletin 727-57A159, Revision 1, dated October 29, 1982, or Revision 2, dated March 30, 1984.

F. For airplanes with affected wing stringer rib attach locations previously repaired in accordance with Structural Repair Manual Subject 57-10-4 or any other FAA-approved method (except those identified in paragraph E., above), that have accumulated 22,000 landings prior to August 16, 1983, inspect in accordance with paragraph A., above, within the next 11,000 landings after August 16, 1983, or prior to the accumulation of 33,000 landings since repair, whichever occurs later, and thereafter at intervals in accordance with paragraph B. of this AD.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207. The documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment supersedes AD 83-13-03, Amendment 39-4673.

The amendment becomes effective September 5, 1988.

Issued in Washington, DC, on July 21, 1988.

Melvin C. Beard,

Director of Airworthiness.

[FR Doc. 88-17211 Filed 7-29-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 87-NM-56-AD; Amdt. 39-5986]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, which requires inspection and testing of leading edge

pneumatic ducts, and repair or replacement, as necessary. This amendment is prompted by reports of cracked or ruptured ducts which have resulted in damage to wing panels and electrical wiring, accompanied by erratic and erroneous cockpit indications. This condition, if not corrected, could lead to damage to the wing leading edge, or imporper pilot action in response to misleading cockpit indications.

EFFECTIVE DATE: September 5, 1988.

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

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. McCracken, Systems and Equipment Branch, ANM-130S; telephone (206) 431-1947. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires inspection and testing, and repair or replacement, if required, on Boeing Model 747 series airplanes, was published in the **Federal Register** on April 14, 1988 (53 FR 12427).

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

The first commenter, the Air Transport Association (ATA) of America, agreed with the proposal in stating that its members expressed no objection to the proposal.

The second commenter, Japan Air Lines (JAL), suggested allowing different methods of accomplishing duct cleaning and inspection. JAL reports that it has been successfully using a different method of cleaning and inspecting the duct sections than that specified in the Boeing Alert Service Bulletin called for in the proposed rule. The FAA notes that, as provided in paragraph E. of the final rule, U.S. operators may use an alternate method of compliance with the requirements of this AD, if approved by FAA. Further, this AD is not mandatory for JAL; if the Japanese Civil Aviation Board (JCAB), as foreign regulatory authority, takes similar mandatory action for its operators, JAL may request approval of an alternate method of compliance from the JCAB.

JAL also asked the FAA to void the duct cleaning and penetrant inspection method specified in the Boeing service bulletin. The FAA does not concur; the FAA has no data, nor did this commenter submit additional data, to justify a change in the manufacturer's service information.

The third commentor, while not making a specific request regarding the proposed rule, noted that, based on its experience with performing inspection on over 500 duct sections, circumferential weld cracks accounted for only 35% of the total failures. Since the stress-relieving procedure specified as terminating action for the proposed rule addresses cracks in the weld areas, this commentor believes stress-relieving will not significantly improve duct life. The FAA does not concur with this comment. While the data supplied by the commentor indicates that approximately 65% of the duct failures observed during their duct inspections in the shop occurred in locations other than in the weld area, the duct failures observed in service and addressed by this rule typically occur around the weld attaching an end flange to a duct.

The final rule has been revised to remove all references to the use of "later FAA-approved revisions" of the applicable service bulletin, in order to be consistent with FAA policy in that regard. The FAA has determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD, since later revisions of the service bulletin may be approved as an alternate means of compliance with this AD, as provided by paragraph E.

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

It is estimated that 172 airplanes of U.S. registry will be affected by this AD, that it will take approximately 120 manhours per airplane to accomplish the required initial inspection and test, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators for the initial required action is $825,600. In addition, the required repetitive inspections will take 104 manhours per airplane every 7,000 flight cycles, which is approximately 28,000 flight hours or 9.33 years. The average cost associated with the repetitive inspections is approximately $76,690 per year.

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

For the reasons discussed above, the FAA has determined that this regulation is not considered major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities because few, if any, Boeing Model 747 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

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

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

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes, Group 1 and Group 2 airplanes as listed in Boeing Service Bulletin 747-36A2074, dated February 11, 1988, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent damage to wing panels and electrical wiring as a result of failure of wing leading edge ducts, accomplish the following:

A. For Group 1 airplanes: prior to the accumulation of 7,000 flight cycles, or within the next 3,000 flight cycles, whichever occurs later, after the effective date of this AD, accomplish a proof pressure test and penetrant inspection of the wing leading edge pneumatic ducts in accordance with the Boeing Alert Service Bulletin 747-36A2074, dated February 11, 1988.

B. For Group 2 airplanes: prior to the accumulation of 7,000 flight cycles, or within the next 3,000 flight cycles, whicherer occurs later, after the effective date of this AD,

accomplish a penetrant inspection of the wing leading edge pneumatic ducts in accordance with the Boeing Alert Service Bulletin 747–36A2074, dated February 11, 1988.

C. For both Group 1 and Group 2 airplanes, repeat the penetrant inspection required by paragraphs A. and B., above, at intervals not to exceed 7,000 flight cycles.

D. Accomplishing the leading edge duct weld stress relieving procedure in accordance with Boeing Alert Service Bulletin 747–36A2074, dated February 11, 1988, constitutes terminating action for the repetitive penetrant inspections required by paragraph C., above.

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

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

F. For the purpose of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of flight cycles may be determined by dividing each airplane's number of hours time-in-service by the operator's fleet average time from takeoff to landing for the airplane type.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124–2207. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective September 5, 1988.

Issued in Washington, DC, on July 21, 1988.

Melvin C. Beard,

Director of Airworthiness.

[FR Doc. 88–17212 Filed 7–29–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 87–NM–162–AD; Amdt. 39–5989]

Airworthiness Directives; Canadair Model CL–44D4 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to Canadair Model CL–44D4 series airplanes, which currently requires inspection of the left and right main landing gear bogie beam for cracks, and replacement, if necessary. This amendment requires that different techniques be used to perform this inspection. This action is prompted by reports that the inspection technique required by the existing AD has proven to be unsatisfactory in detecting cracks before failure occurs. Cracking in the bogie beam, if not detected and corrected, could result in a gear failure during landing or takeoff.

EFFECTIVE DATE: September 5, 1988.

ADDRESSES: The applicable service information may be obtained from Canadair, Ltd., Commercial Aircraft Technical Services, Box 6087, Station A, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Birkenholz, Airframe Branch, ANE–172, New York Aircraft Certification Office, FAA, New England Region, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791–6220.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to revise AD 68–01–06, Amendment 39–537 (33 FR 257; January 9, 1968), applicable to Canadair Model CL–44D4 series airplanes, to require inspection of the left and right main landing gear bogie beams using new inspection techniques, was published in the **Federal Register** on May 11, 1988 (53 FR 16724).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

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

It is estimated that 8 airplanes of U.S. registry will be affected by this AD, that it will take approximately 12 manhours per airplane to accomplish the required actions, and that the average labor costs will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,840.

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

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities, because of the minimal cost of compliance per airplane ($480). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

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

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

2. By revising AD 68–01–06, Amendment 39–537 (33 FR 257; January 9, 1968), as follows:

Canadair: Applies to all Model CL–44D4 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent failure of the main landing gear during landing or takeoff due to cracks in the main landing gear bogie beam, accomplish the following:

A. Within the next 20 landings after the effective date of this AD, and thereafter at intervals not to exceed 20 landings, perform a visual inspection of the left and right main landing gear bogie beam, P/N 44–87574, for cracks, in accordance with paragraph 2.A.(1) of Canadair Service Bulletin 493–CL44, dated February 29, 1988.

B. At intervals not to exceed 500 landings or 12 months, whichever occurs first, perform the inspection and modification, if necessary, in accordance with paragraphs 2.A.(2), 2.A.(3), 2.A.(4) and 2.A.(5) of Canadair Service Bulletin 493–CL44, dated February 29, 1988.

C. Any structure found to be cracked as a result of the inspections required by paragraph A. or B., above, must be replaced, prior to further flight, with an airworthy part or an FAA-approved equivalent part.

1. Replacement parts must be inspected prior to installation, in accordance with paragraph 2.A.(3) of Canadair Service Bulletin 493-CL44, dated February 29, 1988.

2. Replacement parts must be repetitively inspected in accordance with paragraphs A. and B., above.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, New York Aircraft Certification Office, FAA, New England Region.

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

All persons affected by this directive who have not already received the appropriate service document from the manufacturer may obtain copies upon request to Canadair, Ltd., Commercial Aircraft Technical Services, Box 6087, Station A, Montreal, Quebec H3C 3G9, Canada. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York.

This action amends Amendment 39-537.

This amendment becomes effective September 5, 1988.

Issued in Washington, DC, on July 21, 1988.

Thomas E. McSweeny,

Acting Director of Airworthiness.

[FR Doc. 88-17213 Filed 7-29-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 88-NM-27-AD; Amdt. 39-5990]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, which currently requires operational testing of fuel boost pump bypass valves. This action allows for termination of operational testing of boost pump bypass valves, when a certain fuel system modification is installed.

DATES: Effective September 5, 1988.

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

FOR FURTHER INFORMATION CONTACT: Mr. Stephen S. Bray, Propulsion Branch, ANM-140S; telephone (206) 431-1969. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to revise airworthiness directive 88-01-06, Amendment 39-5823 (53 FR 8; January 4, 1988), applicable to Boeing Model 737 series airplanes, to allow for termination of repetitive operational testing of boost pump bypass valves when a certain fuel system modification is installed, was published in the **Federal Register** on April 29, 1988 (53 FR 15404).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given the single comment received. The commenter supported the proposal.

The final rule has been revised to remove all references to the use of "later FAA-approved revisions of the applicable service bulletin," in order to be consistent with FAA policy in that regard. The FAA has determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD, since later revisions of the service bulletin may be approved as an alternate means of compliance with this AD, as provided by paragraph C.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described.

It is estimated that it will take approximately 3 manhours per airplane to accomplish the optional terminating action, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD on those U.S. operators who choose to incorporate the modification is estimated to be $120 per airplane.

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

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities, because few, if any, Model 737 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By revising AD 88-01-06, Amendment 39-5823 (53 FR; January 4, 1988), by redesignating paragraph B. as C., and adding a new paragraph B., as follows:

Boeing: Applies to Model 737 series airplanes listed in Boeing Alert Service Bulletin 737-28A1072, dated August 27, 1987, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent engine flameout due to boost pump bypass valve freezing, accomplish the following:

A. Prior to accumulation of 150 flight hours after January 27, 1988 (the effective date of Amendment 39-5823, AD 88-01-06), and thereafter at intervals not to exceed 300 flight hours, perform an operational test of the bypass valves in accordance with Boeing Alert Service Bulletin 737-28A1072, dated August 27, 1987.

B. The operational tests required by paragraph A., above, may be terminated when the fuel system modifications, detailed in Boeing Service Bulletin 737-28A1072,

Revision 2, dated February 18, 1988, are installed.

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

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

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

This amendment becomes effective September 5, 1988.

Issued in Washington, DC, on July 21, 1988.

Thomas E. McSweeny,

Acting Director of Airworthiness.

[FR Doc. 88-17210 Filed 7-29-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 87-NM-140-AD; Amdt. 39-5987]

Airworthiness Directives; Lockheed Aeronautics Systems Company Model L-1011-385 Series Airplanes, Fuselage Numbers 1001 through 1250

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Lockheed Model L-1011-385 series airplanes, which requires inspections of the restraint systems at flight attendant seats, removal of defective restraints, and modification of the seat restraint and guide mechanisms. This amendment is prompted by reports of improper restraint system installations, and chafing of the seat belt and harness. This condition, if not corrected, could result in the malfunction of seat restraints and possible injury to flight attendant crew members due to the loss of the restraints.

DATES: Effective September 5, 1988.

ADDRESSES: The applicable service information may be obtained from Lockheed Aeronautical Systems Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Order Administration, Dept. 65-33, U-33, B-1. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Edward S. Chalpin, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425, telephone (213) 988-5335.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive which requires the inspection of restraint systems at flight attendant seats, removal of defective restraints, and the modification of the seat restraint and guide mechanisms on L-1011-385 series airplanes, was published in the **Federal Register** on February 16, 1988 (53 FR 4419). An error was made with regard to the correct date of the Lockheed Service Bulletin. Lockheed Service Bulletin 093-25-512 was listed as approved on June 4, 1987, in the NPRM. It should have been listed July 23, 1987.

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

Two commenters indicated that they no longer use the retraction type seat belt and harness for the subject seats. They reasoned that since part of the justification for the proposed rule is chafing caused by the "abrasive elements within the retraction and attachment assembles," they should not be subjected to the proposed rule. The FAA disagrees. The FAA has determined that any harness or seat belt showing excessive wear, fraying, and stretching from whatever source (i.e., through movement through the retraction mechanism, folding, or excessive use) must be replaced. This determination is based in part on the National Transportation Safety Board's (NTSB) study, which initiated FAA's investigation and NPRM, that showed that worn belts had significantly degraded tensile strength values when tested.

These commenters also expressed concern that, although they had already ordered parts for the modification, the proposed six-month compliance time would not be adequate to obtain parts. They suggested that the proposed compliance period commence after delivery of the parts. The FAA does not concur. The required modification utilizes few parts, none of which are complex. After further contact with parts sources, the FAA has determined that replacement parts will be available within the compliance period.

Finally, the NTSB suggested there was the need for a more definitive, illustrated guide in the AD as to what constitutes unacceptable wear and/or damage to restraint system webbing. The FAA does not concur. The FAA considers that to include an illustrated guide in this AD is impractical, since such a guide could not possibly define a standard for *all* conditions constituting "wear" and "damage." For example, differences in the fabrics used, the weave, or the size of the webbing would add to the problems of developing a standard. Additionally, many different conditions of webbing wear (i.e., frayed, stretched, tattered, ragged, etc.) can constitute an unairworthy restraint. A risk would be taken in that some conditions, which could lead to unairworthy restraints, may not be included in the guide and, therefore, may not be considered by inspectors during the required inspections. The FAA considered that emphasis on repetitive inspections for obvious damage, wear, chafing, etc., which could degrade the integrity of the harness/belt system, is the most satisfactory method to identify and eliminate unairworthy restraints.

Paragraph B. of the final rule has been revised to reflect the correct date of the Lockheed Service Bulletin as "July 23, 1987."

Additionally, the final rule has been revised to remove all references to the use of "later FAA-approved revisions of the applicable service bulletin," in order to be consistent with FAA policy in that regard. The FAA has determined that this change will not increase the economic burden on any operator, nor will it increase the scope of the AD, since later revisions of the service bulletin may be approved as an alternate means of compliance with this AD, as provided by paragraph C.

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

It is estimated that 91 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 manhours

per airplane to accomplish the required actions, and that the average labor cost could be $40 per manhour. The actual costs of the modification parts are estimated to be $120 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $21,840.

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

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because few, if any, Model L-1011-385 series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Lockheed Aeronautical Systems Company: Applies to Lockheed Model L-1011-385 series airplanes, Serial Numbers 1001 through 1250, certificated in any category. Compliance is required within six months after the effective date of this Airworthiness Directive (AD), unless previously accomplished.

To prevent injury to flight attendants, resulting from the use of unairworthy seat belts and shoulder harnesses, accomplish the following:

A. Visually inspect flight attendant seat belts and shoulder harnesses for any wear, fraying, or stretching of belt webbing. Thereafter, continue to inspect the seat belts and shoulder harnesses at intervals not to exceed 1,500 hour time-in service. Replace, prior to further flight, any unit showing excessive wear and/or damage.

B. Install two-end shroud, Health-Techna Part Number H0161-1, to all MPD2-1100-( ) seats, in accordance with Lockheed Service Bulletin 093-25-517, dated July 23, 1987.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Lockheed Aeronautical Systems Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Order Administration, Dept. 65-33, U-33, B-1. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

This amendment becomes effective September 5, 1988.

Issued in Washington, DC, on July 21, 1988.

Melvin C. Beard,

Director of Airworthiness.

[FR Doc. 88-17209 Filed 7-29-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 88-ACE-04]

Cancellation of Transition Area—Spirit Lake, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects the effective date for the Spirit Lake, Iowa, transition area cancellation which was incorrectly cited as October 22, 1988.

FOR FURTHER INFORMATION CONTACT: Lewis Earp, Airspace Specialist, Traffic Management and Airspace Branch, Air Traffic Division, ACE-540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (316) 426-3408.

SUPPLEMENTARY INFORMATION:

History

On May 18, 1988, the Federal Aviation Administration published **Federal Register** Document 88-11049 which amended the Spirit Lake, Iowa, transition area (53 FR 17689). Inadvertently, the effective date was incorrectly listed. This action corrects that mistake.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 88-11049, beginning on page 17689 of the **Federal Register** published on May 19, 1988, should be amended to reflect the correct effective date of August 25, 1988.

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

Issued in Kansas City, Missouri, on July 22, 1988.

William Behan,

Acting Manager, Air Traffic Division.

[FR Doc. 88-17205 Filed 7-29-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 88-ACE-02]

Designation of Transaction Area—Fairmont, NE

AGENCY: Federal Aviation Administrration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects the effective date for the Fairmont, Nebraska, transition area designation which was incorrectly cited as October 22, 1988.

FOR FURTHER INFORMATION CONTACT: Lewis Earp, Airspace Specialist, Traffic Management and Airspace Branch, Air Traffic Division, ACE-540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 426-3408.

SUPPLEMENTARY INFORMATION:

History

On June 14, 1988, the FAA published **Federal Register** Document 88-13293 which amended the Fairmont, Nebraska, transition area (53 FR 22137). Inadvertently, the effective date was incorrectly listed. This action corrects that mistake.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 88–13293, beginning on page 22137 of the **Federal Register**, published on June 14, 1988, should be amended to reflect the correct effective date of August 25, 1988.

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; 10854; 49 U.S.C. 106(g), (Rev. Pub. L. 97–449, January 12, 1983; 14 CFR 11.69) Issued in Kansas City, Missouri, on July 22, 1988.

William Behan

Acting Manager, Air Traffic Division.

[FR Doc. 88–17206 Filed 7–29–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Parts 71 and 75

[Airspace Docket No. 88–ANM–5]

Alteration of VOR Federal Airways, Jet Routes and Low Altitude Reporting Points

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The name of the Casper, WY, very high frequency omni-directional radio range and tactical air navigational aid (VORTAC) has been changed to Muddy Mountain. The Casper VORTAC is not located on the Casper Airport. In accordance with FAA Handbook 7400.2C, Procedures for Handling Airspace Matters, navigational aids not located on that airport surface should not have the name of the airport. This action is to change the name of airspace designations which use the Casper VORTAC in order to correspond to the changed name of the VORTAC. However, no change in the airspace configuration results from this action.

EFFECTIVE DATE: 0901 u.t.c. October 20, 1988.

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

SUPPLEMENTARY INFORMATION:

The Rule

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) is to change the name of the Casper, WY, VORTAC to Muddy Mountain. These amendments are consistent with the requirements of FAA Handbook 7400.2C. The Casper VORTAC is not located on the Casper Airport; therefore, this name change is mandatory. This action increases aviation safety by eliminating navigational errors for flights landing at Casper. This action changes airspace descriptions to incorporate the new name but makes no change to the configuration of controlled airspace. Sections 71.123, 71.203 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Handbook 7400.6D dated January 4, 1988.

Because this action only changes the name of the Casper, WY, VORTAC to Muddy Mountain but does not alter controlled airspace, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because these actions are minor technical amendments in which the public would not be particularly interested.

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

List of Subjects in 14 CFR Parts 71 and 75

Aviation safety, VOR Federal airways, Low altitude reporting points, Jet routes.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) are amended, as follows:

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

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

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

§ 71.123 [Amended]

2. § 71.123 is amended as follows:

V–19, V–26, V–85, V–235, V–298, V–330, V–401 and V–589 [Amended]

Wherever "Casper" appears substitute "Muddy Mountain"

§ 71.203 [Amended]

3. § 71.203 is amended as follows:

Casper, WY [Removed]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

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

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

§ 75.100 [Amended]

5. § 75.100 is amended as follows:

J–13, J–107, J–158, J–170, J–202 [Amended]

Wherever "Casper" appears substitute "Muddy Mountain".

Issued in Washington, DC, on July 20, 1988.

Shelomo Wugalter,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88–17208 Filed 7–29–88; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371 and 385

[Docket No. 80505–8105]

Exports to North Korea; Expansion of Anti-Terrorism Controls

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Interim rule and request for public comment.

SUMMARY: The Department of Commerce has the authority under section 6 of the Export Administration Act of 1979 (EAA), as amended, to control exports to countries that have repeatedly supported acts of international terrorism. On January 20, 1988, the Secretary of State determined that North Korea is a country that has repeatedly supported acts of international terrorism. Accordingly, this rule amends the Export Administration Regulations (EAR) by extending anti-terrorism controls on exports to North Korea.

The anti-terrorism controls are in addition to the validated license controls for foreign policy purposes covering the export and reexport of virtually all U.S.-origin commodities and technical data to North Korea.

DATES: Effective Date: The amendments affecting § 385.1 are effective August 1, 1988. Because of statutory requirements, the amendments affecting section 371.17 are effective September 15, 1988.

Comment Date: Comments on § 371.17 must be received by August 31, 1988.

FOR FURTHER INFORMATION CONTACT: Glen Schroeder, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 377–3160.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements and Invitation to Comment

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

2. This rule does not contain a collection of information requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

3. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Section 13(b) of the EAA requires that this rule be published in interim form because this rule is removing North Korea from that group of countries for which General License GLR is available for replacement parts for aircraft, helicopters, or national security controlled commodities. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

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

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

Because this rule is being issued in interim form, comments will be considered in the development of final regulations. Accordingly, the Department encourages interested persons who wish to comment to do so at the earliest possible time to permit the fullest consideration of their views.

The period for comments submission will close August 31, 1988. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the person submitting the comments and will not consider them in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form. Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the Bureau of Export Administration Freedom of Information Records Inspection Facility, Room 4886, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the *Code of Federal Regulations*. Information about the inspection and copying of records may be obtained from Margaret Cornejo, Bureau of Export Administration Freedom of Information Officer, at the above address or by calling (202) 377–2593.

List of Subjects in 15 CFR Parts 371 and 385

Communist countries, Exports, Reporting and recordkeeping requirements.

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

PARTS 368–399—[AMENDED]

1. The authority citation for 15 CFR Parts 371 and 385 continues to read as follows:

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

PART 371—[AMENDED]

2. Section 371.17(e)(2)(vi) is revised to read as follows:

§ 371.17 General License GLR; Return or Replacement of Certain Commodities.

* * * * *

(e) * * *

(2) * * *

(vi) No replacement part shall be exported under this general license to Cuba, Iran, Syria, the People's Democratic Republic of Yemen, Libya, or North Korea (countries designated by the Secretary of State as supporting acts of international terrorism) if the commodity to be repaired is an aircraft, helicopter, or national security controlled commodity.

* * * * *

PART 385—[AMENDED]

3. Section 385.1 is amended by removing paragraph (b)(1), redesignating pargraph (b)(2) as (c) and by revising the remaining text in paragraph (b) to read as follows:

§ 385.1 Country Group Z [1]: North Korea, Vietnam, Cambodia and Cuba.

* * * * *

(b) North Korea and Cuba have been designated by the Secretary of State as countries that have repeatedly provided support for acts of international terrorism.

(c) * * *

[1] See Supplement No. 1 to Part 370 for listing of Country Groups.

Dated: July 9, 1988.

Michael Zacharia,

Assistant Secretary for Export Administration.

[FR Doc. 88-17217 Filed 7-29-88; 8:45 am]

BILLING CODE 3510-DT-M

15 CFR Part 375

[Docket No. 80507-8107]

Establishment of Import Certificate/Delivery Verification Procedure for Australia

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule; extension of compliance date.

SUMMARY: On July 5, 1988 (53 FR 25144) the Bureau of Export Administration published a final rule establishing new documentation requirements for exports to Australia under the Import Certificate/Delivery Verification (IC/DV) procedure. The rule provided that as of August 19, 1988, the Bureau of Export Administration would begin accepting the Australian Import Certificate as supporting documentation for the export license application (Form ITA-622P). It also provided for a grace period until October 3, 1988, within which either the Australian Import Certificate or the Statement by Ultimate Consignee and Purchaser (Form ITA-629P) would be accepted by the Bureau of Export Administration. After October 3 only the Import Certificate would be acceptable. This rule amends that previous rule by extending the grace period indefinitely in order to allow both governments more time to integrate their procedures for implementing new documentation requirements. Starting August 19, 1988, exporters may, at their discretion, submit the Australian Import Certificate, but the Department of Commerce will continue to accept Form ITA-629P until a rule is issued establishing a new date after which only the Australian Import Certificate can be used.

DATES: This rule is effective July 5, 1988. Starting August 19, 1988, license applications for exports to Australia will be accepted if supported by either an Australian Import Certificate or a Form ITA-629P.

FOR FURTHER INFORMATION CONTACT: Willard Fisher, Regulations Branch, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 377-3856.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

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

2. Section 13(a) of the Export Administration Act of 1979, as amended (EAA) (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Section 13(b) of the EAA does not require that this rule be published in proposed form because this rule does not impose a new control. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

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

4. The Import Certificate and Delivery Verification (IC/DV) requirement set forth in Part 375 supersedes the requirement for Form ITA-629P, Statement by Ultimate Consignee and Purchaser (approved by the Office of Management and Budget under control number 0625-0136) to accompany license applications for exports and reexports to Austrialia. The Import Certificate and Delivery Verification Certificate are issued by the Government of Australia and do not constitute collection of information requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

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

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be addressed to Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Part 375

Exports, Reporting and recordkeeping requirements.

Accordingly, 15 CFR Part 375 of the Export Administration Regulations is amended as follows:

PART 375—[AMENDED]

1. The authority citations for 15 CFR Part 375 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

§ 375.1 [Amended]

2. The table in § 375.1 is amended by adding a footnote 1 after the word "Australia" in the column titled "and the country of destination is:" reading as follows: "The Bureau of Export Administration will accept either the Australian Import Certificate or Form ITA-629P, Statement by Ultimate Consignee and Purchaser."

§ 375.3 [Amended]

3. The footnote in § 375.3(b) is revised to read as follows: "For exports to Australia, the Bureau of Export Administration will accept either the Australian Import Certificate or Form ITA-629P, Statement by Ultimate Consignee and Purchaser. See § 375.4 for Swiss Blue Import Certificate requirements, § 375.5 for Yugoslav End-Use Certificate requirements, § 375.6 for People's Republic of China End-User Certificate requirements."

Dated: July 27, 1988.

Michael E. Zacharia,

Assistant Secretary for Export Administration.

[FR Doc. 88-17216 Filed 7-29-88; 8:45 am]

BILLING CODE 3510-DT-M

15 CFR Part 399

[Docket No. 80742-8142]

Revisions to the Export Administration Regulations Based on COCOM Review; Electronic Computers

AGENCY: Bureau of Export Administration Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration maintains the Commodity Control List (CCL), which identifies those items subject to Department of Commerce export controls. This rule amends Export Control Commodity Number (ECCN) 1565A, which controls electronic computers and related equipment, by significantly reducing the restrictions on exports of computers, computer peripherals, and computerized equipment.

This revision has resulted from a review of strategic controls maintained by the U.S. and allied countries through the Coordinating Committee (COCOM). Such multilateral controls restrict the availability of strategic items to controlled countries. With the concurrence of the Department of Defense, the Department of Commerce has determined that this rule is necessary to protect U.S. national interests.

EFFECTIVE DATE: August 1, 1988.

FOR FURTHER INFORMATION CONTACT: For questions of a technical nature regarding equipment controlled for export under ECCN 1565A, call Raj Dheer, Computer Systems Technology Center, Office of Technology and Policy Analysis, Telephone: (202) 377–0708.

SUPPLEMENTARY INFORMATION: This rule significantly reduces export restrictions on computers and related equipment classified under ECCN 1565A on the Commodity Control List. Specifically, it eases licensing standards on exports to controlled countries of lower level computers and computer peripherals, while maintaining restrictions on strategic items such as engineering workstations. An increase in Advisory Note 12 levels, from 48 to 78 Mbit/sec., will allow more license approvals for the Soviet Union under the "no exceptions" policy. Increases in Advisory Note 9, from 28 to 43 Mbit/sec., will not only shorten licensing times for controlled countries, but will increase significantly the range of products eligible for General Licenses G–COM and GFW.

Advisory Note 17 for the People's Republic of China has been amended to permit the export of digital computers having a total processing data rate of 550 Mbit per second, and increase from the prior level of 285 Mbit per second. In addition, the bulk sale limit for the export of personal computers and business computers has been increased from 15 Mbit per second to 136 Mbit per second (Advisory Note 20 for the People's Republic of China).

Rulemaking Requirements

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

2. Section 13(a) of the Export Administration Act of 1979 (EAA), as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule also is exempt from the APA requirements because it involves a foreign and military affairs function of the United States. Section 13(b) of the EAA does not require that this rule be published in proposed form because this rule implements regulatory changes based on COCOM review. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

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

4. This rule contains a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0694–0013. Public reporting burden for computer export applications is estimated to very from one to five hours per response, with an average of two and a half hours per response. This includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send commenters regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Office of Administration, Bureau of Export Administration, Room 3889, Department of Commerce, Washington, DC 20230 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

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

Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Joan Maguire, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Part 399

Exports, Reporting and recordkeeping requirements.

Accordingly, Part 399 of the Export Administration Regulations (15 CFR Parts 368 through 399) is amended as follows:

PART 399—[AMENDED]

1. The authority citation for Part 399 continues to read as follows:

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

Supplement No. 1 to § 399.1 [Amended]

2. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), in ECCN 1565A, the parenthetical clause appearing after the heading is revised to read as set forth below and the "List of Electronic Computers and Related Equipment Controlled by ECCN 1565A" is amended as follows:

Paragraph (f)(3) is amended by removing "or" from the end of the paragraph;

Paragraph (f)(4) is amended by adding "or" after the semi-colon at the end of the paragraph;

The Note following paragraph (h)(1)(i)(G) is amended by revising the reference to "ECCN 1529(b)(6)(ii)" to read "ECCN 1529(b)(6)";

The Note following paragraph (h)(2)(i)(A) is amended by revising the reference in paragraph (a) to "5.5 million bits per second" to read "5.5 million

bit/s", by revising the reference in paragraph (b) to "200 million bits" to read "320 million bit", by revising in paragraph (c) the words "one independent drive" to read "two independent drives," and by revising paragraph (d) to read as set forth below;

Paragraph (h)(2)(i)(F) is amended by revising the reference to "43 million bit per second" to read '54 million bit/s";

Paragraph (h)(2)(i)(G) is amended by revising the reference to "100 million bits per second" to read "100 million bit/s" and by removing "and" after the semicolon at the end of the paragraph;

Paragraph (h)(2)(i))(J)(*2*) is revised to read as set forth below;

Paragraph (h)(2)(ii)(D) is amended by revising the reference to "15 million bits per second" to read "15 million bit/s";

Paragraph (h)(2)(ii)(E) is amended by revising the reference to "9.8 million bits" to read "9.8 million bit";

Paragraph (h)(2)(ii)(F)(*1*) is amended by revising the reference to "5.5 million bits per second" to read "5.5 million bit/s";

Paragraph (h)(2)(ii)(F)(*2*) is amended by revising the reference to "200 million bits" to read "320 million bits";

Paragraph (h)(2)(ii)(F)(*3*) is amended by revising the words "one independent drive" to read "two independent drives";

Paragraph (h)(2)(ii)(F)(*4*) is revised to read as set forth below;

Paragraph (h)(2)(ii)(G) is amended by revising the reference to "ECCN 1519(c)" to read "ECCN 1519(a)(2)";

Paragraph (h)(2)(ii)(H) is revised to read as set forth below;

Paragraph (h)(2)(ii)(J)(*2*) is revised to read as set forth below;

Paragraph (h)(2)(iii)(D) is amended by revising the reference to "6.5 million bits per second" to read "6.5 million bit/s";

Paragraph (h)(2)(iii)(E) is amended by revising the reference to "6.2 million bits" to read "6.2 million bit";

Paragraph (h)(2)(iii)(J)(*1*) is amended by revising the reference to "5.5 million bits per second" to read "5.5 million bit/s";

Paragraph (h)(2)(iii)(J)(2) is amended by revising the reference to "200 million bits" to read "200 million bit";

Paragraph (h)(2)(iii)(J)(4) is amended by adding the word "and" after the semicolon;

Paragraph (h)(2)(iv)(K)(*2*)(iii) is redesignated as paragraph (h)(2)(iv)(K)(*2*)(*iii*);

Paragraphs (h)(2)(iv)(L), (M), and (N) are revised to read as set forth below;

Paragraph (h)(2)(iv)(P) is removed;

Paragraphs (h)(2)(iv)(Q) through (S) are redesignated as new paragraphs (h)(2)(iv)(P) through (R);

Newly redesignated paragraph (h)(2)(iv)(Q)(*1*) is amended by revising the reference to "17 million bits" to read "17 million bit";

Newly redesignated paragraph (h)(2)(iv)(Q)(*2*) is amended by revising the reference to "0.52 million bits per second" to read "0.52 million bit/s";

Newly redesignated paragraph (h)(2)(iv)(Q)(*3*) is amended by adding an "or" after the semi-colon at the end of the paragraph;

Newly redesignated paragraph (h)(2)(iv)(R)(*1*) is amended by revising the reference to "131 bits per mm (3,300 bits per inch)" to read "131 bit per mm (3,300 bit per inch)" and by removing "*or*" that appears after the semi-colon at the end of the paragraph;

Newly redesignated paragraph (h)(2)(iv)(R)(*2*) is amended by revising the reference to "2.66 million bits per second" to read "2.66 million bit/s";

Paragraph (h)(2)(v)(A) is amended by removing "or" that appears after the semicolon at the end of the paragraph;

Paragraphs (h)(2)(v)(C) and (h)(2)(vi) are added to read as set forth below;

Advisory Note 3 is amended by redesignating paragraphs (b) introductory text, (b)(1) and (b)(2) as paragraphs (b)(1), (b)(2) and (b)(3) and by removing the word "and" at the end of the newly redesignated paragraph (b)(1); paragraph (c)(2) is amended by revising "ECCN 1586" to read "ECCN 1586A";

Technical Note 3 to Advisory Note 3 is amended by revising the words "and the generating of functions" that appear at the end of the note to read "or the generating of functions";

Advisory Note 5 is amended by revising the reference in paragraph (c) to "43 million bits per second" to read "43 million bit per second" and by revising in paragraph (d)(2) the words "paragraph (h)(1)(i)(C) to (h)(1)(i)(E) and (M)" to read "paragraphs (h)(1)(i)(E) to (M)";

Advisory Note 7 is amended by revising "ECCN 1565" in paragraph (a)(1) to read "this ECCN 1565A"; by adding "that are identified by the code letter 'A' " after the word "List" and before the semicolon at the end of paragraph (a)(2); and by removing "service" after "supplier's" and before "organization" in paragraph (c) introductory text;

The Technical Note to Advisory Note 7 is amended by revising the references to "ECCN 1564", "ECCN 1572", and "ECCN 1586" to read "ECCN 1564A", "ECCN 1572A" and "ECCN 1586A" respectively in paragraphs (a) through (d);

Advisory Notes 9 and 12 are revised to read as set forth below;

Advisory Note 16 is redesignated as Note 16 and definitions are added in alphabetical order to read as set forth below for the terms "block move data rate," "gateway," and "internetwork gateway"; the definition of "maximum bit packing density" is amended by revising the reference to "ISO 1862–1975" to read "ISO 1863–1975"; the definition of "multi-data-stream processing" is revised to read as set forth below; the words "cartridge type" that appear in the definition of "net capacity" are revised to read "cartridge-type"; the reference to "16 bits" that appears in Note 1 under the definition of "numbers of bits in a" is revised to read "16 bit"; the reference to "30 bits" that appears in paragraph (b) under the definition of "number of bits in a floating point operand" is revised to read "30 bit"; and entries are added to the table that appears in the Note to the definition of "total connected capacity" to read as set forth below;

Advisory Note 17 (for the People's Republic of China) is amended by revising paragraph (b)(1) to read as set forth below; by removing paragraph (b)(2), by redesignating paragraph (b)(3) as new paragraph (b)(2), by revising newly redesignated paragraph (b)(2) to read as set forth below, and by revising paragraph (c) introductory text and paragraph (c)(1) to read as set forth below; and

Advisory Notes 18, 19, and 20 (for the People's Republic of China) are revised to read as set forth below.

1565A Electronic computers, "related equipment," equipment or systems containing electronic computers; and specially designed components and accessories therefor.

(For the export control status of "computer software," see Supplement No. 3 to Part 379).

* * * * *

List of Electronic Computers and Related Equipment Controlled by ECCN 1565A

* * * * *

(h) * * *

(2) * * *

(i) * * *

(A) * * *

[Note]: * * * (d) A "total access rate" not exceeding 80 accesses per second with a maximum "access rate" of 40 accesses per second per drive;

* * * * *

(J) * * *

(*2*) "Local area networks" that are excluded from control;

[Note: * * *]

* * * * *

(ii) * * *

(F) * * *

(4) A "total access rate" not exceeding 80 accesses per second with a maximum "access rate" of 40 accesses per second per drive;

(j) * * *

(2) "Local area networks" that are excluded from control;

[Note: * * *]

* * * * *

(iii) * * *

(H) They do not include analog-to-digital or digital-to-analog converter microcircuits exceeding the limits of ECCN 1568;

[Note: This does not apply in the case of direct driven video monitors for normal commercial television;]

* * * * *

(iv) * * *

(L) Displays or monitors having all of the following characteristics:

(1) Not including equipment described in paragraph (h)(l)(ii) above;

(2) Not containing cathode ray tubes controlled by ECCN 1541A;

(3) If capable of other than alpha-numeric characters, graphs and symbols, in fixed formats:

(i) Not more than 1,024 resolvable elements along any axis;

(ii) Not more than 16 shades of gray or color; *and*

(iii) The "maximum bit transfer rate" from the electronic computer to the display does not exceed 19,200 bit/s;

[Note: Paragraphs (h)(2)(iv)(L)(3) (ii) and (iii) above do not apply in the case of direct driven video monitors.]

(M) Displays or monitors having all of the following characteristics:

(1) They do not contain cathode-ray tubes;

(2) They are not capable of displaying more than 3 levels (*i.e.*, off, intermediate and full on); *and*

(3) They do not have as an integral part of the display device:

(i) Circuitry; *or*

(ii) Non-mechanical character generation devices;

(N) Displays having all of the following characteristics:

(1) Not containing cathode-ray tubes controlled by ECCN 1541;

(2) Being part of industrial or medical equipment; *and*

(3) Not specially designed for use with electronic computers;

* * * * *

(v) * * *

(C) Designed to meet ANSI/IEEE Standard 488–1978 or IEC Publication 625–1;

(vi) Equipment for "local area networks" that do not exceed any of the following characteristics:

(A) Interfaces and protocols up to or including Layer 2 of the Open System Interconnection (OSI) reference model, which is ISO logical link control Draft International Standard (DIS) 8802/2, IEEE 802.2, 802.3, 802.4, 802.5, or equivalents;

(B) Implementations that contain functions of, or equivalent to those provided by, CCITT x .25, Level 3, protocols—none;

(C) Maximum "data signalling rate" on the common transmission medium—2 million bit/s; *or*

(D) "Internetwork gateways"—none;

* * * * *

Advisory Note 9: (Eligible for General License G–COM) Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of "digital computers" or "related equipment" therefor controlled by paragraph (h), provided that:

(a) The "digital computers" or "related equipment" therefor:

(1) Are not described in paragraphs (h)(1)(i) (D) to (M);

(2) Are not used with "digital computers" produced in controlled areas;

[Note: This does not prohibit the exchange of data media.]

(3) Are exported as:

(i) Complete systems; *or*

(ii) Enhancements to a previously exported system provided that the enhanced system does not exceed the limits of paragraph (b) of this Advisory Note;

(4) Have not been designed for any equipment:

(i) Controlled by any other ECCN on the Commodity Control List identified by the code letter "A"; *and*

(ii) Are not eligible for export under an applicable Advisory Note to such other ECCN;

(5) Have been primarily designed and used for non-strategic applications;

(6) Do not have any of the following characteristics:

(i) They fall within the scope of both paragraphs (h)(1)(ii) (A) and (B); *or*

(ii) They fall within the scope of paragraph (h)(1)(ii)(A) and are microprocessor-based systems having a word length of more than 8 bit; *or*

(iii) They are ruggedized above the level required for a normal commercial/civil environment, but not necessarily up to the levels specified in paragraph (f) and are microprocessor-based systems having a word length of more than 8 bit; *and*

[Note: Microprocessor based systems with 8-bit word length and not more than 16-bit architecture are regarded as 8-bit systems for the purpose of this paragraph (a)(6).]

(7) Do not have all of the following characteristics:

[Note: Paragraph (a)(7) does not apply to workstations designed for and limited to graphic arts (*e.g.*, printing, publishing).]

(i) They are stand-alone graphics work stations designed or modified for the generation, transformation, and display of 2 or 3 dimensional vectors;

(ii) They have a "total processing data rate" of the central processing unit exceeding 28 million bit per second;

(iii) They have a central processing unit, with a word length exceeding 16 bit; *and*

[Note: Microprocessor based systems with 16-bit word-length and not more than a 32-bit architecture are regarded as 16-bit systems for the purpose of this paragraph (a)(7)(iii).]

(iv) They exceed either of the following limits:

(A) "Block move data rate"—800,000 pixels/sec.; *or*

(B) "Maximum bit transfer rate" of the channel for direct access to the "main storage" (Direct Memory Access or DMA channel)—11 million bit/s;

(8) The number, type and characteristics of the equipment are reasonable for the application;

(9) The equipment is not destined for military end-use.

(b) The "digital computers" or "related equipment" therefor do not exceed any of the following limits:

(1) Central processing unit—"main storage" combinations:

(i) "Total processing data rate"—43 million bit/s;

(ii) "Total connected capacity" of "main storage"—39 million bit;

(iii) 'Non-volatile storage" with "user-accessible programmability" including bubble memory—none;

[Note: Magnetic core "main storage" is not considered "non-volatile storage" for purposes of this paragraph (b)(1)(iii).]

(iv) Number of microprocessor or microcomputer microcircuits implementing the central processing unit—three; *or*

Note: This limit does not include any dedicated microprocessor or microcomputer microcircuit used solely for display, keyboard or input/output control, or any bit-slice microprocessor microcircuit.]

(v) "Virtual storage" capability—512 MByte;

Note: 1. Supermini "digital computers" with a "virtual storage" capability exceeding the level in this paragraph will not be eligible for consideration under this Note. However, other "digital computers" (*e.g.*, mainframes) may have a "virtual storage" capability exceeding this limit, and in such cases they may be considered under this Note.

2. If the "total processing data rate" does not exceed 28 million bit/s, this paragraph will not apply.

(2) Input/output control unit—drum or disk drive combinations:

(i) "Total transfer rate"—16 million bit per second;

(ii) "Total access rate"—200 accesses per second;

(iii) Total connected "net capacity"—5,120 million bit;

(iv) "Maximum bit transfer rate" of any drum or disk drive—16 million bit/s;

(v) Number of independent drum or disk drives—six, of which five must not exceed a "maximum bit transfer rate" of 10.3 million bit/s;

(vi) Exchangeable disk packs that contain magnetic heads:

(A) "Access rate" of an independent seek mechanism—20 accesses per second;

(B) "Net capacity"—240 million bit;

(3) Input/output control unit—bubble memory combinations:

(i) Total connected "net capacity" for point of sale devices used by cashiers—9.8 million bit;

(ii) Total connected "net capacity" for "digital computers" or "related equipment" other than those in paragraph (b)(3)(i) above—2.1 million bit;

(4) Input/output control unit—magnetic tape or cartridge-type streamer tape drive combinations;

(i) Magnetic tape drives:

(A) "Maximum bit packing density"—246 bit/mm (6,250 bpi);

(B) Maximum read/write speed—508 cm/s (200 ips);

(C) "Maximum bit transfer rate"—10 million bit/s;

(D) Number exceeding 131 bit/mm (3,300 bit/inch)—4;

(ii) Cartridge-type streamer tape drives:

(A) Maximum "total transfer rate"—16 million bit/s;

(B) Number—two;

(5) Communication control unit—"communication channel" combinations:

(i) "Total data signalling rate" of all "communication channels" terminating remote from the "computer using facility"—19,200 bit/s;

(ii) Maximum "data signalling rate" of any "communication channels"—9,600 bit/s;

(iii) Number of "communication channels" not dedicated full time to the given application—three, provided that:

(A) They are connected to the public switched network; *and*

(B) They have a "data signalling rate" not exceeding 1,200 bit/s at the interface between the "digital computer" and the public switched network; and

(C) Number of "communication channels" not limited to Telex interfaces for services conforming to CCITT recommendations F60 to F79—one.

(6) Input/output or communication control unit—directly connected date channel combinations:

(i) "Total transfer rate"—1.6 million bit/s;

(ii) "Transfer rate of any data channel"—1.6 million bit/s;

(iii) Terminations of such combinations or any extensions thereto outside the "computer using facility"—none;

(7) Communication control unit—"local area network" combinations:

(i) Maximum "data signalling rate" on the common transmission medium—10 million bit/s;

(ii) Interfaces and protocols up to and including Layer 2 of the Open System Interconnection (OSI) reference model, which is logical link control (Draft International Standard [DIS] 8802/2), IEEE 802.2, 802.3, 802.4, 802.5 or equivalents;

(iii) Implemenations that contain functions of, or equivalent to those provided by, CCITT X .25, Level 3, protocols—none;

(iv) "Internetwork gateways"—none;

(v) "Communications channels" from such combinations to one "digital computer" located outside the "computer using facility"—one, provided that:

(A) The "communication channel" is dedicated full time to the given application;

(B) The maximum "data signalling rate" is 9,600 bit/s; *and*

(C) The "digital computer" is not designed or modified for "local area networks";

(vi) The sum of the "total processing data rate" of all controlled "digital computers" directly connected to a "local area network"—285 million bit/s.

[Note 1: For the purpose of this paragraph (b)(7) all "local area networks" interconnected within a "computer using facility" are considered as a single "local area network".

[Note 2: If the maximum "data signalling rate" on the common transmission medium does not exceed 2 million bit/s, this paragraph (b)(7)(vi) will not apply.]

(8) "Other peripheral devices":

(i) "Maximum bit transfer rate" of any "terminal device" located remote from the "computer using facility"—19,200 bit/s;

(ii) Displays or graphic input devices:

(A) Resolvable elements along any axis—1024, and shades of gray or color—64;

(B) Resolvable elements along any axis—320, and shades of gray or color—256;

(9) Other limits on equipment, "equivalent multiply rate" for "signal processing" or "image enhancement" equipment—800,000 operations per second;

(c) Exports of "digital computers" or "related equipment" therefor covered by this Advisory Note 9 shall be subject to the following restrictions:

(1) Reserved.

(2) When the parameters of the equipment do not exceed:

(i) "Total processing data rate"—20 million bit/s;

(ii) "Maximum bit transfer rate" of any independent drum or disk drive—10.3 million bit/s—none;

Then the quantity limitations on the export of equipment per transaction imposed by paragraph (c)(3) below do not apply.

(3) When the parameters of any equipment involved in one transaction exceed any limit of paragraph (c)(2) above, then:

(i) The "cumulative total processing data rate" must not exceed 285 million bit/s;

[Note: When calculating the "cumulative total processing data rate", the "total processing data rates" of any stand-alone microcomputers are not to be included.]

(ii) The equipment must be used primarily for the specific non-strategic application for which the export would be approved; *and*

(iii) The equipment must not be used for the design, development, or production of controlled items, especially not in microelectronics.

(4) When the "processing data rate" of any equipment involved in one transaction exceeds 28 million bit/s, then:

(i) The condition of paragraph (c)(3) of this Advisory Note would apply;

(ii) The end-user will not be directly involved in significant strategic activities, including intelligence activities;

(iii) The end-user will not be affiliated with organizations that foster diversions to strategic purposes;

(iv) The equipment will not measurably enhance the strategic activities of the end-user.

* * * * *

Advisory Note 12: (Not eligible for General License G-COM) Licenses will receive favorable consideration for export to satisfactory end-users in Country Groups QWY of "digital computers" or "related equipment" therefor controlled by paragraph (h) provided that:

(a) The "digital computers" or "related equipment" therefor:

(1) Are not described in paragraphs (h)(1)(i) (D) to (M);

(2) Are not used with "digital computers" produced in controlled areas;

[Note: This does not preclude the exchange of data media.]

(3) Are exported as:

(i) Complete systems; or

(ii) Enhancements to a previously exported system provided that the enhanced system does not exceed the limits of paragraph (b) of this Note;

(4) Have not been designed for any equipment:

(i) Controlled by another ECCN on the Commodity Control List identified by the code letter "A"; and

(ii) Are not eligible for export under an applicable Advisory Note to such other ECCN;

(5) Have been primarily designed and used for non-strategic applications; *and*

(6) Do not have any of the following characteristics:

(i) They fall within the scope of both paragraphs (h)(1)(ii) (A) and (B); *or*

(ii) They fall within the scope of paragraph (h)(1)(ii)(A) and are in microprocessor-based systems having a word length of more than 16 bit; *or*

(iii) They are ruggedized above the level required for a normal commercial/civil environment, but not necessarily up to the levels specified in paragraph (f) and are microprocessor-based systems having a word length of more than 16 bit; *and*

[Note: Microprocessor-based systems with 16-bit word-length and not more than a 32-bit architecture are regarded as 16-bit systems for the purpose of this paragraph (a)(6).]

(7) Do not have all of the following characteristics:

[Note: Paragraph (a)(7)(iv) does not apply to workstations designed for and limited to graphic arts (*e.g.*, printing, publishing.)]

(i) They are stand-alone graphics work stations designed or modified for the generation, transformation, and display of two or three dimensional vectors;

(ii) They have a "total processing data rate" of the central processing unit exceeding 48 million bit per second;

(iii) They have a central processing unit, with a word length exceeding 16 bit; *and*

[Note: Microprocessor based systems with 16-bit word-length and not more than a 32-bit architecture are regarded as 16-bit systems for the purpose of this paragraph (a)(7)(iii).]

(iv) They exceed either of the following limits:

(A) "Block move data rate"—1,500,000 pixels/sec; *or*

(B) "Maximum bit transfer rate" of the channel for direct access to the "main storage" (Direct Memory Access or DMA channel)—15 million bit per second;

(8) (i) The equipment is appropriate for the stated end-use;

(ii) The end-users are:

(A) Not directly involved in significant strategic, including intelligence, activities; *or*

(B) Not affiliated with organizations that foster diversion to strategic purposes;

(iii) The equipment will not significantly enhance the strategic activities of the end-user.

(b) The "digital computers" or "related equipment" therefor do not exceed any of the following limits:

(1) Central processing unit—"main storage" combinations:

(i) "Total processing data rate"—78 million bit per second;

(ii) "Total connected capacity: of "main storage"—76.7 million bit;

(iii) "Non-volatile storage" with "user accessible programmability" including bubble memory—none;

[**Note:** Magnetic core "main storage" is not considered "non-volatile" for purposes of this paragraph.]

(iv) "Virtual storage" capability—512 MByte;

[**Note:** Supermini "digital computers" with a "virtual storage" capability exceeding the level in this paragraph (b)(1)(iv) will not be eligible for consideration under this Note. It is recognized, however, that other "digital computers" (*e.g.*, mainframes) may have a "virtual storage" capability exceeding this limit and in such cases they may be considered under this Note.]

(2) Input/output control unit—drum or disk drive combinations:

(i) "Total transfer rate"—22 million bit/s;

(ii) "Total access rate"—360 accesses per second;

(iii) Total connected "net capacity"—14,000 million bit;

(iv) "Maximum bit transfer rate" of any drum or disk drive—20.6 million bit/s;

(v) Number of drum or disk drives exceeding a "maximum bit transfer rate" of 10.3 million bit/s—four;

(vi) Exchangeable disk packs that contain magnetic heads:

(A) "Access rate" of an independent seek mechanism—29 accesses per second;

(B) "Net capacity"—640 million bit;

(3) Input/output control unit—bubble memory combinations:

(i) Total connected "net capacity" for point of sale used by cashiers—9.8 million bit;

(ii) Total connected "net capacity" for "digital computers" or "related equipment" other than those in paragraph (b)(3)(i) above—2.1 million bit;

(4) Input/output control unit—magnetic tape or cartridge-type streamer tape drive combinations:

(i) Magnetic tape drives;

(A) "Maximum bit packing density"—246 bit/mm (6,250 bpi);

(B) Maximum read/write speed—508 cm/s (200 ips);

(C) "Maximum bit transfer rate"—10 million bit/s;

(D) Number exceeding 131 bit/mm (3,300 bpi)—4;

(ii) Cartridge-type streamer tape drives;

(A) Maximum "total transfer rate"—16 million bit/s;

(B) Number—two;

(5) Communication control unit—"communication channel" combinations:

(i) "Total data signalling rate" of all "communication channels" terminating remote from the "computer using facility"—38,400 bit/s; or

(ii) Maximum "data signalling rate" of any "communication channels"—19,200 bit/s;

(iii) Number of "communication channels" not dedicated full time to the given application—six, provided that:

(A) They are connected to the public switched network;

(B) They have a "data signalling rate" not exceeding 1,200 bit/s at the interface between the "digital computer" and the public switched network; and

(C) Number of "communication channels" not limited to telex interfaces for services conforming to CCITT recommendations F60 to F79—two.

(6) Input/output or communication control unit—directly connected data channel combinations:

(i) "Total transfer rate"—3.6 million bit/s;

(ii) "Transfer rate of any data channel"—3.6 million bit per second;

(iii) Terminations of such combinations or of any extensions thereto outside the "computer using facility"—none;

(7) Communication control unit—"local area network" combinations;

(i) Maximum "data signalling rate" on the common transmission medium—10 million bit/s;

(ii) Interfaces and protocols up to and including Layer 2 of the Open System Interconnection (OSI) reference model, which is ISO logical link control Draft International Standard (DIS) 8802/2, IEEE 802.2, 802.3, 802.4, 802.5 or equivalents;

(iii) Implementations that contain functions of, or equivalent to those provided by, CCITT × .25, Level 3, protocols—none;

(iv) "Internetwork gateways"—none;

(v) "Communications channels" from such combinations to one "digital computer" located outside the "computer using facility"—one, provided that:

(A) The "communication channel" is dedicated full time to the given application;

(B) The maximum "data signalling rate" is 19,200 bit/s; *and*

(C) The "digital computer" is not designed or modified for "local area networks";

(vi) The sum of the "total processing data rate" of all controlled "digital computers" directly connected to a "local area network"—285 million bit/s.

[**Note:** Only one "digital computer" may exceed 54 million bit/s.]

[**Note 1:** For the purpose of this paragraph (b)(7)(vi) all "local area networks" interconnected within a "computer using facility" are considered as a single "local area network".]

[**Note 2:** If the maximum "data signalling rate" on the common transmission medium does not exceed 2 million bit/s, this paragraph (b)(7)(vi) will not apply.]

(8) "Other peripheral devices":

(i) "Maximum bit transfer rate" of any "terminal device" located remote from the "computer using facility"—19,200 bit/s;

(ii) Displays or graphic input devices:

(A) Resolvable elements—512 × 640, and shades of gray or color—256; *or*

[**Note:** Paragraph (b)(8)(ii)(A) does not prohibit the export under this Note of displays for systems specially designed for and limited to graphic arts (*e.g.*, printing, publishing) that have displays not exceeding 576 × 900 resolvable elements and 256 shades of gray or color.]

(B) Resolvable elements—1024 × 1280 and shades of gray or color—64;

[**Note:** Paragraph (b)(8)(ii)(B) does not prohibit the export under this Note of displays for systems specially designed for and limited to graphic arts (*e.g.*, printing, publishing) that have displays not exceeding 1,560 × 1024 resolvable elements and 64 shades of gray or color.]

(9) "Signal processing" or "image enhancement" equipment:

(i) "Equivalent multiply rate"—1,500,000 operations per second;

(ii) Output—10 million image elements per second;

(c) Exports of "digital computers" or "related equipment" therefor covered by this Advisory Note 12 shall be subject to the following restrictions:

(1) In all cases:

(i) A responsible representative of the end-user(s) or the importing agency must submit a signed statement describing the end-use and certifying that:

(A) The "digital computers" or "related equipment" will:

(*1*) Be used only for civil applications; *and*

(*2*) Not be reexported or otherwise disposed of without permission from the Office of Export Licensing;

(B) Responsible Western representatives of the supplier will:

(*1*) Have the right of access to the "computer using facility" and all equipment, wherever located, during normal working hours and at any other time the equipment is operating; *and*

(*2*) Be furnished information demonstrating continued authorized application of the equipment; *and*

(C) These Western representatives will be notified of any significant change of application or of other facts, on which the license was based;

(ii) A full description must be provided of:

(A) The equipment; *and*

(B) Its intended application and workload; *and*

(iii) A complete identification of all end-users and their activities must be provided;

(2) Reserved.

(3) There is no visitation requirement when the parameters of the equipment do not exceed:

(i) "Total processing data rate"—54 million bit/s; *and*

(ii) "Total connected capacity of main storage"—39 million bit;

(4) When the parameters of the equipment exceed either limit of paragraph (c)(3) above, the supplier will:

(i) Have a responsible Western representative visit and inspect the "computer using facility" and all equipment,

wherever located, at least quarterly for three years; *and*

(ii) Report periodically to the Office of Export Licensing whether the "digital computers" and "related equipment" therefor are still being used for the approved purposes at the authorized location.

[Note: The visitation requirements of paragraph (c)(4) above will be waived for remote "terminal devices" if they consist only of peripheral equipment freed from control by paragraph (h)(2)(iv) above.]

* * * * *

Note 16:

* * * * *

"Block Move Data Rate"—

The maximum number of pixels that can be moved per second from one location to another in the storage that functions as the frame buffer.

* * * * *

"Gateway"—

The function, realized by any combination of equipment and "software", to carry out the conversion of conventions for representing, processing or communicating information used in one system into the corresponding but different conventions used in another system.

* * * * *

"Internetwork Gateway"—

A "gateway" for two systems that are themselves "local area networks", "wide area networks" or both.

* * * * *

"Multi-Data-Stream Processing"

The "microprogram" or equipment architecture technique that permits processing two or more data sequences under the control of one or more instruction sequences by means such as:

(a) Parallel processing;

(b) Structured arrays of processing elements;

(c) Single Instruction Multiple Data (SIMD) operations; *or*

(d) Multiple Instruction Multiple Data (MIND) operations;

* * * * *

"Total Connected Capacity"

* * * * *

Note: * * *

Internal storage (MByte)	Cache storage (KByte)	"Total connected capacity" (million bit)
* * *	* * *	* * *
4.0	64	39.0
8.0	64	76.7

* * * * *

Advisory Note 17 (For the People's Republic of China): * * *

(b) * * *

(1) Central processing unit with a "total processing data rate" of 550 million bit/s;

(2) Array transform processors:

(i) "Equivalent multiply rate"—800,000 operations per second;

(ii) Fast Fourier transform of 1,024 complex points—40 ms;

(c) The "digital computers" or "related equipment" therefor do not have any of the following characteristics:

(1) Those identified in paragraphs (h)(1)(i)(D) to (H) or (M); *or*

* * * * *

Advisory Note 18 (For the People's Republic of China)

Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China of "digital computers" or "related equipment" therefor in accordance with Advisory Note 5 above, on the understanding that:

(a) Paragraph (b)(1) of Advisory Note 5 does not apply;

(b) The "total processing data rate" under paragraph (c) of Advisory Note 5 does not exceed 155 million bit/s.

Advisory Note 19 (For the People's Republic of China)

Licenses are likely to be approved for individual or bulk shipments to satisfactory end-users in the People's Republic of China of peripheral equipment and input/output interface or control units therefor as follows:

(a) Cathode ray tube graphic displays that do not exceed:

(1) 1,024 resolvable elements along one axis and 1,280 resolvable elements along the perpendicular axis; *or*

(2) 256 shades of gray or color (8 bit per pixel);

(b) Plotting equipment and digitizing equipment that has an accuracy of 0.002% or worse, and an active area of 254 cm × 254 cm or smaller;

(c) Disk drives that do not exceed:

(1) "Maximum bit transfer rate"—10.3 million bit/s; *or*

(2) "Net capacity"—1,227 million bit;

(d) Non-impact type printers and laser printers having a resolution not exceeding 120 dots per cm (300 dots per inch);

(e) Optical character recognition (OCR) equipment;

(f) Light gun devices or other manual graphic input devices.

Advisory Note 20 (For the People's Republic of China)

Licenses are likely to be approved for bulk shipments to satisfactory end-users in the People's Republic of China of personal computers and small business computer systems controlled by paragraph (h) that do not exceed any of the following parameters:

[Note: This does not apply to graphic workstations exceeding the limits of paragraph (a)(7) of Advisory Note 9]

(a) "Total processing data rate"—136 million bit/s;

(b) "Virtual storage" capability—512 MByte.

[Note: Supermini "digital computers" with a "virtual storage" capability exceeding the level in this paragraph (b) will not be eligible for consideration under this Note. It is recognized, however, that other "digital computers" (e.g., microcomputers and super microcomputers) may have a "virtual storage" capability exceeding this limit and in such cases they may be considered under this Note.]

(c) The other technical parameters of the system—the limits contained in paragraph (b) of Advisory Note 9 above without taking into account paragraph (b)(2)(v) of Advisory Note 9.

Dated: July 27, 1988.

Michael E. Zacharia,

Assistant Secretary for Export Administration.

[FR Doc. 88-17234 Filed 7-29-88; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 658

RIN 2125-AC13

Truck Size and Weight; National Network-New York

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This rule technically amends Appendix A of 23 CFR Part 658 which identifies Interstate and other Federal-aid primary routes designated as part of the National Network for trucks available to vehicles described in the Surface Transportation Assistance Act of 1982 (STAA). Specifically this rule removes the footnotes related to time of day and other restrictions on Interstate highway segments in New York which are no longer valid. This amendment is in response to recent revisions to 23 CFR 658 which established specific approval requirements for use restrictions on Interstate highways and to a recent court decision.

EFFECTIVE DATE: August 1, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin E. Heanue, Office of Planning, (202) 366-2951, Mr. John F. Grimm, Office of Motor Carrier Information Management and Analysis, (202) 366-4039, or Mr. David C. Oliver, Office of the Chief Counsel, (202) 366-1356, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: The Tandem Truck Safety Act of 1984 (TTSA) (Pub. L. 98-554, 98 Stat. 2829) amended the STAA (Pub. L. 97-424, 96 Stat. 2097) and defined the conditions under which exemptions from the basic requirement that Interstate highways must be available to vehicles described

in the STAA could be granted. The FHWA issued a final rule (53 FR 12145) amending 23 CFR 658 on April 13, 1988 to implement TTSA amendments.

Interstate Use Restrictions

The revised regulation requires FHWA approval of use restrictions on Interstate segments, other than the routine types listed in 23 CFR 658.11(d)(4). The conditions and procedures for FHWA approval are outlined in 23 CFR 658.11(d).

FHWA has notified the State of New York that the hourly restrictions on I–495 (Long Island Expressway) are in violation of current law and has provided the State the opportunity to apply for exemption under the aforementioned procedures, but the State has declined. This action provides clarification that there is no present Federal approval of the operating restrictions.

In the City of New York, the restrictions are not in effect because of a U.S. District Court injunction that has been affirmed by the U.S. Court of Appeals for the Second Circuit (New York Truck Ass'n, Inc. v. The City of New York, 654 F. Supp. 1521 (1987) and 833 F. 2d 430 (2nd Cir. 1987)). This action brings the Appendix into compliance with both the court's order and the TTSA amendments.

Regulatory Impact

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or significant regulation under the regulatory policies and procedures of the Department of Transportation. The technical amendment being issued merely conforms the Appendix appearing in the Code of Federal Regulations to the law and regulations as they presently exist. Therefore, the FHWA finds good cause to make the revisions final without notice and opportunity for comment and without a 30-day delay in effective date under the Administrative Procedure Act. Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action could result in the receipt of useful information in view of the technical nature of this rulemaking.

A regulatory impact analysis was prepared for the June 5, 1984, rulemaking which initially designated the National Network and is available for inspection in the Headquarters Office of the FHWA, 400 7th Street SW., Washington, DC. Copies may be obtained by contacting Mr. Kevin E. Heanue or Mr. David C. Oliver at the address provided under the heading **"FOR FURTHER INFORMATION CONTACT."** Based on this analysis and under the criteria of the Regulatory Flexibility Act, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the United Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

In consideration of the foregoing, the FHWA is amending Chapter I of Title 23, Code of Federal Regulations, by amending Part 658 Appendix A as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

List of Subjects in 23 Part 658

Grant programs—transportation, highways and roads, Motor carriers—size and weight.

Issued on: July 25, 1988.

R.D. Morgan,

Executive Director, Federal Highway Administration.

In consideration of the foregoing, the FHWA amends Chapter I of Title 23, Code of Federal Regulations, by amending Appendix A to Part 658 for the State of New York as set forth below.

PART 658—[AMENDED]

1. The authority citation for 23 CFR Part 658 continues to read as follows:

Authority: Secs. 133, 411, 412, 413, and 416 of Pub. L. 97–424, 96 Stat. 2097 (23 U.S.C. 127; 49 U.S.C. 2311, 2312, 2313; 49 U.S.C. App. 2316), as amended by Pub. L. 98–17, 97 Stat. 59, and Pub. L. 98–554, 98 Stat. 2829; 23 U.S.C. 315; and 49 CFR 1.48.

Appendix—[Amended]

2. Appendix A to Part 658 is amended for the State of New York by removing all footnotes, except the first footnote.

[FR Doc. 88–17118 Filed 7–29–88; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 201, 203, and 234

[Docket No. N–88–1833; FR–2537]

Mortgage Insurance; Changes to the Maximum Mortgage Limits for Single Family Residences, Condominiums and Manufactured Homes and Lots

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of revisions to FHA maximum mortgage limits for high-cost areas.

SUMMARY: This Notice amends the listing of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act by increasing the mortgage limits for Dutchess County, New York; Albany County, New York; Garfield County, Colorado; Johnson County, Kansas; Walker County, Alabama; Queen Anne's County, Maryland; Fulton County, Georgia; Cumberland County, Maine; the Bloomington, IN MSA comprised of Monroe County, Indiana and the St. Louis, MO–IL PMSA which is comprised of Franklin, Jefferson, St. Charles and St. Louis Counties, Missouri; St. Louis City, Missouri and Monroe County, Illinois. The single family mortgage limits for Addiston County, Vermont are also added to the list of "high-cost" areas. Mortgage limits are adjusted in an area when the Secretary determines that middle- and moderate-income persons have limited housing opportunities because of high prevailing housing sales prices.

EFFECTIVE DATE: August 1, 1988.

FOR FURTHER INFORMATION CONTACT: For single family: Morris Carter, Director, Single Family Development Division, Room 9270; telephone (202) 755–6720. For manufactured homes: Robert J. Coyle, Director, Title I Insurance Division, Room 9160; telephone (202) 755–6880; 451 Seventh Street SW., Washington, DC 20410. (These are not tool-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

The National Housing Act (NHA), 12 U.S.C. (1710–1749), authorizes HUD to insure mortgages for single family residences (from one- to four-family structures), condominiums, manufactured homes, manufactured home lots and combination manufactured homes and lots. The NHA, as amended by the Housing and Community Development Amendments of 1980 and the Housing and Community Development Amendments of 1981, permits HUD to increase the maximum mortgage limits under most of these programs to reflect regional differences in the cost of housing. In addition, sections 2(b) and 214 of the NHA provide for special high-cost limits for insured mortgages in Alaska, Guam and Hawaii.

On March 3, 1988 (53 FR 6922), the Department published its most recent annual complete listing of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act, and the applicable limits for each area. (See also April 12, 1988, 53 FR 11997.) Amendments to the annual listing were published March 28, 1988 (53 FR 9869), April 25, 1988 (53 FR 13405), and June 1, 1988 (53 FR 19897).

This Document

Today's document increases high-cost mortgage amounts for Dutchess County, New York; Albany County, New York; Garfield County, Colorado; Johnson County, Kansas; Walker County, Alabama; Queen Anne's County, Maryland; Fulton County, Georgia; Cumberland County, Maine; the Bloomington, IN MSA comprised of Monroe County, Indiana and the St. Louis, MO–IL PMSA which is comprised of Franklin, Jefferson, St. Charles and St. Louis Counties, Missouri; St. Louis City, Missouri and Monroe County, Illinois. It also adds Addiston County, Vermont to the list of high-cost areas.

These amendments to the high-cost areas appear in two parts. Part I explains high-cost limits for mortgages insured under Title I of the National Housing Act. Part II lists changes for single family residences insured under section 203(b) or 234(c) of the National Housing Act.

National Housing Act High Cost Mortgage Limits

I. Title I: Method of Computing Limits

A. *Section 2(b)(1)(D). Combination manufactured home and lot (excluding Alaska, Guam and Hawaii)*: To determine the high-cost limit for a combination manufactured home and lot loan, multiply the dollar amount in the "one family" column of Part II of this list by .80. For example, Albany County, New York has a one-family limit of $98,800. The combination home and lot loan limit for Albany County is $98,800 × .80, $79,040.

B. *Section 2(b)(1)(E): Lot only (excluding Alaska, Guam and Hawaii)*: To determine the high-cost limit for a lot loan, multiply the dollar amount in the "one-family" column of Part II of this list by .20. For example, Albany County, New York has a one-family limit of $98,800. The lot-only loan limit for Albany County is $98,800 × .20, $19,760.

C. *Section 2(b)(2). Alaska, Guam and Hawaii limits*: The maximum dollar limits for Alaska, Guam and Hawaii may be 140% of the statutory loan limits set out in section 2(b)(1).

Accordingly, the dollar limits for Alaska, Guam and Hawaii are as follows:

1. For manufactured homes: $56,700. ($40,500 × 140%).

2. For combination manufactured homes and lots: $75,600. ($54,000 × 140%).

3. For lots only: $18,900. ($13,500 × 140%).

II. Title II: Updating of FHA Sections 203(b), 234(c) and 214 Area Wide Mortgage Limits

REGION I.—HUD FIELD OFFICE—BURLINGTON OFFICE

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Addiston County, VT	$85,500	$96,300	$117,000	$135,000

REGION I.—HUD FIELD OFFICE—BANGOR OFFICE

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Portland, ME MSA, Cumberland County	$101,250	$114,000	$138,000	$160,500

REGION II.—HUD FIELD OFFICE—ALBANY OFFICE

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Albany County, NY	$98,800	$111,250	$135,200	$156,000
Dutchess County, NY	101,250	114,000	138,000	160,000

REGION III.—HUD FIELD OFFICE—BALTIMORE OFFICE

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Queen Anne's County, MD	$101,250	$114,000	$138,000	$160,500

REGION IV.—HUD FIELD OFFICE—ATLANTA OFFICE

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Fulton County, GA	$101,250	$114,000	$138,000	$160,500

REGION IV.—HUD FIELD OFFICE—BIRMINGHAM OFFICE

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Walker County, AL	$74,200	$83,550	$101,500	$117,150

REGION V.—HUD FIELD OFFICE—INDIANAPOLIS OFFICE

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Bloomington, IN MSA, Monroe County,	$75,900	$85,450	$103,850	$119,850

REGION V.—HUD FIELD OFFICE—SPRINGFIELD OFFICE

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
St. Louis, MO-IL MSA (part), Monroe County, IL	$99,150	$111,650	$135,650	$156,550

REGION VII.—HUD FIELD OFFICE—KANSAS CITY OFFICE

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Johnson County, KS	$93,550	$105,350	$128,050	$147,750

REGION VII.—HUD FIELD OFFICE—ST. LOUIS OFFICE

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
St. Louis, MO-IL MSA (part), Franklin County, Jefferson County, St. Charles County, St. Louis County, St. Louis City	$99,150	$111,650	$135,650	$156,550

REGION VIII.—HUD FIELD OFFICE—DENVER OFFICE

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Garfield County, CO	$75,200	$84,700	$102,950	$118,800

Dated: July 25, 1988.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 88-17253 Filed 7-29-88; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8-R, Amdt. 12]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Participation Requirements for Residential Treatment Centers (RTC)

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This final rule will revise DoD 6010.8-R (32 CFR 199) which implements the Civilian Health and Medical Program of the Uniformed Services. The rule clarifies participation requirements and establishes a new reimbursement system for payment of RTC care while providing safeguards to ensure continued benefit access and quality of care. An RTC is a facility organized and professionally staffed to provide residential treatment of mental disorders to children and adolescents who have sufficient intellectual potential to respond to active psychiatric treatment. The rule will also

ensure that CHAMPUS beneficiaries are not discriminated against solely on the basis of the program payment methodology. The new payment system will provide reasonable reimbursement for high quality care for CHAMPUS beneficiaries.

DATE: This amendment is effective as of September 1, 1988.

FOR FURTHER INFORMATION CONTACT: David E. Bennett, Office of Program Development, OCHAMPUS, Aurora, Colorado 80045–6900, telephone (303)–361–3537.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8–R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as part 199 of this title. 32 CFR Part 199 (DoD 6010.8–R) was reissued in the **Federal Register** on July 1, 1986 (51 FR 24008).

In FR Doc. 87–27853 appearing in the **Federal Register** on December 4, 1987 (52 FR 46098), the Office of the Secretary of Defense published for public comment a proposed amendment that clarified the participation requirements of RTCs and established a new reimbursement system for RTC care. The agency received numerous requests from RTCs and the organizations representing them for extension of the public comment period past the original January 4, 1988, deadline. They felt that the comment period was inadequate for public comment because of the lengthy holiday season. In FR Doc. 88–923, appearing in the **Federal Register** on January 19, 1988 (53 FR 1378), the comment period was extended to February 18, 1988, to ensure that all interested parties had an opportunity to make their views known.

It is important to point out that the rates developed under the new reimbursement methodology are in fact a liberalization of the most favored rate concept under the old participation agreement. Under the terms of the old participation agreement, which has been in use since 1977, the most favorable rate has been considered essentially synonymous with the lowest rate offered to any other individual or payor. This position has been upheld in a Final Decision of the Acting Assistant Secretary of Defense (Health Affairs) issued in 1983. The lowest rate was often alleged to represent artificially set state rates and rates provided to an insignificant amount of business. In order to address these concerns, our approach was to establish a rate high enough to cover a reasonable portion of an RTC's total business based upon total patient days and charges to all payors. The rate high enough to cover one-third of the total patient days was determined the most reasonable. It was felt the rate set at 33⅓ percent avoided subsidies and excessive profit-taking.

The proposed reimbursement methodology: (1) Provides the potential for control over rapidly increasing costs for mental health care within the Department of Defense; (2) ensures that CHAMPUS beneficiaries are not subject to exaggerated or unjustified costs for RTC care solely because of the CHAMPUS entitlement; and (3) provides for a rate of reimbursement for all participating RTCs which reflects a reasonable amount consistent with rates charged by their own peers nationally and with reimbursement they were accepting from other third-party payors. In many instances the rates determined under the new system were identical to the billed charges. CHAMPUS simply wishes to avoid shifting to CHAMPUS beneficiaries an RTC's cost for providing care to other patients.

The rates established under the new system reflect the actual charging practices of the RTCs adjusted by an appropriate Consumer Price Index for medical care. The proposed capped amount is a reasonable one, for it protects CHAMPUS from having to subsidize low rates charged for a very substantial portion of the RTC's patient days, without limiting CHAMPUS rates to the absolute lowest rates charged to other payors. The new reimbursement methodology provides a reasonable method of obtaining RTC services for CHAMPUS beneficiaries at a fair cost to the government, and an enhancement of the government's ability to monitor the quality and appropriateness of RTC services provided to such beneficiaries.

Background

The change in reimbursement policy was brought about by a culmination of problems and concerns over the RTC benefit dating back to as early as 1979. This included General Accounting Office (GAO) and Defense Audit Service (DAS) findings that led OCHAMPUS to believe that the current RTC payment system was not cost effective and needed revision. Under the current system, RTCs are allowed to set their own per diem rates, which range from $60 to $700, and to be reimbursed for unlimited professional fees and other ancillary charges. In order to achieve consistency of practice, OCHAMPUS developed a rate which was: (1) Prospective; (2) uniform; (3) all-inclusive; and (4) administratively feasible for OCHAMPUS and the RTCs.

The rate established for each individual RTC reflected both the institutional and professional charges which were submitted per an OCHAMPUS request of October 18, 1985. The RTCs were specifically instructed to submit the charges of individual mental health providers which were not employed by or contracted with their facility, along with the frequency of their occurrence.

OCHAMPUS attempted to implement the new reimbursement rates in April of 1986 by sending our new participation agreements to all CHAMPUS authorized RTCs notifying them of their individual rates and capped amount. By July 1, 1986, 74 agreements had been signed and returned to OCHAMPUS (89 percent of the mailed participation agreements). However, on June 30, 1986, OCHAMPUS was enjoined for implementing the proposed RTC payment methodology because of a civil action filed by various interested parties. The District Court found on summary judgment the OCHAMPUS failed to comply with the rulemaking provisions of the Administrative Procedures Act (APA). OCHAMPUS was, therefore, enjoined from implementing the revised participation agreement and reimbursement system until such time that the requirements of the APA were met. The District Court's decision has been appealed to the Tenth Circuit Court of Appeals. OCHAMPUS believed at the time it issued the new participation agreement that it had the requisite authority and that it was proper to do so. OCHAMPUS still believes its position is correct; however, pending the resolution of the appeal, OCHAMPUS has complied with the District Court's decision by publishing a proposed rule in the **Federal Register**.

Until there is a decision in the appeal, it will not be known if the District Court's decision will be reversed. In the event that the District Court's decision is reversed, OCHAMPUS has the option of recouping any payments to RTCS in excess of the payments that would have been made had the District Court not enjoined the implementation of the payment provisions.

Whether the District Court decision is upheld on appeal or reversed, the effective date of a final rule on reimbursement provisions for RTC care will be applicable. Any recoupment, if the District Court is reversed, will be from July 1, 1986 (the original effective date of the new participation agreement), to the effective date of the final rule.

Review of Comments

As a result of the publication of the proposed rule, the following comments were received from interested RTCs, associations, agencies and individuals.

1. Several commentors contend that the all-inclusive rate concept would interfere adversely with the physician-patient relationship and the physician-RTC relationship. It is suggested that placing the "economic risk" of providing both institutional and professional mental health services on RTCs may cause the quality of care to suffer because RTCs may compromise on quality for economic reasons.

This argument is not solely against the use of an all-inclusive rate, but against the use of any prospective payment system. The preference for separate reimbursement of individual professionals is based on the premise that such professionals' reimbursement would not be subject to any dollar limits. Under such a system, neither RTCs nor individual professionals would need to concern themselves with the cost of the professionals' services. Such costs would only be of concern to CHAMPUS and to patients, both of whom share in paying those costs. The new payment system places the incentive to economize with the only parties in a position to economize: the providers of services. Further, it places the responsibility for cost containment squarely on the shoulders of the providers with ultimate responsibility for the provision of the services in question: the RTCs.

The quality of care (services) would not be affected by the all-inclusive rate since CHAMPUS regulations already impose on RTCs an all-inclusive responsibility for providing such services, whether through their own employees or through outside professionals. Under these regulations, there is no reason to regard anyone other than the RTC as the provider of such services. This is not a drastic change from care provided in the past since a majority of CHAMPUS-approved RTCs were already billing for their services on an all inclusive basis before OCHAMPUS proposed the all inclusive rate requirement.

The movement for reimbursement of private practitioners to a single all-inclusive per diem rate for RTC care was done, in part, to increase the RTC's accountability for ensuring a high quality of care and to avoid fragmentation of treatment. The all-inclusive system places to total responsibility for treatment of patients with the RTCs, consistent with their licensure and certification requirements.

Under current CHAMPUS standards RTCs are required to develop and establish a patient specific treatment plan which outlines in detail the needs of each patient and how the RTC will meet those needs. Under a recent modification to its contract, effective August 1, 1988, the CHAMPUS mental health review contractor will review each treatment plan and authorize care only in those cases where treatment is justified and determined medically necessary and appropriate. RTCs are also required to provide sufficient professional staff to ensure the treatment plan is carried out. This includes the medical directors. OCHAMPUS will closely monitor each RTC patient under the new agreement to ensure that appropriate treatment continues to be available and provided in all cases. RTCs will also be required to meet the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) standards for psychiatric facilities serving children and adolescents, and OCHAMPUS RTC standards, both of which require the RTC to provide the professional staff necessary to ensure the proper care, treatment, and safety of all patients. These major safeguards would ensure the continuation of high quality care under the proposed reimbursement methodology.

The all-inclusive per diem limit developed by OCHAMPUS was specifically computed to take into account the individual circumstances of each RTC. All participating RTCs were asked to provide specific information concerning their charges, both professional and institutional. The professional charge data represented an average overall charge based on estimated utilization patterns for each facility. This type of payment methodology allows for differing intensity of care; i.e., some patients will require less than the average, while some will require more than the average number of treatment sessions per week.

It has never been OCHAMPUS' intent to exclude professional providers from caring for patients in RTCs. It is, rather, to design a reimbursement methodology that reflects the philosophy that residential treatment is a total therapeutic program. Each RTC is completely free to determine how it will provide services, either through its own staff or through arrangements with professional and ancillary providers in the community.

2. Another commentor felt that an all-inclusive rate concept would result in a relationship between an RTC and its medical staff which could be construed as the unlawful corporate practice of medicine.

Assuming that some state laws prohibit corporate care providers from controlling the professional practice of their professional staff, there is no apparent reason why such laws would apply differently depending upon whether such staff are employees or independent contractors. Thus, it should make no difference under such laws whether CHAMPUS payment rates encompass all RTC services or only those provided through RTC employees. It is the CHAMPUS regulation that has always made the RTC ultimately responsible for the provision of all RTC services, thus requiring the RTC to control the provision of all its services.

3. Other commentors felt that the all-inclusive rate was inconsistent with CHAMPUS statute and regulations; advancing the argument that the statute and regulations clearly contemplate and require separate payment rates for institutional and non-institutional, professional services.

OCHAMPUS is not required to recognize the separate forms of reimbursable RTC services—those provided by an RTC, and those provided at an RTC by individual professionals. While the CHAMPUS regulations allow for reimbursement of RTC services, all such services are encompassed in the regulatory definition of an RTC, and the facility must provide all services to qualify as an RTC. It is entirely consistent with both CHAMPUS statute and regulations to treat all RTC services as being provided by the RTC and to reimburse only the RTC for services. Neither the Dependents' Medical Care Act, nor the regulations promulgated thereunder bar a cap on RTC reimbursement. Rather, they accord the Secretary of Defense full discretion to set reimbursement rates and standards so long as they are reasonable. Since the majority of RTCs billed their services on an all-inclusive basis prior to the new participation provisions, it cannot be construed as unreasonable. The goal of cost containment by setting an outside limit on reimbursement is plainly a valid one. The statute is silent on the method and rates of reimbursement for RTCs, leaving it up to the Secretary to develop a fair standard.

4. Some commenters felt that the all-inclusive rate would limit access outside professional to RTC patients, resulting in a decrease in quality of care.

In developing the new reimbursement methodology, OCHAMPUS relied in part on a study done by a private consultant. In its report it was not shown that RTC treatment was enhanced by

psychotherapy from the outside professionals or that the majority of RTCs providing therapy through in-house professional staff were delivering inadequate treatment. A large majority of RTCs are already providing psychotherapy on an in-house (all-inclusive) basis without any demonstrable loss in quality of care. However, the new participation requirements do not preclude the use of independent professionals, as long as their services are billed to and paid by CHAMPUS on an all-inclusive basis.

5. Some commentors had objections to the alternative cap on reimbursement imposed by the new participation requirements, the so-called "most-favored rate", or 33⅓ percent cap.

This cap limits payment to the lowest rate charged by the RTC to any other payor that is high enough to cover one-third of the total patient days for the year ending on February 28, 1985. The cap is a reasonable one, for it protects OCHAMPUS from having to subsidize low rates charged for a very substantial portion of an RTC's patient days, without limiting CHAMPUS rates to the absolute lowest rates charged to other payors. The prior version of the health care provider contracts (participation agreements) also contained a "most favorable rate" limit, and the "most favorable rate" limit in the proposed rule, in short, allows a higher rate than the one that was contained in the old agreement. If an RTC accepts a relatively low rate from a payor representing as much as one-third of the RTC's patient days, CHAMPUS should not have to pay higher rates, and thus subsidize patients covered by the lower rates. The 33⅓ percent was based on detailed analysis of utilization and charge data, along with projected availability of RTC care.

6. Some commenters assumed that each RTC must be reimbursed on the basis of the reasonable costs or charges actually incurred during the period for which reimbursement is made.

The governing statutes and regulations do not impose any such requirement. They permit OCHAMPUS to determine a reasonable market value for RTC services based upon RTC costs and charges during a base period, and to limit reimbursement accordingly—to limit each RTC's reimbursement rate based upon its base period data, and impose a single per diem, per-patient cap on all RTCs. The new participation requirements are consistent to applicable law and are reasonable.

7. Some commentors complained that the proposed rates do not include any adjustments for the type and level of services provided. An RTC may have several programs in which the rates vary based upon the staffing and physical plant requirements of the unit.

Under the governing regulations, RTC services constitute a single level of care. While costs and charges associated with RTC care undoubtedly vary somewhat from patient to patient, it does not follow that reimbursement rates must be different for each patient or each category of patients defined by the RTC in oder to be reasonable. A single rate for a given RTC, based on average charge date from that RTC, reflects the various charges described in such data and the patient mix giving rise to those charges. This type of averaging technique takes into account the varying levels (intensity) of care; i.e., some patients will require less than the average, while some will require more than the average number of treatment sessions per week. Although it might have been possible to develop different rates for different categories of RTC patients, such an approach would also involve averaging—within multiple smaller categories instead of a single larger category—because no two patients have identical needs. A single rate for each RTC at least has the advantage of simplicity. There is no apparent countervailing advantage of multiple rates.

8. Several commentors complained that OCHAMPUS does not allow individual RTC appeals with regard to adjustments, extraordinary factors, and omissions. Only mathematical errors in rate calculation were subject to administrative appeals.

Participating RTCs were informed of the proposed changes in the reimbursement system, including the all-inclusive rate and recommended payment cap. All RTCs were requested to provide specific charge and utilization data, including professional services, which could be used to determine individual rates for each RTC and ultimately the payment cap amount. The RTCs were requested to identify all payors for whom a rate was established and accepted, what the rate was, and the number of patient days actually provided at the rate. If the rates did not include all charges, the RTCs were requested to identify the charges not included. Also, charges for educational services were identified and excluded. The data submitted by the RTCs were reviewed for completeness and reliability. Each of the RTCs was informed of the importance of the data requested in the determination of its individual rates, as well as the capped amount. OCHAMPUS staff were also available to answer any questions the RTCs might have had regarding the proposed methodology and data requirement. The RTCs were allowed a reasonable period of time for submission of all data.

It was felt that adjustments of the rates for on-going cost increased and extraordinary factors would result in perpetual, continuous and unpredictable rate changes, and would be inconsistent with the very concept of prospective reimbursement rates. Allowing adjustments after the designated based period for other than mathematical errors in rate calculations would have given RTCs an incentive to incur additional costs during that period in order to increase the basis for their rates.

The incentive to incur additional costs/charges in anticipation of a capped per diem can be substantiated by the dramatic increase in RTC rates experienced by the CHAMPUS program since it was enjoined from implementation of the revised participation agreement back in June of 1986. Since then, rates have risen from 10 to 104 percent, with an average increase of 43 percent. At this rate of increase, it is projected that government expenditures for RTC care could exceed $85 million by the end of fiscal year 1988. Because of the delay in implementation alone, the program has forefeited a projected cost savings of more that $15 million.

The new RTC participation requirements provide for a rate of reimbursement for all participating RTCs which reflects a reasonable amount consistent with rates charged by their peers nationally and with reimbursement that they were already accepting from other third-party payors. If the circumstances of some RTCs prevent them from bringing their rates down to the range typical of most RTCs, it does not follow that CHAMPUS must pay rates of the highest-priced RTCs.

9. One commentor felt that the field audits of the "Top 10 RTCs" did not provide an adequate basis for change in the RTC payment system since the administrative appeal process regarding such audits has not even commenced for some of the providers and has not been completed for others.

The results of the multi-year financial audits of the "Top 10 RTCs" was by no means the sole basis for changing the RTC reimbursement system. It was the culmination of problems and concerns over the RTC benefit dating back to as early as 1979. This included General Accounting Office (GAO) and Defense Audit Service (DAS) findings that improvements were needed in the management of funding of psychiatric

care; RTCs were not collecting cost-shares from beneficiaries, resulting in higher charges to CHAMPUS; and no control over provider rates existed. The findings of the top ten RTC audit reports only served to identify the serious deficiencies in OCHAMPUS' ability to adequately monitor RTC costs and charging practices, and the likelihood that substantial over-payment for RTC care in general existed under the current system. These audits, along with subsequent appeals, also demonstrated that the prior participation agreement did not clearly establish the RTC's responsibilities.

10. Several commentors challenged the two caps on reimbursement—the per diem cap of $266 and the individual RTC rates—because CHAMPUS failed to consider a case mix (service mix), staffing and labor cost differences in establishing each RTC's rate.

There is no logical basis for establishing these types of differentiations under the new prospective payment system. The proposed rates already reflect a variety of factors, such as staffing ratios and case mix, since all RTCs are reimbursed for their actual charges unless they exceed the capped amount. The capped amount should cover the reasonable cost of most, it not all, of the RTCs.

These facts were substantiated in a study conducted for us by a private research firm. It was found that RTC rates (billed charges) were widely disparate and could not be related to any valid basis (for example, regional cost differences) to justify the range of charges, particularly those at the higher end of the spectrum. For example, the range of charges within the State of Virginia, a high use state for RTC care, ranged from approximately $188 per day to over $417 per day. In California, another high use state, charges ranged from $78 to $185. Interestingly, the highest charges in these states represented only the RTC's charges and did not include the separate billing by psychiatrists and other mental health providers.

During the base period (March 1, 1984, through February 28, 1985) CHAMPUS RTC rates ranged from $55 to $489 with a mean of $172 and a standard deviation of $90, while the average length of stay of CHAMPUS beneficiaries ranged from 52 days to 411 days with a mean of 179 days and a standard deviation of 90 days. Both rates and length of stay exhibited extreme variability supporting past GAO and DAS audits.

In a previous study of all RTC care in the United States, the National Institute of Mental Health (NIMH) found that total expenditures for RTC care were aggregated in the following manner: (1) 62 percent allocated to salaries; (2) 33 percent for other operating expenses; and (3) 5 percent for capital expenditures. The proportion of salaries to total expenditures was found to vary inversely to the size of the RTC; i.e., 25 beds—66 percent, 100 beds—58 percent. Bed size was also found to affect cost per day and average length of stay. In facilities less than 25 beds, inpatient costs per day amounted to $73, and $23,814 per inpatient stay, with average length of stay (ALOS) at 354 days. In larger facilities (100 beds or more) costs were $45 per inpatient day and $31,997 per inpatient stay, with ALOS at 734 days. Nearly all of the differences attributed to total expenditures per patient day in RTCs, which differed as to bedcount, were differences in salary expenditure per patient day. The study showed strong implications for cost containment in the RTC reimbursement system. If salaries could be controlled without diminishing quality of care and if length of stay could be standardized and made a more accountable variable, then CHAMPUS could better oversee its RTC benefit.

Because of the implication of this study, RTC utilization data were analyzed to determine if rates and lengths of stay were related to the size of the RTC (bed size). It was found that there was neither a relationship between rate and bed size nor length of stay and bed size, refuting the NIMH findings. This tends to indicate that fixed costs (salaries) are not the determining factors in RTC rate setting. This finding is consistent with past GAO and DAS audits which found RTC rates to be unreasonable and without basis.

11. Several commentors expressed concern that implementation of the proposed RTC participation requirements would cause a substantial reduction in availability of RTC care for CHAMPUS beneficiaries.

Prior to the District Court's injunction, all currently participating RTCs were notified in writing of their individual rates, provided with the rationale for the rates, and provided two copies of the final participation agreements for signature and return by June 1, 1986. Although many of the RTCs objected to various aspects of the reimbursement methodology, 89 percent of them agreed to provide care by signing and returning the participation agreement. Since participation requirements in both the proposed and final rule afford increased flexibility for reimbursement of educational costs and geographically distant family therapy, OCHAMPUS does not anticipate a significant reduction in the availability of RTC care.

Because all participating RTCs must meet the regulatory standards of care, it cannot be argued that inadequate care will result if the highest-priced RTCs terminate their participation, even assuming that the latter can claim some qualitative superiority. All RTCs should be able to properly care for all patients appropriately placed in an RTC. RTC placement is not appropriate for patients whose needs exceed those contemplated by the Regulatory standards. Nor can it be argued that termination of high-priced RTCs will result in geographical shortages of RTC services. OCHAMPUS found a wide disparity in RTC rates not only nationally, but also within states and regions, and that disparity was not related to regional cost differences.

12. One commentor felt that an interim participation agreement was not needed to recognize new RTCs applying for CHAMPUS authorization.

As was mentioned in a previous response, past GAO and DAS audits, along with other contracted studies, identified serious deficiencies in OCHAMPUS' ability to adequately monitor RTC costs and charging practices, and showed a likelihood for substantial over-payment for RTC care in general existed under the current system. These findings, along with subsequent appeals, demonstrated that the prior participation agreement did not clearly establish RTC responsibilities consistent with the CHAMPUS RTC standards and regulations. The reimbursement provisions of the interim participation agreement are essentially the same as those contained under the old agreement (most favorable rate concept). It was felt that the interim participation agreement would better convey to new RTCs what was expected of them under CHAMPUS standards and regulations. This agreement was issued to enhance the qualify of care under the CHAMPUS RTC program.

13. One commentor felt that it would be a hardship on an RTC to have therapeutic leave funding reduced by 25 percent after the 3-day limit. The only cost that the facility may save would be on food. Staff, utilities and general operations must continue on a full cost pattern.

The payment provisions appearing in the proposed rule represent a liberalization of recommendations made by a private consulting firm. In accordance with CHAMPUS policy, it was recommended that RTCs be paid at 75 percent of their per diem rate for therapeutic absences. It was further recommended that CHAMPUS consider

a limit on the number of therapeutic leave days allowable per calendar year and on consecutive leave days. They assumed that children able to leave the RTC for more than 10 consecutive days (except in special circumstances) no longer require the specialized environment of a residential treatment center. The Director of OCHAMPUS made a modification to the final reimbursement provisions to continue payment at the full per diem rate for approved absences not exceeding three calendar days. Payment of 75 percent of the established daily charge beginning with the fourth day of absence was felt to be reasonable to cover room and board costs during the patient's absence.

14. One commentor recommended that we consider establishing an upper limit for the length of reimbursable therapeutic leave.

An upper limit for the length of reimbursable therapeutic leave was considered in the development of the proposed rule. However, it was felt that an upper limit was unnecessary since all RTC cases required extensive authorization review. The RTC is required to submit a detailed treatment plan for each CHAMPUS patient within 30 days of admission. This includes any anticipated therapeutic absences. Periodic medical/utilization reviews are also conducted after 6 months of treatment. All therapeutic absences are reviewed individually and approved when they are determined to be medically appropriate. This approach is consistent with existing CHAMPUS regulation.

15. Another commentor felt that the proposed reimbursement methodology unfairly penalized long-standing providers. It allows new facilities to establish their own charge, provided it is not above the CHAMPUS per diem cap, because there is no rate history.

It cannot be disputed that RTCs which began operation after February 28, 1985, will be subject to a different base period than those in operation prior to that date. Under a prospective payment system this is inevitable. However, the calculation of all RTC rates is procedurally consistent and adjusted by an appropriate inflation factor (Consumer Price Index—Urban for medical care) based on the particular base period used.

Individual RTC rates, along with a capped amount, will be adjusted by appropriate annual CPI-Us for medical care to bring them forward to the effective date of the final rule. The inflation factor is used to bring equity to the prospective payment system. The new payment system provides a rate of reimbursement for all participating RTCs (both long-standing and new) which reflects a reasonable amount consistent with rates charged by their own peers nationally and with reimbursement they are already accepting from other third-party payors. The rates established still reflect the actual charging practices of the RTCs subject to an all-inclusive capped amount.

Looking at this from a different perspective, new facilities may contend that rates charged during the startup period (first 6 to 12 months) may not adequately reflect the true operations of the facility.

16. Several commentors felt that the 60-day inpatient mental health limitation forced them to make costly adjustments in their operations in order to accommodate the influx of patients who had previously been or would otherwise be in hospitals.

Pub. L. 98–94, the Defense Authorization Act for fiscal year 1984, amended title 10, chapter 55, United States Code. This Public Law stated that, with certain exceptions, no CHAMPUS funds may be expended for inpatient mental health services in excess of 60 days annually for each beneficiary who receives inpatient mental health services. It was similar to a provision that was contained in Pub. L. 97–77, the Defense Appropriations Act for Fiscal Year 1983, which restricted the funds available to CHAMPUS to pay inpatient mental health services, beginning January 1, 1983. These commentors contend that this 60-day inpatient psychiatric limitation has increased annual FTR expenditures due to the fact that children requiring psychologically necessary care in hospitals were driven by the limitation into less expensive RTCs. OCHAMPUS does not argue this point; however, it is felt that there was a sufficient time lag between implementation of the 60-day inpatient mental health limitation and the base period used in calculating the prospective rate to reflect any adjustments in operations required as a result of this influx of hospital patients. The inpatient mental health limitation went into effect for inpatient admissions beginning on and after January 1, 1983, while the base period for calculation of prospective rates was from March 1, 1984, through February 28, 1985. The RTCs had sufficient time to adjust their charges for increases in level of care brought about by the limitation.

17. One commentor felt that CHAMPUS should acknowledge that other populations (groups) can be served by an RTC and that the 21-year age restriction is specific to CHAMPUS.

CHAMPUS only acknowledges RTC programs as defined by its Regulation, policy, standards and participation agreement. The age restriction (under the age of 21) was set in a precedent setting final appeal decision and incorporated into the definition of residential treatment centers.

18. One commentor stated that the CPI–U used to update the per diem rates does not recognize regional differences in wages or costs.

As was previously stated, the RTC rates (billed charges) were widely disparate and could not be related to any valid basis (for example, regional cost differences) to justify the rate charges, particularly those at the higher end of the spectrum. Since regional differences in wages or costs did not appear to have a bearing on RTCs' charges, national CPI–Us were used to update the rates.

Because of the delay in implementation of the all-inclusive reimbursement system, appropriate annual CPI–U inflation factors for medical care will be used to adjust both individual rates and a capped amount up through February of 1988.

19. One commentor felt that the proposed rule, if implemented, would be in violation of the court order since there were substantive issues in the decision concerning the proposed new participation agreement and payment methodology which went beyond the failure to comply with the Administrative Procedures Act (APA).

The District Court chose to limit its discussion of many procedural and substantive issues in the policy changes in question to the government's non-compliance with APA rulemaking requirements. The District Court invalidated CHAMPUS' issuance of new standard contract provisions solely on the basis of procedural requirements for rulemaking under 5 U.S.C. 553.

OCHAMPUS believed at the time it issued the new RTC participation agreement that it had the requisite authority to do so. OCHAMPUS still believes its position is correct; however, pending the resolution of the appeal in the Tenth Circuit Court of Appeals, OCHAMPUS is complying with the District Court's decision. The proposed and final amendments are being published in compliance with the Court's decision.

20. One commentor wondered if a family therapist could bill individually for care provided to a family outside the RTC.

If an RTC accepts a child for admission whose parents are geographically distant, the facility must

document its plans for including the family in therapy, in accordance with RTC standards and the appropriate medical care standard. If one or both parents reside at a significant distance from the child, the RTC has the flexibility of setting up therapy with the parents at the distant locality, while the child is in treatment in the RTC. The parent's therapist and child's therapist must collaborate in all cases. Collaboration between therapists is the responsibility of the RTC and must be documented in the medical records. All family therapy must be authorized and approved by the CHAMPUS mental health review contractor at the time the RTC treatment plan is submitted in order for cost-sharing to occur.

A decision has been made to exclude the payment of geographically distant family therapy from the all-inclusive RTC rate because of the significant distance involved and administrative flexibility required to make this type of treatment feasible. The family therapist may bill individually from the RTC if the therapy is provided to one or both of the parents residing a minimum of 250 miles from the location of the RTC. It was felt that 250 miles could generally be driven in approximately five hours, which would allow a parent to drive to the RTC and participate in family therapy and return home the next day. This trip could easily be accomplished during the weekend. However, the therapy must still be authorized by the CHAMPUS mental health review contractor. The contractor will send authorizations to the geographically responsible fiscal intermediary (FI). For cases in which there are two FIs because of differing geographical locations, a copy of the appropriate authorization will be sent to each.

21. Several commentors felt that education is an essential part of the total therapeutic program and should be allowed in the reimbursement methodology.

Payment of educational services are specifically excluded by the CHAMPUS regulation for beneficiaries eligible for payment directly or indirectly by a local, state or federal government. These provisions are not new. CHAMPUS has never been authorized to pay for educational services under the Basic Program, and in those instances where audits have determined that payment has been made in error, corrective action has been taken. However, this exclusion has an exception: it allows payment to RTCs for such services "when appropriate education is not available from or not payable by the cognizant public entity." Thus, in reality, the regulation and new participation requirements do not exclude such services from reimbursement, but merely make CHAMPUS the payor of last resort. This is a proper role for CHAMPUS to play, in view of the fact that free education, including special education, is ordinarily available in local school systems.

Under this exception the sponsor seeking a waiver, with the help of the RTC, would have to demonstrate that the school district in which the CHAMPUS beneficiary was last enrolled refused to pay for the educational component of the child's RTC care. All actions must be supported by documentation, which must include copies of all correspondence with cognizant public officials and denials of reimbursement. Requests for payment of educational costs must be referred to the CHAMPUS mental health review contractor for determination of the applicability of CHAMPUS benefits. If coverage of educational services are approved by the contractor, payment will be allowed outside the all-inclusive facility rate. However, the amount paid shall not exceed the RTC's most-favorable rate to any other patient, agency, or organization for educational services.

22. A group of commentors questioned why a separate cap for reimbursement for the physician component and the RTC component on a per diem basis could not be as effective as one all-inclusive rate.

Separate caps would require a total revamping of the CHAMPUS professional provider relationships and of the claims adjudication and payment process for RTC mental health claims. Instead of 70 to 80 RTC agreements, OCHAMPUS would need to negotiate and establish agreements with each of hundreds of professional providers, some of whom may have only one CHAMPUS RTC patient in a year. With any exceptions to the inclusive cap, pressures would occur to expand the exceptions to all RTCs so that savings would sharply decrease while administrative costs climbed. To be consistent in achieving the goals of a capped professional payment, CHAMPUS would need to limit RTC patient professional care to providers who agree to the binding participation agreements as a condition for CHAMPUS payment.

With an inclusive cap, there is one RTC claim for a given patient for a given time period, usually a month. With separate caps, the RTC claims would be augmented by claims from the professionals involved, with the necessity of identifying those claims from among the approximately 8 million received by CHAMPUS claims processors so that the special processing they would require could take place. CHAMPUS fiscal intermediaries would also experience difficulty in marrying-up professional claims with corresponding institutional billing since many professional providers do not bill in neat monthly intervals. They could not be processed in the normal system that uses prevailing payment limits. A new claims processing system would need to be established or the claims would have to be hand processed, either of which would entail administrative costs roughly estimated at five times greater than those incurred with an inclusive rate. This increased claims processing cost does not include the costs of negotiating and maintaining the hundreds of separate individual professional agreements.

23. On May 26, 1988, the Director, OCHAMPUS, and members of his staff met with representatives of the National Association of Psychiatric Treatment Centers for Children (NAPTCC) to review and discuss their proposed alternative payment system for CHAMPUS services. Although their proposal was not adopted, OCHAMPUS did agree to review and evaluate any future hard data that the NAPTCC might wish to submit regarding significant changes in the level of RTC care.

Summary of Regulation Changes

Pursuant to the Court's decision, OCHAMPUS is proceeding with the general notice of final rulemaking. The major provisions of the RTC reimbursement system are being incorported into the CHAMPUS regulation, along with the safeguards needed to ensure continued benefit access and quality of care. A provision is also being included which will ensure that CHAMPUS beneficiaries are not discriminated against solely on the basis of program payment methodology.

In the final rule, the all-inclusive per diem rate will still encompass the RTC's daily charge for RTC inpatient care and all mental health treatment determined necessary and rendered as part of the treatment plan established for the patient and accepted by OCHAMPUS. However, payment of geographically distant family therapy will be allowed outside the all-inclusive RTC rate because of the significant distance involved and the need for administrative flexibility. The family therapist may bill individually from the RTC if the therapy is provided to one or both of the parents residing a minimum of 250 miles from

the location of the RTC. Plans for distant family therapy must be documented in the patient's medical records. The RTC is still responsible for setting up the sessions and for making sure that there is collaboration between the parent's therapist and the child's therapist. Payment for geographically distant family therapy will be cost-shared on an inpatient basis, subject to the prevailing charge in the state in which the service was rendered. Payment of educational services will also be allowed outside the all-inclusive rate if it is not available from or payable by other local, state or federal governments. However, the amount paid shall not exceed the RTC's most favorable rate to any other patient, agency, or organization for educational services.

The all-inclusive rate includes charges for the routine medical management of a beneficiary while residing in an RTC. Services provided by medical professionals employed by or contracted with the RTC are part of the all-inclusive per diem rate and cannot be billed separately. These routine medical services are made available to all children entering the facility and are designed to maintain the general health and welfare of the patient population. Examples of this type of care are: (1) Routine health and physical examinations provided by RTC medical staff; (2) in-house pharmaceutical services; and (3) other ancillary medical services routinely provided to the RTC population.

Otherwise covered medical services related to a nonmental health condition and rendered by an independent provider outside the RTC are payable in addition to the all-inclusive per diem rate. This includes medical consultations, laboratory tests, radiology and pharmaceutical services. Professional charges for medical visits or consultations must be billed by the independent professional provider. The remaining ancillary charges may either be billed by the independent provider or through the RTC. However, if the RTC is billing for the service, it must identify the provider by name, the related medical diagnosis and the specific medical procedure rendered. For example, if a child was injured while playing basketball, he or she might need medical care for the injury or suspected injury. Another example is where a child has a serious ear infection and must see an Ear, Nose and Throat Specialist. The specialist would bill CHAMPUS directly for his or her service. The medication prescribed by the specialist may be billed through the RTC as long as the provider is identified. The billing must also include the specific medical diagnosis along with the name and strength of the medication. However, if the medication is routinely dispensed out of the RTC pharmacy or nurse's station it would fall under the all-inclusive rate.

Under the new reimbursement system, one of the following two alternative methods will be used in determining individual RTC rates:

1. RTCs Participating in CHAMPUS During Base Period

The per diem rate for an RTC participating in CHAMPUS during the base period of March 1, 1984, through February 28, 1985, will be based on the actual charging practices during that 12-month period. This base period was chosen: (1) Because it corresponded to the base period used in our previous study; and (2) because the drastic increase in RTC charges in the last three years could not be justified by national health care statistics. The individual RTC rate will be the lower of either the CHAMPUS rate in effect on February 28, 1985, or the rate high enough to cover at least one-third of the total patient days of care provided by the RTC during the 12 months ending February 28, 1985. Under either methodology, the rate will be subject to a maximum cap. These rates will be adjusted by annual inflation factors reflecting the national Consumer Price Index for Urban Wage Earners (CPI–U) for medical care for the 3-year period ending February 29, 1988.

2. RTCs New to CHAMPUS After February 28, 1985

For RTCs new to the CHAMPUS program, one of the following two alternative methods will be used in determining their individual rates:

A. The rates of RTCs which were in operation during the base period (March 1, 1984 through February 28, 1985) will be calculated based on the actual charging practices of the RTC during the 12 months ending February 28, 1985. The RTC's rate will be the lower of either the rate high enough to cover at least one-third of its total patient days of care provided during the 12 months and inflated by the CPI–U, or the OCHAMPUS determined, capped per diem.

B. The rates for RTCs which began operation after February 28, 1985, or began operation before February 28, 1985, but had less than 6 months of operation by February 28, 1985, will be based on the actual charging practices during their first 6 to 12 consecutive months, with 6 months being the minimum time in operation for certification under the CHAMPUS program. A period of less than 12 months will be used only when the RTC has been in operation for less than 12 months. Once a full 12 months is available the rate will be recalculated. The rates would be calculated the same as in A above except a different base period would be used and the rate would be adjusted by appropriate annual CPI–U factors for medical care to bring it forward to February 29, 1988.

3. Calculation of Capped Per Diem Amount

The OCHAMPUS determined capped per diem amount was set at the 80th percentile of all established CHAMPUS rates, weighted by the total CHAMPUS days provided at each rate during the base period and adjusted by appropriate annual CPI–Us for medical care for the 3-year period ending February 29, 1988.

The annual CPI-U inflation factors are being used to update the RTC's individual rates, as well as the capped amount, because of the anticipated delay in their implementation.

All routine and special education costs are excluded from reimbursement except in individual cases where appropriate education is not available through other local, state, or federal agencies. Under the new educational provisions, RTCs will have greater responsibility for ensuring that beneficiaries take maximum advantage of their rights to a free and appropriate public education.

A provision is also being incorporated into the Regulation regarding therapeutic absences. Under this provision CHAMPUS will continue payment at the full per diem rate for approved absences not exceeding three calendar days. Those in excess of this time frame will be paid at 75 percent of the established daily charge beginning with the fourth day of absence.

There will be a grandfathering period for those CHAMPUS patients who are receiving care in an RTC at the time the new reimbursement methodology is adopted. To ensure continued care of these beneficiaries, payment at the current rate, including separate payment for professional services, will continue for all beneficiaries admitted prior to the implementation date, until discharge, transfer or until two months of care have elapsed, whichever occurs first.

Clarifying language is being adopted in the Regulation to further define the level of care provided in an RTC and to establish an appropriate age limit for beneficiaries receiving care in this type of facility.

We feel that the new participation requirements will not have a significant

economic impact on either the institutional or professional components of RTC treatment. The prospective reimbursement methodology was designed to take into account the individual circumstances of each RTC. All participating RTCs were asked to provide specific information concerning their charges, both professional and institutional. The professional charge data represented an average overall charge based on estimated utilization patterns for each facility. The all-inclusive nature of this new payment methodology will not prevent the treatment of RTC patients by community practitioners. The only change will be that community practitioners will look directly to the RTC, rather than to CHAMPUS, for reimbursement. The all-inclusive rate was adopted to ensure that professional services are not duplicated and are provided in accordance with established CHAMPUS standards.

Regulatory Flexibility Act

Less than 0.13 percent of CHAMPUS institutional providers and less than 0.04 percent of CHAMPUS individual professional providers will be affected by this amendment. Although several RTCs have expressed concerns over the new system and the potential impact on their method of doing business, approximately 80 percent of the currently approved RTCs have indicated that they will continue their participation in the program. A majority of CHAMPUS approved RTCs already bill their services on an all-inclusive basis. Since the net impact on both institutional and professional components of RTC care will not be significant, the Secretary certifies that this proposed rule, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. It is not, therefore, a "major rule" under Executive Order 12291.

List of Subjects in 32 CFR Part 199

Health insurance, Military personnel, Handicapped.

Accordingly, 32 CFR, Part 199, is proposed to be amended as follows:

PART 199—[AMENDED]

1. The authority citation for Part 199 continues to read as follows:

Authority: 10 U.S.C. 1079, 1086, 5 U.S.C. 301.

2. Paragraph (b) of § 199.2 is amended by adding definitions for "all-inclusive per diem rate," "capped rate," and "mental health therapeutic absence" in alphabetical order as follows:

§ 199.2 Definitions.

* * * * *

(b) Specific definitions.

All-Inclusive Per Diem Rate. The OCHAMPUS determined rate that encompasses the daily charge for inpatient care and, unless specifically excepted, all other treatment determined necessary and rendered as part of the treatment plan established for a patient, and accepted by OCHAMPUS.

Capped Rate. The maximum per diem or all-inclusive rate that CHAMPUS will allow for care.

Mental Health Therapeutic Absence. A therapeutically planned absence from the inpatient setting. The patient is not discharged from the facility and may be away for periods of several hours to several days. The purpose of the therapeutic absence is to give the patient an opportunity to test his or her ability to function outside the inpatient setting before the actual discharge.

3. Section 199.4 is amended by revising paragraph (g)(6) to read as follows:

§ 199.4 Basic Program benefits.

* * * * *

(g) * * *

(6) *Therapeutic absences.* Therapeutic absences from an inpatient facility, except when such absences are specifically included in a treatment plan approved by the Director, OCHAMPUS, or a designee. For cost-sharing provisions refer to § 199.14, paragraph (f)(3).

* * * * *

4. Section 199.6 is amended by revising paragraphs (b)(4)(vii) introductory text, introductory text (b)(4)(vii)(A)(*1*), by removing paragraph (b)(4)(vii)(A)(*2*) and redesignating (b)(4)(vii)(A)(*3*) as (b)(4)(vii)(A)(*2*), by redesignating (b)(4)(vii)(A)(*4*) as (b)(4)(vii)(A)(*3*) and revising it, by adding a new paragraph (b)(4)(vii)(A)(*4*), by removing the note under (b)(4)(vii)(B), and by adding new paragraphs (b)(4)(vii)(C) (*6*) and (b)(4)(vii)(D).

§ 199.6 Authorized providers.

* * * * *

(b) * * *

(4) * * *

(vii) *Residential treatment centers.* A residential treatment center (RTC) is a facility, or distinct part of a facility, that provides to children and adolescents under the age of 21, a total, 24-hour therapeutically planned group living and learning situation where distinct and individualized psychotherapeutic interventions can take place. Residential treatment is a specific level of care to be differentiated from acute, intermediate and long term hospital care, where the least restrictive environment is maintained to allow for normalization of the patient's surroundings. The RTC must be both physically and programmatically distinct if it is a part or subunit of a larger treatment program. An RTC is organized and professionally staffed to provide residential treatment of mental disorders to children and adolescents who have sufficient intellectual potential to respond to active treatment (that is, for whom medical opinion or medical evidence can reasonably conclude that treatment of the mental disorder will result in an improved ability to function outside the RTC), for whom outpatient, partial hospitalization or other level of inpatient treatment is not appropriate, and for whom a protected and structured environment is medically or psychologically necessary.

(A) * * *

(*1*) Be accredited by the Joint Commission on Accreditation of Healthcare Organizations under the Consolidated Standards Manual for Child, Adolescent, and Adult Psychiatric, Alcoholism, and Drug Abuse Facilities and Facilities Serving the Mentally Retarded;

* * * * *

(*3*) Have entered into a Participation Agreement with OCHAMPUS within which the RTC agrees, in part, to:

(*i*) Render residential treatment center inpatient services to eligible CHAMPUS beneficiaries in need of such services, in accordance with the participation agreement and the CHAMPUS regulation.

(*ii*) Accept payment for its services based upon the methodology provided in § 199.14, paragraph (f) or such other method as determined by the Director, OCHAMPUS;

(*iii*) Accept the CHAMPUS all-inclusive per diem rate as payment in full and collect from the CHAMPUS beneficiary or the family of the CHAMPUS beneficiary only those amounts that represent the beneficiary's liability, as defined in § 199.4, and charges for services and supplies that are not a benefit of CHAMPUS;

(*iv*) Make all reasonable efforts acceptable to the Director, OCHAMPUS, to collect those amounts which represent the beneficiary's liability, as defined in § 199.4;

(*v*) Comply with the provisions of Section 199.8, and submit claims first to all health insurance coverage to which

the beneficiary is entitled that is primary to CHAMPUS;

(*vi*) Submit claims for services provided to CHAMPUS beneficiaries at least every 30 days. If claims are not submitted at least every 30 days, the RTC agrees not to bill the beneficiary or the beneficiary's family for any amounts disallowed by CHAMPUS;

(*vii*) Designate an individual who will act as liaison for CHAMPUS inquiries. The RTC shall inform OCHAMPUS in writing of the designated individual;

(*viii*) Furnish OCHAMPUS with cost data certified to by an independent accounting firm or other agency as authorized by the Director, OCHAMPUS;

(*ix*) Grant the Director, OCHAMPUS, or designee, the right to conduct quality assurance audits or accounting audits with full access to patients and records to determine the quality and cost-effectiveness of care rendered. The audits may be conducted on a scheduled or unscheduled (unannounced) basis. This right to audit/review includes, but is not limited to:

(*aa*) Examination of fiscal and all other records of the RTC which would confirm compliance with the participation agreement and designation as an authorized CHAMPUS RTC provider;

(*bb*) Conducting such audits of RTC records including clinical, financial, and census records, as may be necessary to determine the nature of the services being provided, and the basis for charges and claims against the United States for services provided CHAMPUS beneficiaries;

(*cc*) Examining reports of evaluations and inspections conducted by federal, state and local government, and private agencies and organizations;

(*dd*) Conducting on-site inspections of the facilities of the RTC and interviewing employees, members of the staff, contractors, board members, volunteers, and patients, as required.

(*ee*) Audits conducted by the United States General Accounting Office.

(*4*) Be licensed and operational for a minimum period of six months.

* * * * *

(C) * * *

(*6*) The child's admission to the RTC is authorized by the Director OCHAMPUS, or designee.

(D) Under the terms of the participation agreement, RTCs must provide the following safeguards for continued benefit access and quality of care:

(*1*) Assure that any and all eligible beneficiaries receive care which complies with standards in paragraphs (b)(4)(vii)(A) (*1*) through (*4*) and (b)(4)(vii)(C);

(*2*) Provide inpatient services to CHAMPUS beneficiaries in the same manner it provides inpatient services to all other patients;

(*3*) Not discriminate against CHAMPUS beneficiaries in any manner, including admission practices, placement in special or separate wings or rooms, or provisions of special or limited treatment.

* * * * *

5. Section 199.14 is amended by redesignating paragraphs (f), (g), and (h) as (g), (h), and (i), adding new paragraph (f), and by redesignating newly designated paragraph (g)(2) as (g)(3), and adding new paragraph (g)(2) to read as follows:

§ 199.14 Provider reimbursement methods.

* * * * *

(f) *Reimbursement of residential treatment centers.* The CHAMPUS rate is the per diem rate that CHAMPUS will authorize for all mental health services rendered to a patient and the patient's family as part of the total treatment plan submitted by a CHAMPUS-approved RTC, and approved by the Director OCHAMPUS, or designee.

(1) The all-inclusive per diem rate for RTCs operating or participating in CHAMPUS during the base period of March 1, 1984, through February 28, 1985, will be the lowest of the following conditions:

(i) The CHAMPUS rate paid to the RTC for all-inclusive services as of March 1, 1985, adjusted to include an increase reflecting the annual national Consumer Price Indices for Urban Wage Earners (CPI–U) for medical care for the 3-year period ending February 29, 1988; or

(ii) The per diem rate accepted by the RTC from any other agency or organization (public or private) or individual that is high enough to cover one-third of the total patient days during the 12-month period ending February 28, 1985, adjusted by the CPI–U; or

(iii) An OCHAMPUS determined capped per diem set at the 80th percentile of all established CHAMPUS RTC rates nationally, weighted by total CHAMPUS days provided at each rate during the base period discussed in (f)(1) above.

(2) The all-inclusive per diem rates for RTCs which began operation after February 28, 1985, or began operation before February 28, 1985, but had less than 6 months of operation by February 28, 1985, will be calculated based on the lower of the per diem rate accepted by the RTC that is high enough to cover one-third of the total patient days during its first 6 to 12 consecutive months of operation adjusted by the CPI–U, or the OCHAMPUS determined capped amount. A period of less than 12 months will be used only when the RTC has been in operation for less than 12 months. Once a full 12 months is available, the rate will be recalculated.

(3) The first three days of each approved therapeutic absence will be allowed at 100 percent of the CHAMPUS determined all-inclusive per diem rate. Beginning with day four, reimbursement will be at 75 percent of that rate.

(4) All educational costs, whether they include routine education or special education costs, are excluded from reimbursement except when appropriate education is not available from, or not payable by, a cognizant public entity.

(i) The RTC shall exclude educational costs from its daily costs.

(ii) The RTC's accounting system must be adequate to assure CHAMPUS is not billed for educational costs.

(iii) The RTC may request payment of educational costs on an individual case basis from the Director, OCHAMPUS, or designee, when appropriate education is not available from, or not payable by, a cognizant public entity. To qualify for reimbursement of educational costs in individual cases, the RTC shall comply with the application procedures established by the Director, OCHAMPUS, or designee, including, but not limited to, the following:

(A) As part of its admission procedures, the RTC must counsel and assist the beneficiary and the beneficiary's family in the necessary procedures for assuring their rights to a free and appropriate public education.

(B) The RTC must document any reasons why an individual beneficiary cannot attend public educational facilities and, in such a case, why alternative educational arrangements have not been provided by the cognizant public entity.

(C) If reimbursement of educational costs is approved for an individual beneficiary by the Director, OCHAMPUS, or designee, such educational costs shall be shown separately from the RTC's daily costs on the CHAMPUS claim. The amount paid shall not exceed the RTC's most-favorable rate to any other patient, agency, or organization for special or general educational services whichever is appropriate.

(D) If the RTC fails to request CHAMPUS approval of the educational costs on an individual case, the RTC agrees not to bill the beneficiary or the beneficiary's family for any amounts

disallowed by CHAMPUS. Requests for payment of educational costs must be referred to the Director, OCHAMPUS, or designee for review and a determination of the applicability of CHAMPUS benefits.

(5) Any future adjustments to the RTC rates will be limited to annual changes in the CPI–U for medical care, at the discretion of the Director, OCHAMPUS, or designee.

* * * * *

(g) * * *

(2) *All-inclusive rate.* Claims from individual health-care professional providers for services rendered to CHAMPUS beneficiaries residing in an RTC that is either being reimbursed on an all-inclusive per diem rate, or is billing an all-inclusive per diem rate, shall be denied; with the exception of independent health-care professionals providing geographically distant family therapy to a family member residing a minimum of 250 miles from the RTC or covered medical services related to a nonmental health condition rendered outside the RTC. Reimbursement for individual professional services is included in the rate paid the institutional provider.

* * * * *

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

July 27, 1988.

[FR Doc. 88–17228 Filed 7–29–88; 8:45]

BILLING CODE 3810–01–M

Coast Guard

33 CFR Part 117

[CGD7–88–22]

Drawbridge Operation Regulations; Harbor River, SC

AGENCY: Coast Guard, DOT.

ACTION: Final rule—Revocation.

SUMMARY: This amendment revokes the regulations for the U.S. 21 drawbridge across the Harbor River, mile 0.6 near Beaufort, South Carolina. This action is being taken at the request of the bridge owner. Notice and public procedure have been omitted from this action due to the lessening of the impacts on navigational interests.

EFFECTIVE DATE: This rule becomes effective on August 31, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Pruitt, Bridge Administration Specialist, Seventh Coast Guard District, (305) 536–4103.

Drafting Information: The drafters of this rule are Mr. Gary Pruitt, Bridge Administration Specialist, Project Officer, and Lieutenant Commander S.T. Fuger, Jr., Project Attorney.

SUPPLEMENTARY INFORMATION: This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a drawbridge that has 24-hour bridge tender service and opens on signal. Consequently, this action is considered to be non-major under Executive order 12291 and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034, February 26, 1979). Since there is no economic impact a full regulatory evaluation is unnecessary.

Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (5 U.S.C. 605(b)). However, this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, part 117 of Title 33, Code of Federal Regulations, is amended as follows:

Part 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

§ 117.931 [Removed]

2. Section 117.931 is removed.

Dated: July 19, 1988.

Martin H. Daniell,

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

[FR Doc. 88–17200 Filed 7–29–88 8:45 am]

BILLING CODE 4910–14–M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Clarification of Mitigating Circumstances

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The law requires that the Veterans Administration (VA) not pay a veteran for a course from which he or she withdraws without mitigating circumstances. When he or she withdraws with mitigating circumstances, the veteran is paid through the date of withdrawal. In the course of administering the various veterans' education programs the VA has established a policy of considering the circumstances surrounding a withdrawal during a drop-add period to have been mitigating. However, this policy has not appeared in the appropriate regulations. These amended regulations correct this oversight and inform the public of the way in which the VA is administering this provision of law.

EFFECTIVE DATE: July 11, 1988.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Education Policy and Program Administration (225), Vocational Rehabilitation and Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233–2092.

SUPPLEMENTARY INFORMATION: On pages 5806 and 5807 of the **Federal Register** of February 26, 1988, there was published a notice of intent to amend Part 21 to state additional circumstances which the VA considers to be mitigating when a veteran or eligible person withdraws from a course. Interested people were given 32 days to submit comments, suggestions or objections. The VA received no comments, suggestions or objections. Accordingly, the agency is making the amended regulations final.

The VA has determined that these amended regulations do not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulations will not have a $100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. They will have no 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.

The Administrator of Veterans Affairs has certified that these amended regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

This certification can be made because the regulations affect only individuals. They will have no

significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance number for the programs affected by these regulations are 64.111 and 64.117.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs—education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: July 11, 1988.

Thomas K. Turnage,

Administrator.

38 CFR Part 21, VOCATIONAL REHABILITATION AND EDUCATION, is amended as follows:

PART 21—[AMENDED]

1. In § 21.4136, paragraph (l)(4) is added to read as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

* * * * *

(l) *Mitigating circumstances.* * * *

(4) If the student withdraws from a course during a drop-add period, the VA will consider the circumstances which caused the withdrawal to be mitigating. Veterans who withdraw from a course during a drop-add period are not subject to the reporting requirement found in paragraph (k)(1)(ii) of this section.

Authority: 38 U.S.C. 1780(a)

* * * * *

2. In § 21.4137, paragraph (h)(4) is added to read as follows:

§ 21.4137 Rates; education assistance allowance; 38 U.S.C. Chapter 35.

* * * * *

(h) *Mitigating circumstances.* * * *

(4) If an eligible person withdraws from a course during a drop-add period, the VA will consider the circumstances which caused the withdrawal to be mitigating. Eligible persons who withdraw from a course during a drop-add period are not subject to the reporting requirement found in paragraph (h)(1)(ii) of this section.

Authority: 38 U.S.C. 1780(a)

* * * * *

[FR Doc. 88-17227 Filed 7-29-88; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-3421-5]

Approval and Promulgation of Air Quality Implementation Plans, Connecticut; Reasonably Available Control Technology for American Cyanamid Co.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut. This revision establishes and requires the use of reasonably available control technology (RACT) to control volatile organic compounds (VOC) emissions from American Cyanamid Company in Wallingford, Connecticut. The intended effect of this action is to approve a source-specific RACT determination made by the State in accordance with commitments made in its Ozone Attainment Plan which was approved by EPA on March 21, 1984 (49 FR 10542). This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective August 31, 1988.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Room 2313, Boston, MA 02203; and the Air Compliance Unit, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

FOR FURTHER INFORMATION CONTACT: David B. Conroy, (617) 565-3252; FTS 835-3252.

SUPPLEMENTARY INFORMATION: On November 4, 1987 (52 FR 42325), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Connecticut. The NPR proposed approval of State Order No. 8012 as a revision to the Connecticut SIP. The final State Order was submitted by Connecticut as a formal SIP revision on February 5, 1988. The provisions of the Connecticut Department of Environmental Protection's (DEP's) State Order define and impose RACT on American Cyanamid Company as required by subsection 22a-174-20(ee), "Reasonably Available Control Technology for Large Sources," of Connecticut's Regulations for the Abatement of Air Pollution.

Under subsection 22a-174-20(ee), the Connecticut DEP determines and imposes RACT on all stationary sources with the potential to emit one hundred tons per year or more of VOC that are not already subject to RACT under Connecticut's regulations developed pursuant to the control techniques guidelines (CTG) documents. EPA approved this regulation on March 21, 1984 (49 FR 10542) as part of Connecticut's 1982 Ozone Attainment Plan. That approval was granted with the agreement that all source-specific RACT determinations made by the DEP would be submitted to EPA as source-specific SIP revisions.

EPA has reviewed State Order No. 8012 and has determined that the level of control required by this Order represents RACT for American Cyanamid. American Cyanamid produces polymers at its Wallingford Plant. American Cyanamid has three distinct areas which are subject to the requirements of subsection 22a-174-20(ee) of Connecticut's regulations. The three areas are the Thermoplastics Department (Buildings #1OS and and #1OA), the Thermosetting Department (Building #1), and the Resins Department (Buildings #5 and #6). As RACT, the State Order requires American Cyanamid to install air pollution control equipment on any VOC emission sources at its Wallingford facility with maximum potential VOC emissions in excess of forty pounds per day or five thousand pounds per year Each piece of air pollution control equipment is required to demonstrate a minimum overall VOC reduction of eighty-five percent. Additionally, the State Order requires American Cyanamid to upgrade any of its existing air pollution control equipment that is not achieving a minimum overall VOC reduction of eighty-five percent. All such existing pollution control equipment must be upgraded to also achieve a minimum overall VOC reduction of eighty-five percent.

The State Order exempts any source at American Cyanamid's Wallingford facility which emits less than forty pounds of VOC per day and five thousand pounds of VOC per year from these RACT requirements. This exemption is consistent with the provisions of subsection 22a-174-20(aa) of Connecticut's regulations which was approved by EPA on October 14, 1984 (49 FR 41026). For purposes of determining which of the facility's sources are exempt from meeting RACT, American Cyanamid must aggregate

similar or identical VOC emission points. For each source that is exempt from meeting RACT, the DEP has imposed an enforceable daily cap in pounds VOC per day. That daily cap is forty pounds VOC per day for sources whose potential emissions are greater than 40 pounds per day but actual emissions are less than 40 pounds per day. For sources with both potential and actual VOC emissions of less than 40 pounds per day, the daily cap has been set at a level of the source's current potential VOC emissions.

State Order No. 8012 also requires American Cyanamid to implement a fugitive leak detection program on all of its processes. This program will reduce VOC leaks from valves, pumps, compressors and safety relief valves at American Cyanamid.

American Cyanamid is required to comply with all of the requirements of the State Order by December 31, 1987, which is the final compliance date of subsection 22a–174–20(ee) of Connecticut's regulations. Other specific requirements of the State Order and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

Final Action

EPA is approving Connecticut State Order No. 8012 as a revision to the Connecticut SIP. The provisions of State Order No. 8012 define and impose RACT on American Cyanamid Company to control VOC emissions as required by subsection 22a–174–20(ee) of Connecticut's regulations.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 30, 1988. This action may not be challenged later in proceedings to enforce requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 25, 1982.

Dated: July 25, 1988.

Lee M. Thomas,

Administrator.

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

PART 52—[AMENDED]

Subpart H—Connecticut

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.370 is amended by adding paragraph (c)(43) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(43) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on February 5, 1988.

(i) *Incorporation by reference.* (A) Letter from the Connecticut Department of Environmental Protection dated February 5, 1988 submitting a revision to the Connecticut State Implementation Plan.

(B) State Order No. 8012 and attached Compliance Timetable, Appendix A (allowable limits on small, uncontrolled vents), and Appendix B (fugitive leak detection program) for American Cyanamid Company in Wallingford, Connecticut. State Order No. 8012 was effective on January 6, 1988.

(ii) *Additional materials.* (A) Technical Support Document prepared by the Connecticut Department of Environmental Protection providing a complete description of the reasonably available control technology determination imposed on the facility.

[FR Doc. 88–17113 Filed 7–29–88; 8:45 am]

BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 505, 514 and 525

[Acquisition Circular AC–88–2]

Changes to the Government Procurement Code

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary rule.

SUMMARY: This Acquisition Circular temporarily amends Parts 505, 514 and 525 of the General Services Administration Acquisition Regulation (GSAR), Chapter 5, to implement Item II of Federal Acquisition Circular 84–38, published in the **Federal Register** on July 20, 1988. Item II of the FAC revised the Federal Acquisition Regulation (FAR) to implement amendments to the Agreement on Government Procurement that were negotiated by the United States Trade Representative. The intended effect is to implement Item II of FAC 84–38 and to provide guidance to GSA contracting activities pending a permanent revision to the regulation.

DATES: *Effective Date:* August 1, 1988.

Expiration Date: August 1, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Linfield, Office of GSA Acquisition Policy and Regulations (VP), (202) 523–4770.

SUPPLEMENTARY INFORMATION: This rule was not published in the **Federal Register** for public comment because it merely implements a higher level issuance by deleting material that conflicts with material in the FAR. The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The rule simply deletes material which conflicts with the FAR, as amended by Item II of FAC 84–38 regarding amendments to the Agreement on Government Procurement. Accordingly, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

List of Subjects in 48 CFR Parts 505, 514 and 525

Government procurement.

1. The authority citation for 48 CFR Parts 505, 514 and 525 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. 48 CFR Parts 505, 514 and 525 are amended by the following Acquisition Circular.

General Services Administration Acquisition Regulation Acquisition Circular (AC–88–2)

July 22, 1988.

To: All GSA contracting activities.

Subject: Changes to the Government Procurement Code.

1. *Purpose.* This Acquisition Circular temporarily amends the General Services

Administration Acquisition Regulation (GSAR) Chapter 5 (APD 2800.12), to implement Item II of Federal Acquisition Circular 84–38, published in the **Federal Register** on July 20, 1988. Item II of the FAC revised the Federal Acquisition Regulation (FAR) to implement amendments to the Agreement on Government Procurement which were negotiated by the United States Trade Representative.

2. *Background.*

a. Final acceptance of certain amendments to the Agreement on Government Procurement was agreed to by all parties to the Agreement by November 16, 1987. Coverage of these amendments under Title III of the Trade Agreements Act of 1979 (19 U.S.C. 2511–2518) and 3 U.S.C. 301 became effective on February 14, 1988. FAC 84–38 makes two principal changes to FAR 25.4; first, it extends the application of the Trade Agreements Act to cover leases and rental of designated country end products, as well as purchases, and second, it determines applicability of the Trade Agreements Act coverage is to be based upon the total estimated value of the acquisition including the value of any options, *not* the estimated value of a particular product. In determining whether the threshold of the Trade Agreements Act is met, contracting officers shall consider the total estimated value of all items or products, inclusive of any options, listed in the solicitation, i.e., if the estimated value of all items or products and any options listed in the solicitation equals or exceeds the dollar threshold, the Trade Agreements Act applies to any item or product included in the solicitation.

b. Changes were also made in FAR Parts 5, 14, 15 and 17. FAR 5.301 was amended to include a requirement for publication in the *Commerce Business Daily* of notices synopsizing awards exceeding $25,000, subject to the Trade Agreements Act, not later than 60 days after award. FAR 14.408–1 and 15.1001 were amended to require that for acquisitions subject to the Trade Agreements Act, written notification be given to unsuccessful offerors from designated countries within seven working days after contract award. Under sealed bidding, the written notification must include the following information (1) that their offers were not accepted (2) that a contract has been awarded (3) the dollar amount of the successful offer, and (4) the name and address of the successful offeror. FAR 15.1001(c)(2) requires that the written notification include the same information provided to other unsuccessful offerors (see FAR 15.1001(c)(1)). FAR 17.203 was revised to reflect the addition at FAR 25.402(a)(4) of the requirement to include the estimated value of any options in determining the applicability of the Trade Agreements Act threshold to a particular acquisition.

3. *Effective date.* August 1, 1988. Also solicitations issued on or after February 14, 1988, and for which the date established for receipt of offers is on or after August 1, 1988, shall be amended, as appropriate, to notify offerors of the application of the revised procedures.

4. *Expiration date.* This Acquisition Circular expires August 1, 1989.

5. *Reference to regulation.* Sections 505.301, 514.408–1, 525.401, and 525.402–70 of the General Services Administration Acquisition Regulation.

6. *Explanation of changes.*

505.30 [Removed]

a. Section 505.301 is removed.

b. Section 514.408–1 is revised to read as follows:

§ 514.408–1 Award of unclassified contracts.

The GSA Form 3577, Notification of Contract Award, may be used to notify all unsuccessful bidders other than (1) any apparent low bidder(s) or (2) unsuccessful bidders from designated countries for acquisitions subject to the Trade Agreements Act.

525.401 [Removed]

525.402–70 [Removed]

c. Sections 525.401 and 525.402–70 are removed.

Richard H. Hopf, III,

Acting Associate Administrator for Acquisition Policy.

[FR Doc. 88–17195 Filed 7–29–88; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 80477–8140]

50 CFR Part 215

Subsistence Taking of North Pacific Fur Seals

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

ACTION: Final notice of harvest levels.

SUMMARY: Regulations on subsistence taking of North Pacific fur seals require NMFS to annually publish a summary of the previous year's fur seal harvest, and a discussion of the number of seals expected to be taken in the current year to meet the subsistence needs of the Aleut residents of the Pribilof Islands. NMFS published this notice on May 18, 1988. Following a 30-day public comment period, NMFS is publishing a final notice of the expected harvest levels for 1988, as follows:

St. George Island: 600–725
St. Paul Island: 1,800–2,200

EFFECTIVE DATE: June 30, 1988.

FOR FURTHER INFORMATION CONTACT: Dr. Steven Zimmerman, 907–586–7233 or Georgia Cranmore, 202–673–5351.

SUPPLEMENTARY INFORMATION:

Background

The subsistence harvest of North Pacific (northern) fur seals (*Callorhinus ursinus*) on the Pribilof Islands, Alaska, is governed by regulations found in 50 CFR Part 215 Subpart D—Taking for Subsistence Purposes. These regulations were published under the authority of the Fur Seal Act, 16 U.S.C. 1151 *et seq.*, and the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.* (see 51 FR 24828, July 9, 1986). The purpose of these regulations is to limit the take of fur seals to a level providing for the legitimate subsistence needs of the Pribilovians using humane harvesting methods, and to restrict taking by sex, age, and season for herd management purposes.

The following subsistence harvest levels have been recorded on the Pribilof Islands since 1985:

	St. Paul Island	St. George Island	Total
1985	3,384	329	3,713
1986	1,299	124	1,423
1987	1,710	92	1,802

NMFS published a proposed notice summarizing 1987 harvest data and proposing an estimated 1988 harvest range of 1,800—2,500 on St. Paul Island, and 600—825 on St. George Island (53 FR 17733, May 18, 1988).

Response to Public Comments

On June 15, 1988, at the request of the Humane Society of the United States, NMFS held a meeting to discuss the 1988 harvest. The following groups were represented:

Tanadgusix Corporation of St. Paul Island
Monitor
Humane Society of the United States
Greenpeace
Friends of Animals/Committee for Humane Legislation
Center for Environmental Education

During the public comment period, the following groups provided written comments:

Tanadgusix Corporation of St. Paul Island
Humane Society of the United States
Friends of Animals/Committee for Humane Legislation
The Wildlife Legislative Fund of America
Center for Environmental Education

(1) Extension of the Harvest Season

Most comments centered on the option, provided in 50 CFR 215.32(f)(2),

of extending the harvest season beyond August 8. After the first week in August, the rigid segregation of seals on the islands by age and sex begins to break down and young female seals comingle with the harvestable subadult males. Females can be mistaken for males and harvested accidentally. Any taking of female seals must be considered significant to the long term recovery of this declining species. Thus, safeguards have been included in the regulations (See 50 CFR 216.32(f)(2) (ii) and (iii) that require NMFS to terminate the harvest if, during the extension period, too many female seals are accidentally taken. These safeguards were triggered in 1986 and 1987 when extensions of the harvest season were granted to St. Paul Island; and the harvests terminated on the first day of each extension.

Environmental groups that commented on the proposed notice strongly objected to the harvest extension option because it has been shown to result in the taking of female seals. Counsel to the Tanadgusix Corporation (TDX) argues, on the other hand, that delays in granting extensions are responsible for harvests in September; whereas, it has not yet been demonstrated that a harvest after August 8 but before September 2 will result in the take of female seals. Environmental groups have noted that a delay in the start of the harvest, because of fishing or other more pressing interests on St. Paul Island, continues to result in requests for extensions of the season.

As discussed in the 1986 preamble to the final rule on subsistence taking (51 FR 24838, July 9, 1986), and in the 1987 final harvest notice (52 FR 26481, July 15, 1987), NMFS added the harvest extension option at the request of the Pribilovians to accommodate a "family-style" harvest that would take fewer seals per day over a longer period of time. On St. Paul Island, however, harvesting has been confined to weekdays between July 14–August 8 during the 1986 and 1987 harvest seasons, although harvesting was authorized for each day starting on June 30. On St. George, harvests occurred on 4 days in 1986 and 2 days in 1987.

Because of the demonstrated risk of taking females after August 8, the observed inability of harvesters to distinguish young males from females, and the absence of a "family-style" harvest strategy on the Pribilof Islands, NMFS intends to propose an amendment to 50 CFR 216.32(f) that would eliminate the extension option for 1989 and subsequent years. During 1988, any request for an extension beyond August 8 will be responded to within 2 weeks of the receipt of a written request that contains the following information: (1) Reasons why subsistence needs could not be met before August 8, (2) number of subsistence users needing seal meat, (3) number of additional seals requested, (4) number of days needed to complete remaining harvesting, (5) disposition of previously harvested seal meat, and (6) disposition of harvest by-products. This request for an extension is not subject to OMB review under the Paperwork Reduction Act, which does not apply to fewer than ten identical reporting requirements, because no more than two of these requests are expected this year.

(2) Efficiency of Butchering

Environmental groups complained of a decrease in percent-utilization (i.e., the percent by weight of meat removed per carcass). In 1986, percent-utilization was 47.2 and, in 1987, it was 41.1. These groups noted that NMFS referred in the proposed notice to "the mean range between minimally butchered and maximally butchered seals" as "29.1 and 53.3 percent of the initial carcass weight." NMFS continues to encourage the Pribilovians to improve their use of harvested seals. The discussion in the proposed notice was not intended to imply a change in our position. Utilization rates of seal meat must be considered in any decision on subsistence needs estimates.

(3) Commercial Aspects of the Harvest

Two groups mentioned that, in 1987, TDX paid workers to kill seals and process the skins for eventual sale. One group commented as follows:

> Either harvest of fur seals is a traditional activity that provides a source of food in the category of "subsistence," or it is a planned and orchestrated commercial activity that provides cash employment for otherwise unoccupied workers. It can't be both.

This group further commented that the requirement in the regulations for "experienced sealers," which in their view may be responsible for the commercialization of the subsistence harvest, should be reconsidered.

Section 215.32(c)(2) requires, among other things, that "No fur seal may be taken except by experienced sealers using the traditional harvesting methods, including stunning followed immediately by exsanguination." This requirement is based on reports and recommendations of veterinarians observing the commercial harvests (which ended in 1984). It is NMFS's intention to maintain the same high standards of harvesting that resulted in humane and efficient commercial harvests. NMFS had hoped, however, that in the four years since the commercial harvests ended, experienced sealers, overseeing those less experienced in these methods, would pass on their skills to individuals interested in subsistence sealing for food. NMFS will survey subsistence sealers to determine whether or not this process is occurring and will continue to encourage the sharing of humane harvesting skills.

Two groups commented that legislative proposals to allow the sale of subsistence skins provide incentive for harvesting above subsistence needs for food. TDX strongly disagrees. One group criticized NMFS for endorsing an amendment to the MMPA to allow commercial sale of fur seal skins.

(4) Harvest Level Estimates

One group believes that no killing of fur seals is justified. Another group endorsed the harvest estimates in the proposed notice, but thought that sale of the skins should be allowed. One group provided a range estimate of 925–1,390 for St. Paul Island. TDX commented that the lower bound (1,800) is "too low" for current economic conditions, but provided no alternative estimates. NMFS concludes that the proposed lower bound (i.e., 1,800 seals) remains the best estimate of subsistence needs, but lowers the upper bound from 2,500 to 2,200 based on the results of 1986 and 1987 harvests. As in previous years, St. George Island subsistence needs are estimated as no more than one-third of St. Paul Island.

Dated: July 26, 1988.

James W. Brennan,

Assistant Administrator for Fisheries.

[FR Doc. 88–17299 Filed 7–29–88; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 53, No. 147
Monday, August 1, 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 Ch. I

[Summary Notice No. PR-88-7]

Petition for Rulemaking; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before October 3, 1988.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on July 26, 1988.

Denise D. Hall,

Manager, Program Management Staff.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
24913	General Aviation Manufacturers Association.	Part 91	To require a supplementary (backup) power source for vacuum/pressure-driven gyroscopic flight instruments on what the petitioner characterizes as "high risk" airplanes flown in instrument meteorological conditions. *DENIED July 13, 1988.*

[FR Doc. 88-17203 Filed 7-29-88; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Parts 21 and 23

[Docket No. 059CE, Notice No. 23-ACE-43]

Special Conditions; Modified Cessna Model 414A Airplanes With TCM TSIOL-550 Engines Installed

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Special Conditions.

SUMMARY: This notice proposes special conditions for modified Cessna Model 414A airplanes with TCM TSIOL-550 engines installed. The airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. The novel and unusual design features include the installation of the TCM TSIOL-550 engines, which incorporates liquid-coolant systems for which the applicable regulations do not contain adequate or appropriate temperature indicator requirements. This notice contains the additional airworthiness requirements which the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

DATE: Comments must be received on or before August 31, 1988.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 059CE, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 059CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Oscar Ball, Aerospace Engineer, Standards Office (ACE-110), Aircraft Certification Division, Central Region, Federal Aviation Administration, Room 1656, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking further rulemaking action on this proposal. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following

statement is made: "Comments to Docket No. 059CE." The postcard will be date stamped and returned to the commenter. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the rules docket for examination by interested parties. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Background

On January 5, 1988, RAM Aircraft Corporation, Post Office Box 5219, Waco, Texas 76708, made application to the FAA for supplemental type certificate (STC) approval on the type design changes necessary to incorporate the Teledyne Continental Motors (TCM) TSIOL-550 engines in the Cessna Model 414A airplane. The TCM TSIOL-550 engines are liquid-cooled replacements for the currently installed air-cooled engines.

Type Certification Basis

The proposed type certification basis for the RAM modified Cessna Model 414A is as follows: Part 3 of the Civil Air Regulations (CAR), dated May 15, 1956, as amended by 3-1 through 3-5 and 3-8, excluding the following portions: Subpart B and §§ 3.356, 3.357, 3.358, 3.359, 3.411, 3.429, 3.433, 3.434, 3.435, 3.436, 3.437, 3.445, 3.581, 3.582, 3.583, 3.584, 3.585, 3.587, 3.628, 3.666, 3.672, 3.673, 3.674, 3.675, 3.700(c), 3.728, 3.767(a), and 3.767(b). Include the following portions of Part 23 of the FAR, dated February 1, 1965, as amended by 23-1 through 23-14: Subpart B and §§ 23.729, 23.901, 23.909, 23.951, 23.954, 23.955, 23.959, 23.973, 23.1041, 23.1043, 23.1047, 23.1143, 23.1305, 23.1387(e), 23.1435 and 23.1557(c); as amended by 23-1 through 23-21, § 23.1385(c); as amended by 23-1 through 23-23, § 23.1327. Add § 23.1559(b) for Model 414A only. Findings of Equivalent Level of Safety were made for CAR 3.637, 3.757, and 3.778(a).

Also, Part 36, as applicable, and any special conditions resulting from this notice.

Discussion

Liquid-cooled engines have been used in airplanes since the beginning of manned flight. Early airworthiness standards contained requirements for both liquid-cooled and air-cooled engine installations. These requirements continued in place through a number of rule changes and into CAR 3. When CAR 3 was recodified into Part 23, the requirement for a coolant temperature indicator for each liquid-cooled engine was inadvertently omitted.

Since there have been few, if any, liquid-cooled engines installed in Part 23 airplanes, there has been no reason for a rule change. However, the lack of such requirement was noted during a Part 23 airworthiness review. A requirement for a coolant temperature indicator for each liquid-cooled engine has been identified as a result of the Small Airplane Airworthiness Review Program. A Notice of Proposed Rulemaking (NPRM) is currently being prepared for public comment to incorporate this feature.

Current Part 23 contains adequate installation requirements for the coolant system except for the temperature indicator. A special condition is proposed to require a coolant temperature indicator for each liquid-cooled engine installed under the provisions of this proposed STC.

Federalism Implications

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

Conclusion

In view of the design features discussed above, the following special conditions are proposed for the propulsion system of the Cessna Model 414A airplanes, with TCM TSIOL-550 engines installed, under the provisions of § 21.16 to provide a level of safety equivalent to that intended by the regulations incorporated by reference. This action is not a rule of general applicability and affects only the model/series of airplane identified in this special condition.

List of Subjects in 14 CFR Parts 21 and 23

Aircraft, Air transportation, Aviation safety, and Safety.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions as part of the type certification basis for the RAM modified Cessna Model 414A airplanes with TCM TSIOL-550 engines installed:

1. The authority citation for these proposed special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g). (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 21.16 and 21.101; and 14 CFR 11.28 and 11.29(b).

2. In addition to the requirements of § 23.1305, a coolant temperature indicator is required for each liquid-cooled engine.

Issued in Washington, DC, on July 20, 1988.

Thomas E. McSweeny,

Acting Director of Airworthiness.

[FR Doc. 88-17204 Filed 7-29-88; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 88-ASO-8]

Proposed Amendment to Transition Area, Monroe, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the transition area, Monroe, North Carolina, by deleting an arrival area extension. The Wesley RBN has been relocated off-airport and the NDB RWY 23 standard instrument approach procedure, which required the arrival area extension, has been cancelled. If approved, this action will raise the floor of controlled airspace from 700 to 1,200 feet above the surface in this particular area.

DATE: Comments must be received on or before September 1, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO-530, Manager, Airspace and Procedures Branch, Docket No. 88-ASO-8, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to

participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88–ASO–8." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, 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, Manager, Airspace and Procedures Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Monroe, North Carolina, transition area by deleting an arrival area extension. The NDB RWY 23 standard instrument approach procedure, which required the arrival area extension, has been cancelled. This action will raise the floor of controlled airspace from 700 to 1,200 feet above the surface in this particular area. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6D dated January 4, 1988.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

The proposed Amendment

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

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

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

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

§ 71.181 [Amended]

2. § 71.181 is amended as follows:

Monroe, NC [Amended]

By deleting the phrase, "within 3 miles each side of the 057° bearing from the Wesley RBN (Latitude 35°01'25" N., Longitude 80°37'01" W.), extending from the 6.5-mile radius to 8.5 miles northeast of the RBN.," from the present description.

Issued in East Point, Georgia, on July 15, 1988.

William D. Wood,

Acting Manager, Air Traffic Division Southern Region.

[FR Doc. 88–17207 Filed 7–29–88; 8:45 am]

BILLING CODE 4910–13–M

Coast Guard

33 CFR Part 165

[Docket No. CGD5 88–41]

Safety Zone; Chesapeake Bay, Off Fort Story, Virginia Beach, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The Coast Guard is considering a proposal to establish a safety zone around a U.S. Navy salt water offshore-onshore transfer exercise in the Naval Restricted Area of the Chesapeake Bay off of Fort Story in Virginia Beach, Virginia. The exercise is scheduled to begin August 14, 1988 and end August 30, 1988. The proposed safety zone is intended to minimize the risk of collision between Naval exercise transfer hoses/vessels/associated equipment and other vessels. Vessels and individuals will be required to obtain permission from the Captain of the Port or one of his designated representatives before entering the safety zone.

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

ADDRESSES: Comments should be mailed to Commanding Officer, U.S. Coast Guard Marine Safety Office Hampton Roads, 200 Granby Street, Norfolk, Virginia 23510–1888. The comments and other materials referenced in this notice will be available for inspection and copying at the above address. Normal office hours are between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Lieutenant M.W. Carr at the above address, telephone number (804) 441–3299.

SUPPLEMENTARY INFORMATION: Under 5 U.S.C. 553 a notice of proposed rulemaking is not required for military operations. However, in the interest of public safety and the proximity of the exercise to commercial and pleasure vessel activity, a comment period is being provided. Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD5 88–41), the specific section of the proposal to which their comments apply, and give reasons for each comment. The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this

proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Lieutenant M.W. Carr, project officer, and Capital R.J. Reining, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Proposed Regulations

The proposed safety zone would be in effect during the deployment and retrieval of the offshore-onshore transfer hoses. It would be a "moving safety zone," extending 250 yards in all directions from the transfer hoses and the vessels and equipment used to deploy and retrieve the hoses. When fully deployed, the transfer hoses will run about ¾ of a mile from position located at approximately latitude 36°56'43" North, longitude 076°01'30" West, where they will be attached via a mooring buoy to the USNS OSPREY, to the adjacent shoreline at Fort Story, Virginia Beach, Virginia. The outside diameter of a transfer hose will be approximately eight inches. While the transfer hose is being deployed or retrieved it will be partially submerged and will constitute a danger to navigation. The safety zone will be in effect during these periods.

After the deployment is complete, the hose will be filled with salt water and sink to the bottom. At that time, vessels will be able to safely transit over the area where the hose is deployed on the bottom. The safety zone will not be needed or in effect during this period.

Once completely stowed onboard an exercise vessel after being retrieved, the hose will no longer pose a danger to navigation, and the safety zone will not be in effect. It is now anticipated that 2 transfer hoses will be deployed and retrieved on 2 separate occasions over a 16 day period between August 14 and 30, 1988.

It is estimated that deployment and retrieval of the hoses will take a maximum of one day for each operation. In between the deployments and retrievals, and transfer hose will rest on the bottom.

The Navy offshore-onshore salt water transfer exercise is a part of a joint U.S. Army-Navy multi-ship amphibious exercise in the same area.

Mariners would be provided advance notice of scheduled deployment and retrieval of the transfer hoses via marine radio broadcast Notice to Mariners.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on federal regulations and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The area of this exercise is not in a main channel and ordinarily not travelled by deep draft marine traffic. In addition, this area is in a restricted area, regulated under 33 CFR 207.158. Vessels are prohibited from anchoring, trawling, crabbing, fishing, and dragging in the area. It is expected that the vast majority of marine traffic that would be affected by this proposed safety zone would be recreational boaters and commercial fishermen in transit to or from the Atlantic Ocean. The small detour by pleasure boaters or commercial fishermen around the area during the deployment and retrieval of the transfer hoses should not constitute a significant or adverse economic impact. Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

"Harbors, Marine Safety, Navigation (water), Security Measures, Vessels, Waterways"

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations as follows:

PART 165—[AMENDED]

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

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

2. Section 165.T0540 is added to read as follows:

§ 165.T0540 Safety Zone: Chesapeake Bay, off Fort Story, Virginia Beach, Virginia.

(a) Location: The following areas are a safety zone: The waters within 250 yards of all offshore-onshore transfer hoses used or to be used during a seawater transfer exercise between the USNS OSPREY and the adjacent shoreline at Fort Story, Virginia Beach, Virginia; the USNS OSPREY; and any other vessels, buoys, moorings, and equipment associated with the deployment, retrieval, or marking of the offshore-onshore transfer hoses. (The USNS OSPREY is anchored at a position at approximately latitude 36°56'43" North, longitude 076°01'30" West.)

(b) Regulations: Except for participants in the joint Navy/Army multi-ship amphibious exercise, no person or vessel may enter or remain in the safety zone without the permission of the Captain of the Port or one of his designated representatives.

(c) *Effective Dates:* This regulation is effective during periods when the offshore-onshore transfer hoses are being deployed and retrieved by the USNS OSPREY, between 7:00 a.m., EDST, on August 14, 1988, until 7:00 p.m., EDST, on August 30, 1988. The actual times that the safety zone will be in effect will be announced by Marine Broadcasts Notice to Mariners.

Dated: July 20, 1988.

L.C. Burger,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. 88–17201 Filed 7–29–88; 8:45 am]

BILLING CODE 491–014–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Big Cypress National Preserve, Florida; Indian Use and Occupancy Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule; extension of public comment.

SUMMARY: On May 10, 1988, the National Park Service published proposed regulations in the Federal Register (53 FR 16561) to define the statutory rights granted to the members of the Miccosukee and Seminole Tribes of Indians of Florida in Pub. L. 93–440 (16 U.S.C. 698f et seq.). Written comments, suggestions, or objections were accepted until July 11, 1988. Due to public request, the public comment period has been extended for an additional thirty (30) days.

DATES: Written comments, suggestions, or objections will be accepted on or before August 31, 1988.

ADDRESS: Comments should be directed to: Superintendent, Big Cypress National Preserve, Star Route Box 110, Ochopee, FL 33943.

FOR FURTHER INFORMATION CONTACT: Fred J. Fagergren, Superintendent, Big Cypress National Preserve, Telephone: (813) 696–2000.

Date: July 19, 1988.

Robert L. Deskins,

Acting Regional Director, Southeast Region.

[FR Doc. 88-17218 Filed 7-29-88; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL-3421-7]

Hazardous Waste Management System, Identification and Listing of Hazardous Waste; New Data and Use of These Data Regarding the Establishment of Regulatory Levels for the Toxicity Characteristic; and Use of the Model for the Delisting Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of data availability and request for comments; supplement to proposed rule.

SUMMARY: On June 13, 1986, the Environmental Protection Agency proposed to amend its hazardous waste identification regulations under Subtitle C of the Resource Conservation and Recovery Act (RCRA) by modifying the existing Toxicity Characteristic used by waste generators in determining whether their solid wastes are hazardous. As proposed in 1986, the revised Toxicity Characteristic (TC) was based, in part, on compound-specific dilution/attenuation factors (DAFs) that were derived from a subsurface fate and transport model for each of the organic constituents.

Today's notice presents new data related to Subtitle D municipal landfills, soil data, and chemical-specific data that may be used in the ground-water model to calculate DAFs for each of the organic constituents in the TC. These new data became available to the Agency after the TC was originally proposed. In addition, in considering using this data and in response to comments on the June 13, 1986 TC proposal, the Agency is also considering making a number of changes to the model. Therefore, we present the new data that may be used in conjunction with these proposed changes to the model.

The Agency specifically solicits comments on the use of the new data and the proposed modifications to the fate and transport model. (It should be noted that on May 19, 1988 (53 FR 18024), the Agency published a Notice of Data availability. That Notice indicated that the Agency was also considering the use of generic DAFs (instead of determining the DAFs based on specific fate and transport model) and specifically requested comments on the use of generic DAFs. The Agency will not decide on whether to use generic or model-based DAFs until we have evaluated all the comments received on the May 19, 1988 Notice; in the meantime, the Agency is making available for comment the new data for use in the model along with several modifications to the model).

The Agency also requests comments on the possible use by the Delisting Program of the same ground-water model that has been proposed to be used for the Toxicity Characteristic.

DATE: EPA will accept public comments on this notice until August 31, 1988.

ADDRESSES: One original and three copies of all comments, identified by the Docket Number F-88 TC3N-FFFFF, should be sent to the following address: EPA RCRA Docket (S-212), U.S. Environmental Protection Agency (WH-562), 401 M Street SW., Washington, DC 20460. The EPA RCRA docket is located in the sub-basement area at the above address, and is open from 9:30 a.m. to 3:30 p.m., Monday through Friday, excluding Federal Holidays. To review docket materials, members of the public must make an appointment by calling (202) 475-9327. Material may be copied at a cost of $0.15/page.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline by calling (800) 424-9346 toll-free, or (202) 382-3000. For information on the general aspects of this notice, contact John W. Goodrich-Mahoney (202) 475-8551, for information on the use of models in delisting, contact Scott Maid (202) 382-4783, and for information on the technical aspects concerning the model, contact Dr. Zubair Saleem (202) 382-4770, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington DC 20460.

SUPPLEMENTARY INFORMATION: The contents of today's notice are listed in the following outline:

I. Background

Section 3001 of the Resource Conservation and Recovery Act (RCRA), as amended, requires EPA to identify wastes that pose a substantial hazard to human health and the environment, if the wastes are improperly managed. One means for doing this is through the identification of characteristics of hazardous wastes. In fact, the Agency has already promulgated four hazardous waste characteristics—namely, toxicity, ignitability, corrosivity, and reactivity. In developing the toxicity characteristic, the Agency evaluated and developed reasonable mechanisms by which harm to human health or the environment might occur, then developed a model to establish regulatory levels, and finally, specified a method for testing the wastes to determine their hazardousness.

The Extraction Procedure Toxicity Characteristic (EPTC) (40 CFR Part 261.24) is one such characteristic which has been used to identify wastes with the potential to generate leachate containing significant concentrations of toxicants. (The Extraction Procedure (EP) test, described in detail in 40 CFR Part 261, Appendix II, is the laboratory procedure used to estimate leachability.) Wastes are considered hazardous under the existing Toxicity Characteristic if their EP test leachate concentrations exceed specified regulatory levels. These levels are set so that the National Interim Primary Drinking Water Standards (DWS) will not be exceeded at down-gradient drinking water wells; the EPTC assumes that toxicants will be diluted and/or attenuated during ground-water transport by a factor of 100.

On June 13, 1986 (51 FR 21648), the Agency proposed to amend the EPTC by: (1) Expanding the characteristic to include 38 additional organic constituents, (2) introducing a modified leaching procedure, Method 1311 (referred to as the Toxicity Characteristic Leaching Procedure or TCLP), and (3) applying compound-specific dilution/attenuation factors (DAFs) for each of the organic constituents, while retaining the 100-fold dilution/attenuation factor for the inorganic constituents.

The Agency's June 13, 1986 proposal used a subsurface fate and transport model (EPASMOD) to calculate specific DAFs for each of the organic constituents. A DAF represents a

reduction in concentration of a toxicant to be expected during transport from the bottom of a landfill to a drinking water source. The various DAFs were calculated using the model, incorporating compound-specific hydrolysis and soil adsorption data coupled with parameters describing the subsurface environment (e.g., ground-water flow rate, hydraulic conductivity of the aquifer, ground-water pH, etc.).

EPA proposed to use these compound-specific DAFs in establishing regulatory levels for organic constituent concentrations in TCLP leachate (Method 1311, Appendix I, 40 CFR Part 268). For each organic constituent, the health-based number is multiplied by a specific DAF to establish the regulatory level. Wastes producing leachate concentrations above the regulatory levels would be expected to produce unacceptable toxicant levels at a drinking water source and, thus, would be regulated as a hazardous waste. Waste producing leachate concentrations below the regulatory levels would not exhibit the Toxicity Characteristic and thus, would not be hazardous with respect to that characteristic.

The Agency has received many comments on the June 13, 1986, proposal; a number of commenters took issue with the data that was used in the fate and transport model, while others had concerns about the assumptions in the model. In response to those comments, the Agency is today presenting new hydrogeologic data related to Subtitle D sanitary landfills, soils data, climatic data, and chemical-specific data that may be used in the subsurface fate and transport model. The Agency is also considering making a number of modifications to the fate and transport model based on these new data. Therefore, EPA is now taking comments on the new data as well as the proposed changes to the model. (As was already indicated, the Agency is considering whether to use the subsurface fate and transport model or a standard factor in establishing the DAFs. If the Agency decides to use the fate and transport model, the Agency will address all the comments received on the model when we finalize the TC.)

The Agency is also considering using the fate and transport model that has been proposed to be used in the toxicity characteristic in evaluating delisting petitions. The Agency, therefore, also requests comments on its possible use by the Delisting Program.

II. Discussion of New Data and Modifications to the Model

A. Introduction

As previously discussed, the DAFs are determined using a subsurface fate and transport model. The model estimates the reduction in toxicant concentration in ground water over a distance from the disposal unit to a point of exposure (drinking-water well). The model estimates the persistence and mobility of a constituent by utilizing compound-specific hydrolysis and aquifer sorption data and other parameters, which characterize the aquifer and the leachate source.

The behavior of a specific constituent in the subsurface environment is highly dependent on both the environmental setting and the properties of the constituent. Thus, assigning specific values to describe the behavior of a constituent in the modeled system is a difficult task. Furthermore, EPA must take into account the range of environmental conditions (e.g., hydrogeology and climate) that could be encountered in the United States in using the fate and transport model in the TC for estimating the attenuation of toxicants as they are transported by ground water from the disposal unit to the point of exposure (the drinking water well). These attenuation factors are used for the development of regulatory levels, which are applicable on a nation-wide basis. Therefore, to utilize EPASMOD successfully, EPA considered specifying a single value representing a "reasonable worst case" for all model parameters. The principal disadvantage of such an approach is the high degree of uncertainty in determining the reasonable worst case value for each parameter. As an alternative to identifying reasonable worst case values for all model input parameters, EPA proposed using a Monte Carlo simulation procedure. This procedure involves using a range of values for the various model input parameters; these values are then selected at random from a data set and are run through the model several thousand times. Each data set describes the range of possible values likely to occur in the United States for each parameter and the distribution of values within each range. In this manner, the Agency could accommodate the possible nationwide variance in environmental settings and uncertainties in specific chemical properties.

The Agency received a large number of comments on the model (EPASMOD). A detailed discussion of the model is provided in the preamble to the January 14, 1986 proposal for the land disposal restrictions program (See 51 *FR* 1602) and in the background document for this notice (See Reference 1, Section V of this Notice). A number of commenters specifically took issue with the data that was used in the fate and transport model. Some commenters had more basic concerns with the model. For example, a number of commenters criticized our assumption of no unsaturated zone between the landfill and the aquifer in the model. In response to these comments, the Agency is considering modifications to the model in several respects. All of these comments will be addressed when the TC is made final; however, the Agency is today noticing additional data that have become available to the Agency since the TC was proposed on June 13, 1986. In addition, the EPA is considering making a number of changes to the proposed fate and transport model; these modifications are also discussed in today's notice.

B. Modifications to the Model

In particular, the following modifications are discussed in today's notice:

(1) Incorporating a component in the model to account for an unsaturated zone beneath the waste management unit;

(2) Modifying the assumed location of the receptor well by treating possible well locations as random variables in the Monte Carlo simulation; and

(3) Modifying the calculation of dispersivity values in the saturated zone to reflect their dependence on distance from the source.

These modifications are described below:

1. Unsaturated Zone

The EPASMOD model discussed in the June 13, 1986, proposal assumed that there was no unsaturated zone, i.e., the bottom of the landfill is directly connected to the top of the aquifer. Many commenters on the proposal stated that this assumption is unrealistic because an unsaturated zone usually exists above the aquifer and that retardation and dilution effects in the unsaturated zone should be considered. The commenters also suggested that the Agency incorporate into the model the depth to the water table (the top of the aquifer) as part of the Monte Carlo analysis.

Based on a careful review, the Agency is now considering including an unsaturated zone in the fate and transport model and that this be part of the Monte Carlo analysis. The Agency believes this modification to the model

is a reasonable one, based in part on results of a survey of existing municipal landfills (see Ref. 2 for results of the survey), that indicated an unsaturated zone existed beneath 95 percent of the surveyed landfills. The incorporation of an unsaturated zone into the model would account for any retardation and/or degradation of chemicals in the unsaturated zone and would increase the DAFs for degrading chemicals.

The details of the unsaturated zone modeling and example analyses are provided in the background document (Ref. 2), which also describes the data sources and analyses that were performed to obtain the data distributions.

2. Location of the Receptor Well

In EPASMOD, the receptor well was assumed to be located down-gradient from the landfill along the centerline of the plume (in the direction of groundwater flow) at a fixed distance of 500 feet (152.4 m). The receptor well was also assumed to be tapping water from the top of the aquifer.

Many commenters argued that the assumptions concerning the locations of the receptor well and the well intake are unrealistic and too conservative. They suggested that the location of the well should be considered in a probabilistic manner and included as part of the Monte Carlo simulations in the model. Furthermore, the commenters pointed out that the receptor well may be placed at locations that are not on the plume centerline. Consequently, the concentation in the receptor well will not always be the peak concentration in the plume.

The Agency is considering revising the assumptions used in EPASMOD concerning the locations of the receptor well and the well intake by treating the receptor well location as a parameter in the Monte Carlo analyses, i.e., randomly located anywhere within the approximate areal extent of the plume in the model.

3. Dispersivity Values

In the proposal, the fate and transport model required values of longitudinal, transverse, and vertical dispersivities in the aquifer. The distance from the landfill to the drinking-water well was assumed to be fixed at 152.4 m (500 feet) in the model.

Consequently, fixed values of the dispersivities were used in the model. Several commenters criticized the assumption that dispersivity values did not vary with distance and reflected only the fixed distance (500 feet) in the model. The basis of their criticism is that field values of dispersivities have been shown to depend on, and usually increase with, the travel distance.

The Agency agrees with commenters and is considering using dispersivity values as a function of distance to the drinking water well. In these relationships, the distance distribution can be the same as used for the distance to the receptor well and is derived from EPA's Subtitle D landfill survey. The Agency believes that the proposed approach, reflecting the distance dependent nature of the dispersivities, is more realistic and is consistent with the available data on dispersivity distributions. The details of the values of longitudinal, transverse, and vertical dispersivities that are used in the model are described in Ref. 1.

C. Use of New Data

In the individual sections that follow, the new data are presented in the context of the modifications that the Agency is considering to the subsurface transport model.

1. Use of New Hydrogeologic Data Related to Subtitle D Municipal Landfills

The toxicity characteristic simulates the potential for toxic constituents to leach from a sanitary landfill—namely, the co-disposal of toxic wastes in an actively decomposing municipal landfill (i.e., Subtitle D units). However, the data used for the EPASMOD, as proposed on June 13, 1986, were derived from a data base that contained information on the management of hazardous waste units (i.e., Subtitle C units). Data on Subtitle D units, which would have been more appropriate, were unavailable at that time. In today's notice, as a result of comments received questioning the appropriateness of using Subtitle C data, the Agency presents site-specific Subtitle D data obtained from EPA's survey of Solid Waste Landfills (1).

The new data include the area of Subtitle D landfills, the distance to the closest downgradient drinking water wells, and the thickness of the unsaturated zone. Based on these data, distributions of source and site-specific parameters were obtained that the Agency will use as input to the model to revise DAFs. The list of parameters and their frequency distributions are presented in the background document (Ref. 1).

1. Use of new Soils Data and Climatic Data

EPASMOD requires a distrubution of the rate of leachate generation from the bottom of the landfill. The leaching rate distribution for the EPASMOD, as proposed, was based on the use of a single soil type—loam—as the cover soil for the landfill. This distribution was estimated using climatologic data for a total of 30 cities nationwide, representing the median range for each of 18 climatological conditions or zones identified in the 48 contiguous states. Several commenters suggested that the assumptions of a single soil type and 18 zones were not realistic and resulted in an overly optimistic cap performance. These commenters suggested enhancing the data base by including simulation of different soil covers.

The Agency has reviewed these comments and, in response, is considering a number of changes. The Agency believes that these modifications will significantly improve the validity of the leachate flux distribution and make it more realistic. The revisions include an increase in the number of climatologic stations from 30 to 97, and the incorporation of the landfill cover as a Monte Carlo variable. The revisions are based on combinations of three groups of soil types for the landfill cover and the unsaturated zone materials as described in the next paragraph.

The U.S. Soil Conservation Service (SCS) has a county-by-county soil mapping program under way. More than 90 percent of the land area in the United States has been mapped, and soil data representing approximately 51 percent of the total land area in the United States have been entered into a computer data base. Using this data base, the soil classifications can be grouped into three categories representing soils equivalent in properties to sandy loam, silt loam, and silty clay loam. These categories correspond to coarse, medium, and fine grained soils. These soils, based on data obtained from the SCS, appear to represent the most common soil types in the United States, and thus the most common soils likely to be used as covers for landfills. They also span the range of likely soil covers, from fine grained to coarse grained, or from low to high percolation rates. The same three categories are used to determine the properties of both the landfill cover materials and the unsaturated zone underlying the landfill. The latest results show that of the soils that have been mapped thus far, coarse grained soils, medium grained soils, and fine grained soils represent 15.4, 56.6, and 28.0 percent, respectively, of the soils that have been mapped thus far. According to SCS staff, these percentages are not likely to change significantly after all the soil data are entered in the computer data base (see Ref. 1).

With respect to changes in the climatic data, the number of cities representing climatic variations that were used to develop frequency distributions for the leachate generation has been increased from 18 to 97. The reason for this change would be to reduce the chance that any one city would provide an unrepresentative percolation rate in its climatic range. The Agency is also considering revising the climatic data base by increasing the number of nation-wide precipitation/evaporation ranges from 18 to 30 (see Ref. 1 for data). For the climatic ranges so defined, the percentage of the area of the 48 states represented by each range would be calculated, and the resulting percent a real average used to weight the percolation rate estimated for the selected cities in each range according to probable relative occurrence in the United States. The effect of these changes would be to provide more representative characterization of the overall distribution of the leachate rates on a nation-wide basis.

Percolation rates for each of the selected cities in the 48 contiguous States would be based on the three soil groups—sandy loam, silt loam, and silty clay loam—described above. Simulations would be performed for each of these soil types, and the results weighted according to frequency of occurrence for each type.

The leaching rate flux distribution for each cover soil type would be based on the average, weighted percolation rate from the cities in each climatic range. The background document (Ref. 1) presents the data used and the accompanying changes to the June 13, 1986, proposal runs.

3. Use of Chemical-Specific Data

In the June 13, 1986 proposal, chemical parameters, such as hydrolysis rates and solubility values and aquifer-specific parameters (e.g., pH and fraction organic carbon), were used to calculate retardation factors and degradation rates for selected constituents. Some of the chemical-specific parameters used in that proposal were estimated based on a brief review of the existing chemical data. Some commenters criticized several of the parameter values used for that proposal as being non-representative of the range of parameter values.

The Agency has an ongoing program for the measurement of chemical-specific parameters and for the review of new chemical-specific data as reported in the current scientific literature. The Agency is considering revising some hydrolysis rate constants and octanol-water partition coefficient used in the June 13, 1986 proposal to reflect the most recent laboratory measurements and values reported recently in the literature (1). The parameter values shown in the background document are either measured or best available values as indicated. The Agency is requesting comments on the values being used and submission of any collected data based on reliable measurements.

III. Possible Use by the Delisting Program

Under 40 CFR 260.20 and 260.22, facilities may petition the Agency to exclude (i.e., delist) their wastes from the lists of hazardous waste. In evaluating delisting petitions, the Agency uses (where appropriate) the vertical and horizontal spread (VHS) landfill model to predict the concentration of hazardous constituents that may be attenuated in the aquifer (i.e., it is used to predict the potential impact of the unregulated disposal of the petitioned waste on human health and the environment). See 50 *FR* 7882 (February 26, 1985); and 50 *FR* 48896 (November 27, 1985) and the RCRA public docket for these notices for a detailed description of the VHS model and its parameters. EPA treats the VHS model as a non-binding policy, and applies the model where appropriate, and responds to comments challenging the use of the VHS model where proposed to be applied. See 53 *FR* 21640 (June 9, 1988) for a recent statement of Agency policy regarding the application of models in the Delisting Program.

In light of the development of the ground-water model being used for the Toxicity Program and data discussed in this Notice and the June 13, 1986 proposal, the Agency is considering the possible use of this model by the Delisting Program. Comments are particularly solicited on the appropriateness of this model for evaluation of delisting petitions; its advantages and disadvantages in comparison to the VHS model; the situations in which the model could be applied; and how the use of the model could best be introduced into the delisting process.

IV. Request For Comments

Based on the above discussions, the Agency requests the following:

1. Comments on the use of the new data and the proposed modifications in the subsurface fate and transport model for the Toxicity Characteristic Program.

2. Comments on the possible use of the model (proposed for use in the Toxicity Characteristic Program) by the Delisting Program.

Comments on this notice must be received by EPA on or before (Insert 30 days after publication) to ensure consideration. It should be noted that the Agency is only reopening the comment period for the new data presented, the modifications to the model and the potential use of the model in the Delisting Program.

V. References

1. U.S. EPA. 1988a. Background Document on the Subsurface Fate and Transport Model. Office of Solid Waste, Washington, DC.

2. U.S. EPA 1988b. Background Document for Modeling Unsaturated Zone. Office of Solid Waste, Washington, DC.

Date: July 21, 1988.

Thaddeus L. Juszczak, Jr.,

Acting Assistant Aministrator for Solid Waste and Emergency Response.

[FR Doc. 88-17114 Filed 7-29-88; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-1

Deviations Granting Process

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: GSA proposes to amend its regulations to establish a more flexible policy for granting deviations from the requirements of the Federal Property Management Regulations. The proposed changes are expected to simplify and accelerate the waiver process while maintaining adequate controls.

DATE: Comments must be submitted on or before August 31, 1988.

ADDRESS: Comments may be mailed to the General Services Administration (CAP), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Michael G. Barbour, Special Assistant for Regulatory Analysis, Office of Administrative Services, 202-566-1177.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative

decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that potential benefits to society from this rule outweigh the potential costs and has maximized the net benefit; and has chosen the alternative approach involving the least net cost to society. This rule will not have a substantial impact on a significant number of small businesses.

List of Subjects in 41 CFR Part 101–1

Government property management.

For the reasons set forth in the preamble, it is proposed to revise 41 CFR 101–1 as follows:

PART 101—[AMENDED]

1. Section 101–1.110 is revised to read as follows:

§ 101–1.110 Deviation.

(a) In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations; i.e., the use of any policy or procedure in any manner that is inconsistent with a policy or procedure prescribed in the Federal Property Management Regulations (FPMR), are prohibited unless such deviations have been requested from and approved by the Administrator of General Services or his authorized designee. Deviations may be authorized by the Administrator of General Services or his authorized designee when so doing will be in the best interest of the Government. Requests for deviations shall clearly state the nature of the deviation and the reasons for such special action.

(b) Requests for deviations from the FPMR shall be sent to the General Services Administration for consideration in accordance with the following:

(1) For onetime (individual) deviations, requests shall be sent to the address provided in the applicable regulation. Lacking such direction, requests shall be sent to the Administrator of General Services, Washington, DC 20405.

(2) For class deviations, requests shall be sent only to the Administrator of General Services.

Dated: July 15, 1988.

John Alderson,

Acting Administrator of General Services.

[FR Doc. 88–17306 Filed 7–29–88; 8:45 am]

BILLING CODE 6820–34–M

41 CFR Part 105–1

Deviations Granting Process

AGENCY: General Services Administration.

ACTION: Proposed Rule.

SUMMARY: GSA proposes to amend its regulations to establish a more flexible policy for granting deviations from the Federal Property Management Regulations or the General Services Property Management Regulations. The proposed changes are expected to simplify and accelerate the process of granting deviations while maintaining adequate controls.

DATE: Comments must be submitted on or before August 31, 1988.

ADDRESS: Comments may be mailed to the General Services Administration (CAP), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Michael G. Barbour, Special Assistant for Regulatory Analysis, Office of Administrative Services, 202–566–1177.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule an adequate information concerning the need for and consequences of this rule; has determined that potential benefits to society from this rule outweigh the potential costs and has maximized the net benefit; and has chosen the alternative approach involving the least net cost to society. This rule will not have a substantial impact on a significant number of small businesses.

List of Subjects in 41 CFR Part 105–1

Government Property Management.

For the reasons set forth in the preamble, it is proposed to revise 41 CFR 105–1 as follows:

PART 105–1—[AMENDED]

1. Section 105–1.110 is amended by revising paragraphs (a) and (b) to read as follows:

§ 105–1.110 Deviation.

(a) The term "deviation" as used in this Chapter 105 is defined as the use of any policy or procedure that is inconsistent with a policy or procedure prescribed in the regulations.

(b) To maintain uniformity to the greatest extent feasible, deviation from the FPMR to the GSPMR shall be kept to a minimum and controlled. Approval of any deviation from the FPMR or Chapter 105 shall be made only by the Administrator except for onetime (individual) deviations which may be approved by the officials to whom such authority has been delegated by the Administrator. Such delegated authority may not be redelegated, nor may the official to whom such authority has been delegated authorize deviations that impact a fund unless the concurrence of the applicable fund manager has been obtained. In each instance, the authorizing document shall disclose the nature of the deviation and the reasons for such special action. Deviations may be extended but otherwise will expire 12 months from the date of approval, unless sooner rescinded without prejudice to any action thereunder.

(c) * * *

Dated: July 11, 1988.

John Alderson,

Acting Administrator for General Services.

[FR Doc. 8–17305 Filed 7–29–88; 8:45 am]

BILLING CODE 6820–34–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6927]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed Rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 53 FR on June 9, 1988. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Unincorporated Areas of Knox County, Kentucky.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Knox County, Kentucky previously published at 53 FR on June 9,

1988, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

List of Subjects in 44 CFR Part 67

Flood Insurance, Floodplains.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) Flood Elevations

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
East Fork Lynn Camp Creek:	
At mouth	*1,071
Just downstream of Private Road (About 2,100 feet upstream of Indian Creek Road)	*1,100
Lynn Camo Creek:	
At county boundary	*1,066
About 0.5 mile upstream of Back Street	*1,089
Cumberland River:	
About 2 miles downstream of confluence of Swanpond	*978
About 2 miles upstream of confluence of Ledger Branch	*995
Cumberland River High Flow Diversion Channel:	
At confluence with Cumberland River	*980
At divergence with Cumberland River	*983
Richland Creek:	
Just downstream of School Street	*986
About 2,100 feet upstream of Old Railroad Grade Road	*986

Issued: July 26, 1988.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 88–17225 Filed 7–29–88; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA–6927]

Proposed Flood Elevation Determinations, Iowa; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed Rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 53 FR on June 9, 1988. This correction notice provides a more accurate representatioin of the Flood Insurance Study and Flood Insurance Rate Map for the City of Elliott, Montgomery County, Iowa.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Elliott, Montgomery County, Iowa previously published at 53 FR on June 9, 1988, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

List of Subjects in 44 CFR Part 67

Flood Insurance, Floodplains. The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
East Nishnabotna River:	
Just upstream of State Highway 48	*1,070
About 2900 feet upstream from State Highway 48	*1,071
Coe Creek:	
About 0.38 mile upstream of mouth	*1,070
About 0.27 mile upstream of Burlington Northern railroad	*1,084
Tributary A:	
Just upstream of mouth	*1,070
Just upstream of Burlington Northern railroad	*1,075
Coe Creek Divergence:	
At convergence	*1,073
At divergence	*1,082

Issued: July 26, 1988.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 88–17226 Filed 7–29–88; 8:45 am]

BILLING CODE 6718–03–M

Notices

Federal Register
Vol. 53, No. 147
Monday, August 1, 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 the Secretary

Policy Advisory Committee on Science and Education Research Grants

Notice is hereby given that the Secretary of Agriculture intends to reestablish the Policy Advisory Committee on Science and Education Research Grants and rename it the Science and Education Competitive Research Grants Office Advisory Committee. This committee will advise the Secretary of Agriculture with respect to areas of agricultural research to be supported, priorities to be adopted, and procedures to be followed in implementing programs of research grants to be awarded competitively.

This Committee will meet annually in Washington, DC. The duties of this Committee are to advise the Secretary of grant policies for the Agencies, examine needs as related to on-going programs, provide an overview of research needs in areas considered for U.S. Department of Agriculture grants, assess program progress and recommend resource shifts, and advise on ways to improve guidelines and evaluation procedures.

It has been determined that the reestablishment of this Advisory Committee is in the public interest in connection with the work of the U.S. Department of Agriculture.

Interested parties are invited to submit comments, views, or data concerning this proposal to John Patrick Jordan, Administrator, Cooperative State Research Service, U.S. Department of Agriculture, Washington, DC 20250, by August 16, 1988.

Done at Washington, DC, this 27th day of July 1988.

John J. Franke, Jr.,

Assistant Secretary for Administration.

[FR Doc. 88–17282 Filed 7–29–88; 8:45 am]

BILLING CODE 3410–22–M

Cooperative Agreement With University of Georgia

AGENCY: Office of International Cooperation and Development (OICD); USDA.

ACTION: Notice of intent.

Activity: OICD intends to enter into a Cooperative Agreement with the University of Georgia to provide partial funding for collaborative international research on Wildlife Surveillance of the tropical Bont Tick.

Authority: Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 USC 3291), and the Food Security Act of 1985 (Pub. L. 99–198).

OICD announces the availability of funds to enter into a cooperative agreement with the University of Georgia to collaborate in international research for wildlife surveillance of the tropical Bont Tick in Antigua, West Indies. Assistance will be provided to the University to conduct collaborative research with Antigua's Ministry of Agriculture. Funds provided by OICD will be used for services, equipment, operating expenses, supplies and travel.

Based on the above, this is not a formal request for application. Funds estimated at $50,000 will be available in FY 1988 to support this work. A total of $160,000 will be provided for this cooperative research effort over a three-year period, subject to the availability of funds in future fiscal years.

Information on proposed Agreement #58–319R–8–040 may be obtained from the undersigned at the following address: USDA/OICD/Management Services Branch, Washington, DC 20250–4300.

Nancy J. Croft,

Contracting Officer.

Dated: July 27, 1988.

[FR Doc. 88–17194 Filed 7–29–88; 8:45 am]

BILLING CODE 3410–DP–M

Cooperative Agreement With University of Nebraska

AGENCY: Office of International Cooperation and Development (OICD); USDA.

ACTION: Notice of intent.

Activity: OICD intends to enter into a Cooperative Agreement with the University of Nebraska to provide partial funding for collaborative research on Breeding Grain Sorghum for Improved Dryland Production.

Authority: Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 USC 3291), and the Food Security Act of 1985 (Pub. L. 99–198).

OICD announces the availability of funds to enter into an agreement with the University of Nebraska to provide partial funding support for a joint research project between the University, Kansas State University, the Nebraska Grain Sorghum Board and the Kansas State Grain Sorghum Board. The project plans to develop new, improved drought tolerant sorghum lines for drought stable varieties, and, also, for incorporation into hybrids to genetically improve the potential yield under dryland conditions in Kansas, Nebraska, West Africa, Southern Africa, East Africa and South America. Funds provided by OICD will support the use of a screening nursery, testing of advanced lines and development of material for the basic research project.

Based on the above, this is not a formal request for application. Funds estimated at $43,910 will be available in FY 1988 to support this work. A total of $132,737 will be provided for this cooperative research effort over a three-year period, subject to the availability of funds in future fiscal years.

Information on proposed Agreement #58–319R–8–039 may be obtained from the undersigned at the following address: USDA/OICD/Management Services Branch, Washington, DC 20250–4300.

Nancy J. Croft,

Contracting Officer.

Date: July 27, 1988.

[FR Doc. 88–17193 Filed 7–29–88; 8:45 am]

BILLING CODE 3410–DP–M

DEPARTMENT OF COMMERCE

Agency Information Collection 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 Export Administration; Commerce.

Title: Statement by Ultimate Consignee and Purchaser.

Form Number: Agency—BXA 629P; OMB—0694–0021 (formerly 0625–0136).
Type Of Request: Extension of the expiration date of a currently approved collection.
Burden: 22,178 respondents; 11,459 reporting/recordkeeping hours—Average hours per response —.52.
Needs And Uses: To make a determination of approval or rejection on export license applications, BXA needs information on the destination and the intended end-use of U.S.-origin commodities and technology being exported. The licensing officer uses this information in determining whether or not the export will be detrimental to our national security.
Affected Public: Businesses or other for-profit institutions; small businesses or organizations.
Frequency: On occasion.
Respondent's Obligation: Required to obtain or retain a benefit.
OMB Desk Officer: John Griffen, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Griffen, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: July 21, 1988.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 88–17260 Filed 7–29–88; 8:45 am]

BILLING CODE 3510–CW–M

Agency Form 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; Commerce.
Title: Monthly Retail Inventory Report.
Form Number: B–175(87).
Type of Request: Extension of currently approved form.
Burden: 3,000 hours.
Avg Hours Per Response: 5.8 minutes.
Needs And Uses: This survey provides estimated dollar volume end-of-month inventories of retail stores. The Bureau of Economic Analysis uses changes in the value of the inventory levels in calculating the gross national product.
Affected Public: Businesses or other for-profit Small businesses or organizations.
Frequency: Monthly.
Respondent's Obligation: Voluntary.
OMB Desk Officer: Francine Picoult, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: July 26, 1988.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 88–17261 Filed 7–29–88; 8:45 am]

BILLING CODE 3510–07–M

Agency Form Under Review by the Office of Managment 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; Commerce.
Title: Business and Professional Classification Report.
Form Number: B–625(87).
Type Of Request: Extension of currently approved form.
Burden: 11,125 hours.
AVG Hours Per Response: 15 minutes.
Needs And Uses: This form is used to canvass firms which have been assigned Federal Employer Identification numbers. Using this procedure the current retail, wholsale, and service surveys are updated for new firms entering business.
Affected Public: Businesses or other for-profit Small businesses or organizations.
Frequency: One-time for each respondent Survey is conducted quarterly.
Respondent's Obligation: Voluntary.
OMB Desk Officer: Francine Picoult, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC. 20503.

Dated: July 26, 1988.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 88–17262 Filed 7–29–88 8:45 am]

BILLING CODE 3510–07–M

Agency Form 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; Commerce.
Title: 1990 Census—Request for Relocation Information.
Form Number: D–329 and D–716(L).
Type Of Request: Revision of currently approved form.
Burden: 1,500.
AVG Hours Per Response: 3 minutes.
Needs And Uses: This survey is conducted to obtain more complete address and location information for special places, which will then be geographically coded to comply with Census Bureau geography. This information will improve the coverage of special place residents in the 1990 decennial census.
Affected Public: State or local governments, farms, businesses or other for-profit, Federal agencies or employees, non-profit institutions, and small businesses or organizations.
Frequency: One-time only.
Respondent's Obligation: Mandatory.
OMB Desk Officer: Francine Picoult, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer,

Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: July 26, 1988.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 88-17263 Filed 7-29-88; 8:45 am]

BILLING CODE 3510-07-M

Agency Form 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; Commerce.
Title: Project Description: Project Reporting Evaluation Study, 1987 Census of Construction Industries.
Form Number: CC-ES1, EAC 690A.
Type of Request: New.
Burden: 300 hours.
AVG Hours Per Response: 1.2 hours.
Needs and uses: This survey will provide data to give direct comparisons between two statistical series which display significant differences, i.e., the value of construction work done and the value of construction work put in place.
Affected Public: Businesses or other for-profit.
Frequency: One-time survey.
Respondent's Obligation: Mandatory.
OMB Desk Officer: Francine Picoult, 395-730.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Piscoult, OMB Desk Officer, Room 3208 New Executive Office Building, Washington, DC 20503.

Dated: July 26, 1988.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 88-17264 Filed 7-29-88; 8:45 am]

BILLIND CODE 3510-07-M

Agency Form 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; Commerce.
Title: Current Population Survey/ Computer Assisted Telephone Interviewing.
Form Number: CPS-1, CPS-260.
Type of Request: Revision.
Burden: 4,060 hours.
AVG Hours Per Response: 12.5 minutes.
Needs and Uses: This survey will provide fata on the feasibility of conducting CPS interviews by telephone from a centralized facility.
Affected Public: Individuals or households.
Frequency: Monthly.
Respondent's Obligation: Voluntary.
OMB Desk Officer: Francine Picoult, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3208 New Executive Office Building, Washington, DC 20503

Dated: July 26, 1988.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 88-17265 Filed 7-29-88; 8:45 am]

BILLING CODE 3510-07-M

Agency Information Collection 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 350).

Agency: Bureau of Export Administration; Commerce.
Title: Request to Dispose of Commodities or Technical Data Previously Exported.
Form Number: Agency—BXA-699P; OMB—0694-0010 (formerly 0625-00090).
Type of Request: Extension of the expiration date of a currently approved collection.
Burden: 13,900 respondents; 14,424 reporting/recordkeeping hours. Average hours per response—.42 hours.
Needs and Uses: This information is needed to comply with U.S. export regulations that control the export of controlled commodities to specified destinations. When goods or technology have been exported from the U.S. on an approved export license, such goods or technology may not be reexported without the authority of BXA. The exporter or foreign firm intending to reexport the item must supply information relating to the transaction so that a decision can be made as to whether or not the reexport will be authorized.
Affected Public: Businesses or other for-profit institutions; small businesses or organizations.
Frequency: On occasion.
Respondent's Obligation: Required to obtain or retain a benefit.
OMB Desk Officer: John Griffen 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Griffen, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 88-17266 Filed 7-29-88; 8:45 am]

BILLING CODE 3510-CW-M

Agency Form 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: International Trade Administration; Commerce.
Title: Marketing Data Form.
Form Numbers: Agency—ITA-466P OMB—0625-0047.
Type of Request: Extension of the expiration data of a currently approved collection.
Burden: 2,300 respondents; 1,725 reporting hours.
Average Hours Per Response: 45 minutes.
Needs And Uses: The International Trade Administration (ITA) promotes overseas trade fairs. The Marketing Data form is completed by participants in advance of the show

and used by the U.S. and Foreign Commercial Service to prepare promotional activities on the firm's behalf, contact relevant purchasing organizations in the region in which the exhibition is held, and develop the show catalog/directory.

Affected Public: Businesses or other for profit; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: John Griffen, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Griffen, OMB Desk Officer, Room 3208 New executive Office Building, Washington, DC 20503.

Dated: July 26, 1988.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 88–17267 Filed 7–29–88; 8:45 am]

BILLING CODE 3510-CW-M

Bureau of Export Administration

Transportation and Related Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Transportation and Related Equipment Technical Advisory Committee will be held August 25, 1988, 9:30 a.m., Room 4830, U.S. Department of Commerce, 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 transportation and related equipment or technology.

General Session

1. Opening Remarks by the Chairman.
2. Introduction of Members and Visitors.
3. Presentation of Papers or Comments by the Public.
4. Discussion of 1988 Plan.
5. Discussion of Upcoming TAC Chairmen's Meeting.
6. New Business.

Executive Session

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 17, 1986, pursuant to section 19(d) of the Federal Advisory Committee Act, as amended that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 19(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 of meetings of the Committee 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 Ruth D. Fitts, 202–377–4959.

Date: July 26, 1988.

Betty Anne Ferrell,

Acting Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 88–17215 Filed 7–29–88; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

Export Trade Certificate of Review

AGENCY: Department of Commerce.

ACTION: Notice of application.

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

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

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

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 88–00011." A summary of the application follows:

Applicant: Abdullah diversified Marketing, Inc. (ADMI), 939 Jefferson Street, Suite 100, Nashville, Tennessee 37208, Contact: Victor Abdullah, Chairman, Telephone: (615) 726–4936.

Application #: 88–00011

Date Deemed Submitted: July 21, 1988.

Members (in addition to applicant): None.

Summary of the Application

Export Trade

Export management Services (as they relate to the export of all products and services), including, but not limited to, consulting, international market research, advertising, marketing, insurance, product research and design, legal assistance, transportation, including trade documentation and freight forwarding, communication and processing of foreign orders to and for exporters and foreign purchasers, warehousing, foreign exchange, financing, and taking title to goods.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam,

the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

ADMI seeks certification to:

1. Provide export management services to producers in the United States on a nonexclusive and individual basis.

2. Develop and help implement in-house export procedures for producers in the United States on a nonexclusive and individual basis.

Date: July 26, 1988.

John E. Stiner,

Director, Office of Export Trading Company Affairs.

[FR Doc. 88-17268 Filed 7-29-88; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

Listing of Endangered and Threatened Species and Designating Critical Habitat; Petition to Adopt a Special Rule

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

ACTION: Notice of determination.

SUMMARY: On April 19, 1988, NMFS received a petition from GreenWorld requesting the adoption of an emergency rule to protect the northern right whale (*Eubalaena glacialis*) from close approach by vessels and persons during the spring and summer of 1988 (53 FR 19810). NMFS has denied the petition because it did not provide adequate justification for an emergency rule.

FOR FURTHER INFORMATION CONTACT: Robert C. Ziobro, Protected Species Management Division, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235 (202/673-5348).

Dated: July 26, 1988.

James W. Brennan,

Assistant Administrator for Fisheries Service.

[FR Doc. 88-17296 Filed 7-29-88; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council will convene a public meeting on August 10, 1988, at 10 a.m., at the King's Grant Inn, Route 128, Danvers, MA, to discuss reports of the Council's Sea Scallop, Groundfish, and Swordfish Oversight Committees. The Groundfish Committee will report on public hearings held to receive comments on the proposed Amendment #2 to the Northeast Multispecies Fishery Management Plan, and the Council will vote on the Committee's recommendations. There also will be an election of 1988-1989 officers, and the U.S. Coast Guard will report on drafting regulations to implement the pollution prevention requirements of Annex V of MARPOL. The public meeting will recess at approximately 5 p.m., reconvene on August 11 at 9 a.m., and adjourn when agenda items are completed.

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

Date: July 26, 1988.

Richard H. Schaefer,

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

[FR Doc. 88-17295 Filed 7-29-88; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Application for Permits by Sea Life Park (P1OE)

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: Associates Four, dba Sea Life Park, Makapuu Point, Waimanalo, Hawaii 96795.

2. Type of Permit: public display.

3. Name and Number of Marine Mammmals: Rough-toothed dolphins (*Steno bredanensis*). 4.

4. Type of Take: The applicant proposes to capture for permanent maintenance four rough-toothed dolphins for public display.

5. Location and Duration of Activity: Hawaiian waters over a 2-year period.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

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 or Commerce, Washington, DC 20235, 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 person in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Rm. 805, Washington, DC; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island California 90731.

Date: July 26, 1988.

Nancy Foster,

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

[FR Doc. 88-17297 Filed 7-29-88; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Application for Permit by Southwest Fisheries Center (P77#31)

Notice is hereby given that an 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), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant: Southwest Fisheries Center, P.O. Box 271, La Jolla, California 92038.

2. Type of Permit: Scientific research.

3. Name: Hawaiian monk seal (*Monachus schauinslandi*).

4. Type of Take and Numbers: The proposed activities and take requested

in this permit application are divided into eight major areas.

I. Census Seals

The applicant is requesting an unspecified number of seals by inadvertent harassment during censuses or other observational activities.

II. Monk Seal Mass Mortality Response

The applicant is requesting to take:

a. Up to ten (10) moribund (dying) seals by sacrificing

b. Up to twenty (20) sick seals by bleach marking and physical restraint up to three times each for blood sampling, taking of culture swabs, stool, and body temperature.

c. Up to ten (10) healthy seals of the same age and sex class as the sick and dying seals, by physical restraint to collect blood and culture swabs.

(1) Half of the above (5) seals may be subjected to liver and blubber biopsy collection only if it is determined that the cause of the die-off being investigated may be a toxic substance.

d. Up to six (6) healthy male seals of the affected age class(es) may be taken by sacrificing in a humane manner.

e. Up to ten (10) additional sick seals may be experimentally treated with pharmocological agents prescribed by a veterinarian.

f. If the experimental treatment(s) tested in item (5) above appear successful, then up to 100 additional seals may be treated, as necessary.

III. Kure Atoll Monk Seal Pup Temporary Captive Maintenance

The applicant is requesting to take by capture, tagging, and temporary captive maintenance up to 24 Hawaiian monk seals (6/yr). An additional 32 (8/yr) will be taken by capture, tagging and release.

IV. Collection of Hawaiian Monk Seals for Rehabilitation and Release to the Wild

The applicant is requesting to take for temporary maintenance in captivity, rehabilitation, and release 32 animals (8/yr over 4 years).

V. Tag Hawaiian Monk Seal Pups

The applicant is requesting to take by restraint and tagging 1,100 Hawaiian monk seals. Some seals may be retagged if tags are lost.

VI. Tag and Mark Seals for Mobbing Study

The applicant is requesting to take by tagging and marking 250 Hawaiian monk seals. Some seals will be tagged twice, and seals may be retagged if tags are lost. Marks may be reapplied following the seals' annual molt.

VII. Mark Seals

Up to 750 Hawaiian monk will be taken by temporary marking. Some animals may be taken more than once if required following the annual molt.

VIII. Collect Biopsy Samples

The applicant is requesting to take by tissue sampling 150 Hawaiian monk seals.

5. Location of Activity: Hawaiian Archipelago or Johnston Atoll.

6. Period of Activity: Five years.

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 bs submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, 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 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 and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Rm. 805, Washington, DC; and

Director, Southwest Region, National Marine Fisheries Service, NOAA, South Ferry Str., Terminal Island, California 90731–7415.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs.

Date: July 22, 1988.

[FR Doc. 88–17298 Filed 7–29–88; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in the People's Republic of China

July 27, 1988.

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

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

EFFECTIVE DATE: August 3, 1988.

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

FOR FURTHER INFORMATION CONTACT: Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566–6828. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION: The current limit for Category 847 is being increased for carryforward. As a result, the limit, which is currently filled, will re-open.

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the *Correlation:* Textile and Apparel Categories with Tariff Schedules of the United States Annotated (see **Federal Register** notice 52 FR 47745, published on December 16, 1987). Also see 53 FR 55, published on January 4, 1988.

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

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 27, 1988.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive

amends, but does not cancel, the directive issued to you on December 30, 1987. That directive concerns imports into the United States of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1988 and extends through December 31, 1988.

Effective on August 3, 1988, the directive of December 30, 1987 is amended to increase to 1,110,037 dozen [1] the previously established limit for silk blend and other vegetable fiber textile products in Category 847, under the provisions of the current bilateral textile agreement between the Governments of the United States and the People's Republic of China.

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

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-17258 Filed 7-29-88; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in India

July 27, 1988.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: August 3, 1988.

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

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer of the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343-6494. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION: The current limits for Categories 336/636, 338/339/340 and 342 are being increased by application of swing. To account for the swing being applied, the current limits for Categories 335 and 337 are being reduced. Categories 335 and 337 are also being adjusted for carryover.

A description of the textile categories in terms of T.S.U.S.A. numbers in available in the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated (see **Federal Register** notice 52 FR 47745, published on December 16, 1987). Also see 53 FR 58, published on January 4, 1988.

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

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 27, 1988.

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

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 30, 1987 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in India and exported during the period which began on January 1, 1988 and extends through December 31, 1988.

Effective on August 3, 1988, the directive of December 30, 1987 is further amended to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and India.

Category	Adjusted 12-month limit[1]
335	166,998 dozen.
336/636	499,965 dozen.
337	67,647 dozen.
338/339/340	1,300,335 dozen.
342	452,504 dozen.

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

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

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-17259 Filed 7-29-88; 8:45 am]

BILLING CODE 3510-DR-M

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

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

AGENCY: Working Group B (Microelectronics) of the DOD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 0900, Monday, August 29, 1988.

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

FOR FURTHER INFORMATION CONTACT: Becky Terry, AGED Secretariat, 2011 Crystal Drive, Arlington, Virginia 22202.

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

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The Microelectronics area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. 92-463, as amended (5 U.S.C. App. II 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

July 27, 1988.

[FR Doc. 88-17283 Filed 7-29-88; 8:45 am]

BILLING CODE 3810-01-M

Special Operations Policy Advisory Group; Notice of Meeting

The Special Operations Policy Advisory Group (SOPAG) will meet on August 11, 1988 in the Pentagon, Arlington, Virginia to discuss sensitive, classified topics.

The mission of the SOPAG is to advise the Office of the Secretary of Defense on key policy issues related to

the development and maintenance of effective Special Operations Forces.

In accordance with section 10(d) of Pub. L. 92–463, the "Federal Advisory Committee Act," and section 552b(c)(1) of Title 5, United States Code, this meeting will be closed to the public.

Linda M. Bynum,

OSD Federal Register Liaison, Department of Defense.

July 27, 1988.

[FR Doc. 88–17284 Filed 7–29–88; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Intent to Grant Exclusive Patent License

Notice is hereby given of an intent to grant to R&D Controls of Los Alamos, NM, an exclusive license to practice in the United States the invention described in U.S. Patent No. 4,689,541, entitled "Method and Apparatus for Controlling Multiple Motors". The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed exclusive license will be subject to a license and other rights retained by the U.S. Government, and will be subject to a negotiated royalty provision. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 60 days of this notice the Assistant General Counsel for Patents, Department of Energy, Washington, DC 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interests of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to the invention in the United States, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Department will review all written responses to this notice, and will grant the license if, after expiration of the 60-day notice period, and after consideration of written reponses to this notice, a determination is made, in accordance with 35 U.S.C. 209(c), that the license grant is in the public interest.

Issued in Washington, DC, on July 25, 1988.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 88–17291 Filed 7–29–88; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[Docket No. PP–76A]

Availability of Draft Reliability Determination; Amendment to Presidential Permit PP–76; Vermont Electric Transmission Co.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of availability of Draft Reliability Determination for the amendment of Presidential Permit PP–76.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces the availability of its Draft Reliability Determination in the matter of the amendment of Presidential Permit PP–76 issued to the Vermont Electric Transmission Company (VETCO) on April 5, 1984, pursuant to Executive Order 10485, as amended by Executive Order 12038. The requested amendment would permit the extension of the existing electric transmission facilities from New Hampshire into Massachusetts, and would increase the maximum allowable level of power transfer over the resulting facilities form 690 megawatts (MW) to 2000 MW.

FOR FURTHER INFORMATION CONTACT:

Anthony J. Como, Department of Energy, Economic Regulatory Administration (RG–22), 1000 Independence Avenue SW., Washington, DC 20585 (202) 586–5935

Lise Courtney M. Howe, Department of Energy, Office of General Counsel (GC–41), 1000 Independence Avenue SW., Washington, DC 20585 (202) 586–2900

SUPPLEMENTARY INFORMATION: On March 4, 1985, VETCO applied to the ERA to amend Presidential Permit PP–76 issued to VETCO on April 5, 1984. Presidential Permit PP–76 authorized the construction, connection, operation, and maintenance of a ±450 kilovolt (kV), direct current (DC) transmission line, which crosses the U.S. international border near Norton, Vermont, and extends approximately 60 miles south, terminating at a converter station located in Monroe, New Hampshire. The purpose of the converter station is to convert the DC power to alternating current (AC) power in order to permit integration with the existing New England AC transmission system. These previously permitted facilities (known as Phase I) were placed in operation on October 1, 1986, and are being used by the electric utilities in the New England states to purchase approximately 3 million megawatt-hours (MWH) per year of hydroelectric energy from Hydro-Quebec. The reliability condition imposed by the Permit limited the operation of the Phase I facilities to a maximum instantaneous import level of 690 MW.

In its amendment application, VETCO sought permission to extend the ±450 kV DC transmission line approximately 133 miles south along existing transmission rights-of-way to the sandy Pond substation located near the towns of Ayer and Groton, Massachusetts. Additionally, VETCO requested permission to construct another DC/AC converter station at Sandy Pond and to construct two new 345 kV AC transmission lines in order to integrate the proposed DC facilities with the existing AC transmission system. One of the 345 kV lines is to be constructed from the Sandy Pond converter to the existing Millbury substation; the second 345 kV line is to be constructed between Millbury and the existing Medway substation. The above facilities are referred to as Phase II and are proposed for operation by 1990. The Phase II facilities would be used by VETCO to transmit an additional 7 million MWH per year of hydroelectric energy from Hydro-Quebec to the New England states.

Since installation of the Phase II facilities would constitute a substantial physical change to the previously permitted facilities, an amendment to the existing Permit must be obtained before the Phase II facilities may be placed in service. Also, in order to be able to accommodate the increased level of imports, the reliability condition imposed by the existing permit must be modified to allow operation of the combined Phase I and Phase II facilities up to a maximum level of 2000 MW of instantaneous power transfer in the import mode.

The ERA has reached the preliminary decision that the proposed facilities could be designed and operated at import power levels of up to 2000 MW, subject to certain operating conditions, without adversely impacting on the reliability of the U.S. electric power supply system. The public is invited to review this preliminary determination and to submit comments by August 22, 1988. Copies of the Draft Reliability Determination may be obtained by contacting Mr. Anthony Como or Ms. Lise Howe at the address in the previous section.

Issued in Washington, DC, on July 26, 1988.

Constance L. Buckley,

Acting Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 88-17292 Filed 7-29-88; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Changes to DOE Energy Information Reporting and Record-Keeping Requirements

AGENCY: Energy Information Administration; DOE.

ACTION: Notice of changes to the inventory of energy information reporting and record-keeping requirements.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) hereby gives notice to respondents and other interested parties of changes to the inventory of current information collections as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96-511), for which EIA is responsible. DOE management and procurement assistance collections, which are the responsibility of the Office of Management and Administration, are not included in these notices.

During the third quarter of fiscal year 1988 (April 1, 1988 through June 30, 1988), changes were made to the October 1, 1987 inventory of DOE information collections, which was published in the **Federal Register**, 52 FR 43787 (November 16, 1987). Changes during the first and second quarters of the fiscal year were published on February 10, 1988 (53 FR 3914) and May 11, 1988 (53 FR 16761) respectively.

The third quarter changes are listed below, and include new information collections approved by the Office of Management and Budget (OMB), collections extended, reinstated, discontinued or allowed to expire, and changes to continuing information collections. For each new requirement, requirement extension, or requirement reinstatement, the current DOE control or form number, the title, the OMB control number, and the OMB approval expiration date are listed by the DOE sponsoring office. For the list of discontinued requirements, the discontinued date is shown instead of the expiration date. If applicable, the appropriate Code of Federal Regulations citation is also listed. For revised information collections, a brief summary of the type of revision is noted. Information collections not utilizing structured forms are designated by an asterisk (*) placed to the right of the control or form number.

FOR FURTHER INFORMATION CONTACT: Etta Harris, EI-73, Energy Information Administration, Mail Stop 1H-023, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2165

Information on the availability of single, blank information copies of those collections utilizing structured forms may be obtained by contacting the National Energy Information Center, EI-231, Forrestal Building, U.S. Department of Energy, Washington, DC 20585, (202) 586-8800.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93-275, Federal Energy Administration Act of 1974, (15 U.S.C. 764(a), 764(b), 772(b), and 790a).

Issued in Washington, DC, July 26, 1988.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

NEW DOE ENERGY INFORMATION COLLECTIONS APPROVED BY OMB

DOE No.	Title	OMB control No.	Expiration date	CFR citation
	Federal Energy Regulatory Commission			
FERC-544*	Gas Pipeline Rates: Rate Change (Formal)	19020153	02/28/91	18 CFR 154.63-154.67.
FERC-545*	Gas Pipeline Rates: Rate Change (Non-Formal)	19020154	02/28/91	18 CFR 154.62, 154.64-154.67.
FERC-546*	Gas Pipeline Rates: Certificated Rate Filings	19020155	02/28/91	18 CFR 154.63-154.67.

*Does not utilize a structured form.

NEW DOE ENERGY INFORMATION COLLECTIONS APPROVED BY OMB

DOE No.	Title	OMB control No.	Expiration date	CFR citation
	Economic Regulatory Administration			
ERA-166	Public Utility Regulatory Policies Act (PURPA) Annual Report on Electric and Gas Utilities.	19030060	04/30/91	10 CFR 463.3.
ERA-750R*	Annual Compilation of Proposed and Final List of Utilities Covered by Public Utility Regulatory Policies Act and National Energy Conservation Policy Act.	19030070	04/30/91	10 CFR 463.
ERA-781R	Annual Report of International Electrical Export/Import Data	19030080	08/31/88	10 CFR 205.302, .303, .304, .308, .322, .325, .327.
	Energy Information Administration			
EIA-254	Semiannual Report on Status of Reactor Construction	19050160	06/30/91	
EIA-851	Domestic Uranium Mining Production Report	19050160	06/30/91	
EIA-856	Monthly Foreign Crude Oil Acquisition Report	19050174	09/30/90	
EIA-858	Uranium Industry Annual Survey	19050160	06/30/91	10 CFR 761.8.
	Federal Energy Regulatory Commission			
FERC-556*	Cogeneration and Small Power Production	19020075	08/31-/89	18 CFR 292.
FERC-566*	Report of Utility's Twenty Largest Purchasers	19020114	09/30/88	18 CFR 46.3.

*Does not utilize a structured form.

REINSTATED DOE ENERGY INFORMATION COLLECTIONS

DOE No.	Title	OMB Control No.	Expiration date	CFR citation
Energy Information Administration				
None	None.			

DOE ENERGY INFORMATION COLLECTIONS DISCONTINUED OR ALLOWED TO EXPIRE

DOE No.	Title	OMB control No.	Discontinued date	CFR citation
Economic Regulatory Administration				
ERA-1330R*	Electric Utility Conservation Plans	19030078	04/30/88	10 CFR 508.
Federal Energy Regulatory Commission				
FERC-1593	Natural Gas Contract Summary Information	19020149	04/30/88	

*Does not utilize a structured form.

CHANGES IN CONTINUING DOE ENERGY INFORMATION COLLECTIONS

DOE numbers as previously listed	Changes
Federal Energy Regulatory Commission	
FERC-121*	Changes in regulations in all collections.
FERC-516*	
FERC-523*	
FERC-520*	
FERC-530*	
FERC-531*	
FERC-532*	
FERC-519*	
FERC-543*	
FERC-568*	
FERC-542*	
FERC-537*	
FERC-547*	
FERC-549*	

*Does not utilize structured form.

[FR Doc. 88-17287 Filed 7-29-88; 8:45 am]
BILLING CODE 6450-01-M

Office of Energy Research

Basic Energy Sciences Advisory Committee; Open Meeting

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

Name: Basic Energy Sciences Advisory Committee (BESAC).

Date and Time:

August 15, 1988, 8:15 a.m.-5:00 p.m.
August 16, 1988, 8:15 a.m.-4:15 p.m.

Place: Los Alamos National Laboratory, INC Conference Room, Technical Area—48, Building RC-29, Los Alamos, New Mexico 87545.

Contact: Louis C. Ianniello, Department of Energy, Office of Basic Energy Sciences (ER-11), Office of Energy Research, Washington, DC 20545, Telephone: 301-353-3081.

Purpose of the Committee: To provide advice on a continuing basis to the Secretary of the Department of Energy (DOE), through the Director of Energy Research, on the many complex scientific and technical issues that arise in the development and implementation of the Basic Energy Sciences (BES) program.

Tentative Agenda: Briefings and discussions of:

August 15, 1988

- Status of BES Budgets
- BESAC Subcommittee Interim Reports
- Status of BES Research Reactors
- BESAC Panel Study on Global Change
- Public Comment (10 Minute Rule)

August 16, 1988

- BESAC Agenda for 1988
- BESAC 1988 Report
- LANL Research Highlights
- Public Comment (10 Minute Rule)

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact: Louis C. Ianniello at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue SW, Washigton, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on July 27, 1987.

J. Robert Franklin,

Deputy Advisory Committee, Management Officer.

[FR Doc. 88-17293 Filed 7-29-88; 8:45 am]
BILLING CODE 6450-01-M

Magnetic Fusion Advisory Committee; Open Meeting

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

Name: Magnetic Fusion Advisory Committee.

Date and Time:

Wednesday, September 7, 1988, 8:30 am—5:00 pm
Thursday, September 1988, 8:30 am—12:00 pm

Location: Los Alamos National Laboratory, J. Robert Oppenheimer Study Center, TA-3, SM207, Casa Grande Drive, Los Alamos, New Mexico 87545.

Contact: N. Anne Davies, Office of Fusion Energy, Office of Energy Research, ER-51, U.S. Department of Energy, Mail Stop J-204, Washington, DC 20545, Phone: (301)-353-4941.

Purpose of the Committee: To provide advice to the Secretary of Energy on the Department's Magnetic Fusion Energy Program, including periodic reviews of elements of the program and recommendations of changes based on scientific and technological advances or other factors; advice on long-range plans, priorities, and strategies to demonstrate the scientific and engineering feasibility of fusion; advice on recommended appropriate levels of funding to develop those strategies and to help maintain appropriate balance between competing elements of the program.

MFAC Agenda Outline

September 7, 1988

1. 8:30 a.m. Welcome and Announcements—LANL
2. Program Status; International Thermonuclear Experimental Reactor (ITER)—J. Clarke
3. Report of MFAC Summer Study—F. Ribe, D. Baldwin
4. MFAC Discussion
5. Los Alamos National Laboratory—I
   Overview—R. Linford
   Reversed Field Pinch Research—J. DiMarco
   Field Reversed Configuration Research—R. Siemon

LUNCH (12:30 p.m.) Ottowi Side Room A

6. Tour of ZT–40, FRX–C, CTX
7. Report of Panel 21—J. Leiss
8. MFAC Discussion
9. PUBLIC COMMENTS
10. Los Alamos National Laboratory—II
    Tritium Systems Test Assembly (TSTA)—B. Anderson
    Confinement Physics Research Facility (CPRF)—P. Thullen
    Aurora—D. Cartwright
11. Tour of TSTA, CPRF, Aurora
12. Adjourn 5:30 p.m.

MFAC 2nd Day

September 8, 1988.

1. 8:30 a.m. Tokamak Fusion Test Reactor (TFTR)—D. Meade
2. Compact Ignition Tokamak (CIT)—H. Furth
3. Discussion of Sweet Report—R. Krakowski
4. MFAC Findings on Summer Study—F. Ribe
5. Public Comments
6. New Charge—Panel 22
7. Adjourn 12:00 noon

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact James M. Turner at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: Available for public review and copying approximately 30 days following the meeting at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on July 27, 1988.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 88–17294 Filed 7–29–88; 8:45 am]

BILLING CODE 6450–01–M

Office of Fossil Energy

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

Notice is hereby given of the following meeting:

Name: Inventories & Storage Task Group of the Coordinating Subcommittee on Petroleum Storage & Transportation of the National Petroleum Council.

Date and Time:
Tuesday, August 16, 1988, 10:00 AM
Wednesday, August 17, 1988, 9:30 AM (if necessary)

Place: Shell Oil Company, Eighth Floor Conference Room, One Rockefeller Plaza, New York, New York.

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

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

Purpose of the Meeting: Discuss surveys and progress on assignments.

Tentative Agenda:

—Opening remarks by Chairman and Government Cochairman.
—Discuss surveys of inventories and storage capacity.
—Review progress on individual assignments.
—Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

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

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

J. Allen Wampler,

Assistant Secretary, Fossil Energy.

[FR Doc. 88–17288 Filed 7–29–88; 8:45 am]

BILLING CODE 6450–01–M

Natural Gas Transportation Task Group, Coordinating Subcommittee on Petroleum Storage & Transportation; National Petroleum Council; Public Meeting

Notice is hereby given of the following meeting:

Name: Natural Gas Transportation Task Group, Coordinating Subcommittee on Petroleum Storage & Transportation of the National Petroleum Council.

Date and Time: Wednesday and Thursday, August 17–18, 1988, 8:30 AM both days.

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

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

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

Purpose of the Meeting: Discuss the gas transportation model runs and review progress on individual assignments.

Tentative Agenda:

—Opening remarks by Chairman and Government Cochairman.

—Discuss the gas transportation model runs.
—Review progress on individual assignments.
—Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

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

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

J. Allen Wampler,

Assistant Secretary, Fossil Energy.

[FR Doc. 88–17289 Filed 7–29–88; 8:45 am]

BILLING CODE 6450–01–M

Coordinating Subcommittee on Petroleum Storage & Transportation, Committee on Petroleum Storage & Transportation; National Petroleum Council; Open Meeting

Notice is hereby given of the following meeting:

Name: Coordinating Subcommittee on Petroleum Storage and Transportation of the Committee on Petroleum Storage & Transportation of the National Petroleum Council.

Date and Time: Wednesday, August 24, 1988, 8:00 AM.

Place: Marathon Oil Company, Conference Room, 7400 South Broadway, Littletown, CO.

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

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

Purpose of the Meeting: Review task group status and discuss study draft assignments.

Tentative Agenda:

—Opening remarks by the Chairman and Government Cochairman.
—Review task group status.
—Discuss study draft assignments.
—Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

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

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

J. Allen Wampler,

Assistant Secretary, Fossil Energy.

[FR Doc. 88–17290 Filed 7–29–88; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3422–6]

Alabama and Tennessee: FY 88 Grant Performance Reports

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of grantee performance evaluation reports.

SUMMARY: EPA's grant regulations (40 CFR 35.150) require the Agency to evaluate the performance of agencies which receive grants. EPA's regulations for regional consistency (40 CFR 56.7) require that the Agency notify the public of the availability of the reports of such evaluations. EPA recently performed midyear evaluations of one state air pollution control program (Tennessee Division of Air Pollution Control) and of one local program in Alabama (City of Huntsville Air Pollution Control Department). These midyear audits were conducted to assess the agencies' peformance under the grants made to them by EPA pursuant to section 105 of the Clean Air Act. The audits were also conducted as part of the National Air Audit System (NAAS) established by EPA in an effort to assure nationwide consistency in the evaluation of state and local air pollution programs. EPA Region IV has prepared reports for the two agencies identified above and these NAAS/section 105 reports are now available for pubic inspection.

ADDRESS: The reports may be examined at the EPA's Region IV office, 345 Courtland Street, NE., Atlanta, GA 30365, in the Air, Pesticides & Toxics Management Division.

FOR FURTHER INFORMATION CONTACT: Walter Bishop at 404/347–2864 (FTS: 257–2864).

Dated: July 22, 1988.

Joe R. Franzmathes,

Acting Regional Administrator.

[FR Doc. 88–17246 Filed 7–29–88; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–44514; FRL–3422–8]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the receipt of test data on hydroquinone (CAS No. 123–31–9) and biphenyl ((CAS No. 92–52–4) submitted pursuant to final test rules, and 3,4-dichlorobenzotrifluoride (CAS No. 328–84–7), submitted pursuant to a testing consent order, under the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Acting Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB–44, 401 M Street SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: Section 4(d)n of TSCA requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under section 4(a) within 15 days after it is received. Under 40 CFR 790.60, all TSCA section 4 consent orders must contain a statement that results of testing conducted pursuant to these testing consent orders will be announced to the public in accordance with section 4(d).

I. Test Data Submissions

A. Hydroquinone

Test data for hydroquinone was submitted by the Chemical Manufacturers Association's Hydroquinone Program Panel pursuant to a test rule at 40 CFR 799.2200. It was received by EPA on July 13, 1988. The submission describes toxicokinetics studies with hydroquinone in male and female Fisher 344 rats. Toxicokinetics testing is required by this test rule.

Hydroquinone is produced in a photographic grade for use as a developing agent and in a technical grade which is primarily used as a chemical intermediate in the production of rubber chemicals.

B. Biphenyl

Test data for biphenyl was submitted by the Monsanto Company pursuant to a test rule at 40 CFR 799.925. It was received by EPA on July 15, 1988. The submission describes biphenyl: Environmental fate in a lake water/sediment system. Chemical fate testing is required by this test rule.

Biphenyl is used primarily to produce dye carriers, heat transfer fluids and alkylated biphenyls.

C. DCBTF

Test data for 3,4-dichlorobenzotrifluoride (DCBTF) was submitted by Occidential Chemical Corporation pursuant to a consent order at 40 CFR 799.5000. It was received by EPA on July 11, 1988. The submission describes acute fathead minnow and rainbow trout flow through studies. Environmental effects testing is required by the consent order. This chemical is used as an herbicide intermediate.

EPA has initiated its review and evaluation process for these data submissions. At this time, the Agency is unable to provide any determination as to their completeness.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPTS-44514). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, Rm NE-G004, 401 M Street SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

Dated: July 26, 1988.

Joseph J. Merenda,

Director, Existing Chemical Assessment Division, Office of Toxic Substances.

[FR Doc. 88-17247 Filed 7-29-88; 8:45 am]

BILLING CODE 6560-50-M

[OA-FRL-3423-5]

Municipal Wastewater Treatment Works Construction Programs; Waivers

AGENCY: Environmental Protection Agency.

ACTION: Waivers of Section 109, Pub. L. 100-202, for the City and County of Honolulu, Wastewater Treatment Construction Grants C-150070-11 and C-150070-06, and the City of Oakland, California, Wastewater Treatment Construction grant, C-062969-110-08.

SUMMARY: The Administrator of the Environmental Protection Agency (EPA) has approved waivers from the provisions of the "Brooks-Murkowski amendment", section 109, Pub. L. 100-202, for the City and County of Honolulu, (grantee) wastewater treatment construction grants C-150070-11 and C-150070-06 and for the City of Oakland, California, wastewater treatment construction grant C-062969-110-08. The waivers are printed with this notice.

The waiver for Honolulu allows EPA to participate in the costs of two contracts awarded to the joint venture of PPC-Tokyu, even though one of the firms in the joint venture is a Japanese firm.

The waiver for Oakland allows EPA to participate in the costs of a contract awarded to Kajima Engineering even though the firm is Japanese.

EFFECTIVE DATE: July 20, 1988.

FOR FURTHER INFORMATION CONTACT: Richard A. Johnson, Grants Administration Division, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-5268.

Date: July 20, 1988.

Lee M. Thomas,

Administrator.

July 20, 1988.

Memorandum

Subject: Waiver of Section 109, Public Law 100-202 (Brooks-Murkowski Amendment), for the City and County of Honolulu, Hawaii, Project Numbers C-150070-11 and C-150070-06.

To: Daniel L. McGovern, Regional Administrator, Region IX.

I am responding to Mr. Harry Seraydarian's request for a waiver of the "Brooks-Murkowski amendment" requirements of Section 109, Public Law 100-202. Section 109 generally prohibits the use of Federal funds for public works contracts awarded during Federal fiscal year 1988 to firms of countries which deny fair and equitable market opportunities for U.S. products and services in major foreign construction projects. Currently, the only such country identified is Japan.

Section 109 allows me to waive this provision if I determine that it is in the public interest to do so.

Action

On March 17, 1988, the Office of Management and Budget issued guidance on the Brooks-Murkowski amendment, including factors to consider in determining when waivers may be appropriate. Based on that guidance and the circumstances in this case, I have determined it is in the public interest to waive the provisions of Section 109 for the City and County of Honolulu's contract to PPC-Tokyu Joint Venture to be awarded under wastewater treatment construction grants C-150070-11 and C-150070-06.

The waiver will allow EPA to participate in the cost of the contract between the City and County of Honolulu and the PPC-Tokyu Joint Venture.

Background

EPA awarded two grants to the City and County of Honolulu (grantee) to modify two existing wastewater treatment plants. The grantee bid both of these modifications in one public notice. The grantee opened bids on December 19, 1987, before the executive date of the Brooks-Murkowski amendment, and made a conditional award on December 31, 1987, which was after the effective date of Brooks-Murkowski. The same bidders bid on both projects. The low bid on the Kailua project, was $2,600,000 lower than the second low and only other bid. The low bid on the Kaneohe project—which was submitted by the same firm as the low bid on the Kailua project—was $1,300,000 lower than the second low bid. In addition, the firm that submitted the second low bid on both projects is partially owned by a Japanese firm, and so may also be subject to the Brooks-Murkowski amendment provisions. Without a waiver, the grantee would have to award to the second low bidder, if acceptable, or rebid the contract. In either case, it would likely result in a major cost increase for these projects and substantially delay them.

The OMB guidance provides that factors for approval of waivers include whether—

- The contract was awarded before guidance implementing the provision was issued;
- National security interests of the United States are adversely affected;
- Products are of limited availability from other than Japanese sources; and
- Costs will significantly exceed the costs of cancelling the contract and awarding another for similar products or services.

In this case, I have determined that it is appropriate to approve a waiver for the following reasons:

- Although the grantee has not approved the final contract award, it initiated the

bidding process and opened bids before the effective date of the amendment and conditionally awarded the contract before guidance was issued.

• Award to the second low and only other bidder would increase the cost of the project by over $4 million. Further, it is unclear whether the second low bidder is eligible to receive the award.

• The delays caused by rebidding the project will likely further significantly increase the cost of the project.

If you have any questions, please call Harvey Pippen on 8–832–5240.

Lee M. Thomas

July 20, 1988.

Memorandum

Subject: Waiver of Section 109, Public Law 100–202 (Brooks-Murkowski Amendment), for the City of Oakland, California, Project Number C–062969–110–08.

To: Daniel L. McGovern, Regional Administrator, Region IX.

I am responding to Mr. Harry Seraydarian's request for a waiver of the "Brooks-Murkowski amendment" requirements of Section 109, Public Law 100–202, for the City of Oakland, California, project number C–06–2969–110–08. Section 109 generally prohibits the use of Federal funds for public works contracts awarded during Federal fiscal year 1988 to firms of countries which deny fair and equitable market opportunities for U.S. products and services in major foreign construction projects. Currently, the only such country identified is Japan.

Section 109 allows me to waive this provision if I determine that it is in the public interest to do so.

Action

On March 17, 1988, the Office of Management and Budget issued guidance on the Brooks-Murkowski amendment, including factors to consider in determining whether waivers may be appropriate. Based on that guidance and the circumstances in this case, I have determined it is in the public interest to waive the provisions of Section 109 for the City of Oakland's contract to Kajima Engineering and Construction, Inc. awarded under wastewater treatment construction grants C–062969–110–08.

The waiver will allow EPA to participate in the cost of the contract between the City of Oakland and the firm of Kajima Engineering and Construction, Inc.

Background

The City of Oakland advertised for bids on September 18, 1987, and again on October 9, 1987. The low bid—Kajima Engineering—was $1,058,000 and the second low bid was $1,072,220.

The California State Water Resources Control Board gave the grantee approval to award the contract to Kajima Engineering and Construction, Inc. on December 23, 1987. Oakland awarded the contract on January 26, 1988. The contractor initiated construction on March 14, 1988. If EPA does not approve this waiver, the grantee will have to terminate the contract and rebid the project. This would not only delay the project, but would result in increased costs due to the rebidding process, termination costs, and possible increased construction costs.

The OMB guidance provides that factors for approval of waivers include whether—

• The contract was awarded before guidance implementing the provision was issued;

• National security interests of the United States are adversely affected;

• Products are of limited availability from other than Japanese sources; and

• Costs will significantly exceed the costs of cancelling the contract and awarding another for similar projects or services.

In this case, I have determined that it is appropriate to approve a waiver for the following reasons:

• The bidding process was initiated and essentially completed prior to the effective date of the Brooks-Murkowski amendment.

• The grantee did not receive notification from the SWRCB of the requirements under Brooks-Murkowski until after the award of the contract and initiation of work.

• Terminatioin of the contract would cause a major delay in completion of this regional sewer project and result in increased costs to the grantee.

If you have any questions, please call Harvey Pippen on 8–382–5240.

Lee M. Thomas

[FR Doc. 88–17337 Filed 7–29–88; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[PR Docket No. 88–345]

Application Amateur Operator License; Lawrence Kaczmarczyk

Notice

Summary of *Designation Order;* Lawrence Kaczmarczyk. The Federal Communications Commission has released a *Designation Order* designating the application of Lawrence Kaczmarczyk for an amateur radio station license and an Advanced Class amateur operator license for hearing. The issues in this proceeding are to determine; Whether the applicant, Lawrence Kaczmarczyk, operated radio transmitting apparatus without authorization on December 12, 1985, January 24, 1986, and/or December 5, 1986, in willful and/or repeated violation of section 301 of the Communications Act of 1934, as amended, 47 U.S.C 301; whether any unlicensed operation established pursuant to the first issue was calculated to cause harmful interference to radio communications; the effect of the applicant's past history in the amateur service upon his qualifications to become an amateur service license; whether the applicant is qualified to become an amateur service license; and whether the grant of the application would serve the public interest, convenience and necessity. Petitions to intervene must be filed within 30 days of publication in the **Federal Register** in accordance with the specific provisions of 47 CFR 1.223(b) and the general provisions of 47 CFR Part 1.

A copy of the complete *Designation Order* is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857–3800).

Federal Communications Commission.

Robert H. McNamara,

Chief, Special Services Division.

[FR Doc. 88–17271 Filed 7–29–88; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 88–382]

Applications For Consolidated Hearing; WWOR–TV, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, City and State	File No.	MM Docket No.
A. WWOR–TV, Inc., Secaucus, NJ.	BRCT–871221KE.	88–382
B. Garden State Broadcasting Limited Partnership, Secaucus, NJ.	BPCT–871223KG.	
C. Whitely Communications, Secaucus, NJ.	BPCT–880321KM.	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

Comparative, A, B, C
Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an

Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857–3800).

Roy J. Stewart,

Chief Video Services Division, Mass Media Bureau.

[FR Doc. 88–17272 Filed 7–29–88; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Anmer Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.24) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than August 19, 1988.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Anmer Corporation*, Neligh, Nebraska; to acquire 64.07 percent of the voting shares of Schuyler State Bank and Trust Company, Schuyler, Nebraska.

Board of Governors of the Federal Reserve System, July 26, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88–17198 Filed 8–1–88; 8:45 am]

BILLING CODE 6210-01-M

United Bancorp of Kentucky, Inc., et al.; Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have 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.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a 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 applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 24, 1988.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *United Bancorp of Kentucky, Inc.*, Lexington, Kentucky; to engage *de novo* through its subsidiary, UBK Data System, Inc., Lexington, Kentucky, in licensing certain internally developed computer software programs to affiliated and unaffiliated financial institutions pursuant to section 225.25(b)(7) of the Board's Regulation Y.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *F.W.N.S.*, Milwaukee, Wisconsin; to engage *de novo* through its subsidiary, Illinois Trust Company, Glen Ellyn, Illinois, in trust company functions pursuant to § 225.25(b) (3) of the Board's Regulation Y. Comments on this application must be received by August 22, 1988.

2. *First Wisconsin Corporation*, Milwaukee, Wisconsin; to engage *de novo* through its subsidiary, Illinois Trust Company, Glen Ellyn, Illinois, in trust company functions pursuant to § 225.25(b)(3) of the Board's Regulation Y. Comments on this application must be received by August 22, 1988.

Board of Governors of the Federal Reserve System, July 26, 1988.

James McAfee,

Associated Secretary of the Board.

[FR Doc. 88–17197 Filed 7–29–88; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

General Services Administration Advisory Committee on the FTS2000 Procurement; Closed Meeting

Notice is hereby given that a meeting of the General Services Administration (GSA) Advisory Committee on the FTS2000 Procurement is tentatively scheduled for August 24, 1988, from 1:30 p.m. to 4:30 p.m., in the board room of the MITRE Corporation, 7525 Colshire Drive, McLean, VA 22109. The agenda will relate to (1) current status of the project; and (2) negotiation issues and strategy.

The entire meeting will be closed to the public because procurement sensitive matters, especially negotiation issues and strategy, will be discussed. The exemptions for closing the meeting are cited in 5 U.S.C. 552b(c)(4) and (9)(B) (Government in the Sunshine Act).

Questions regarding this meeting should be directed to John J. Landers (202) 523–5308.

Dated: July 25, 1988.

John J. Landers,

Director, Office of Administration Information Resources Management Service.

[FR Doc. 88–17302 Filed 7–29–88; 8:45 am]

BILLING CODE 6820-25-M

[G-88-1]

Delegation of Authority to The Secretary of Defense

Pursuant to the authority vested in me by section 3726 of Title 31, United States Code, I have determined that it is both cost-effective and in the public interest to delegate authority to the Secretary of Defense to conduct a prepayment audit of any transportation bill executed by any department, agency, or activity within the Department of Defense, subject to the provisions of the Federal Property Management Regulations, Title 41, Code of Federal Regulations, Subpart 101-41, and amendments thereto. The Department of Defense has identified the following organizations or commands which initially are delegated authority to conduct such audits:

U.S. Army Finance & Accounting Center, Indianapolis, IN
Navy Material Transportation Office, Norfolk, VA
Transportation Voucher Certification Branch, Marine Corps Logistics Base, Albany, GA
Headquarters, Military Traffic Management Command, Washington, DC, and its Area Commands at Bayonne, NJ and Oakland, CA

The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

The Secretary of Defense shall notify GSA in writing of these additional redelegations and their basis. This delegation is effective upon publication in the **Federal Register**.

Dated: July 26, 1988.

John Alderson,

Acting Administrator of General Services.

[FR Doc. 88-17233 Filed 7-29-88; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

National Institute for Occupational Safety and Health; Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC):

Name: Optimization of Speech for Communicative/Protective Disorders.

Date: August 10, 1988.

Place: Robert A. Taft Laboratories, Room B-32, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Time: 9:00 a.m.—4:00 p.m.

Status: Open to the public, limited only by the space availability.

Purpose: To review and discuss the scientific merit of an experimental investigation designed to measure speech in the ear canal of the speaker and to determine the alteration of speech as it travels from the vocal tract to the ear canal. The impact of alteration on speech intelligibility will be assessed by calculating the articulation index and the speech transmission index for subjects listening to the ear canal recorded speech.

Additional information may be obtained from: John R. Franks, Physical Agents Effects Branch, NIOSH, CDC, Mail Stop C-27, 4676 Columbia Parkway, Cincinnati, Ohio 45226. Telephone: Commercial: (513) 533-8281, FTS: 684-8281.

Dated: July 26, 1988.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 88-17329 Filed 7-29-88; 8:45 am]

BILLING CODE 4160-19-M

Program Announcement and Availability of Fiscal Year 1988 Funds to Develop Curriculum Guidelines on Infection Control and Patient Management for Dental Education Institutions

Introduction

The Centers for Disease Control (CDC) announces the availability of funds for Fiscal Year 1988 to provide support to develop curriculum guidelines on infection control and management of infectious patients, with emphasis on human immunodeficiency virus (HIV) infection and acquired immunodeficiency syndrom (AIDS), for use by dental education institutions.

Authority

This project is authorized by section 301(a) of the Public Health Service Act [42 U.S.C. 241(a)], as amended. The Catalog of Federal Domestic Assistance Number is 13.283.

Eligibility

This is not a formal request for applications. Assistance will be provided only to the American Association of Dental Schools (AADS) for this project. No other applications are solicited or will be accepted. The AADS is the only body of dental educators that represents all phases of dental education: dentistry, dental hygiene, dental assistants, and dental laboratory technicians. The membership of this organization is composed of leaders in dental education, with great influence for the direction of curricula for dental schools. The organization is in a unique position to assist individual dental schools and educational programs for other dental personnel in developing curriculum guidelines in infection control and management of HIV-infected individuals for incorporation into their curricula, and in what direction future resources might be allocated in order to develop a comprehensive approach contributing toward national disease prevention/health promotion efforts. The AADS, as representative of the Nation's dental schools, is best suited to develop infection control and patient management curriculum guidelines for incorporation into dental programs of educational institutions.

Background

A major thrust of the dental profession's involvement in human immunodeficiency virus (HIV) infection has been to stress the implementaton and routine utilization of universal infection control procedures. When properly used, these measures are effective in preventing transmission of potential microbial pathogens transported by blood and/or saliva during treatment. The challenge of infection control in dentistry has emerged as a major factor in the manner in which patient management is accomplished.

On September 21-22, 1987, a Task Force of experts on AIDS and Dental Education was convened in Washington, DC. The curriculum workgroup identified particular "gaps" in the education of dental personnel, about infection control and the management of infectious patients, that have an impact on education, testing for licensure, and practice settings.

Inclusion of the most current infection control procedures is critical in pre- and post-professional training for dental health professionals/students, to enable them to incorporate the most recent advances in research, epidemiology, infection control, and health care delivery in treatment of patients.

The dental health professional must provide appropriate, comprehensive, coordinated, and up-to-date care of patients with infectious diseases. Successful provision of quality care by the dental health community also requires recognition of access barriers to care for patients with infectious diseases and the elimination of these barriers. Additionally, the dental health professional must: (1) Have substantial awareness of the range of clinical signs and symptoms present in those with infectious diseases; (2) understand the

systemic impact of infection; (3) recognize and know how to provide treatment for the many oral manifestations of such diseases; and (4) function in coordination and cooperation with the entire health care delivery community.

Command of the science-base relative to infection control and management of patients with infectious diseases should result in enhanced access and higher quality services provided to individuals.

Purpose

The purpose of this grant is to develop curriculum guidelines on both infection control and management of patients with infectious diseases, with emphasis on HIV infection and AIDS, for dental educational institutions. Didactic curriculum and/or clinical protocols for infection control and treatment in these institutions must be updated in order to prepare dental students/personnel for the management of patients with infectious diseases.

Availability of Funds

During fiscal year 1988, approximately $40,000 will be available to support this project. The grant will be funded for one 12-month budget/project period. The funding estimate outlined above may vary and is subject to change.

Review and Evaluation Criteria

The application will be reviewed and evaluated on the following:

1. Extent to which the applicant provides complete, specific, and focused description of background and need and the rationale for including particular infection control and patient management guidelines for inclusion in dental schools' curriculum;

2. Degree to which the applicant provides evidence of an ability to carry out the proposed project and the extent to which the applicant institution documents demonstrated capability to achieve objectives similar to those of this project;

3. Extent to which professional personnel involved in this project are qualified, including evidence of past achievements appropriate to this project;

4. Degree to which proposed objectives are clearly stated, realistic, measurable, time-phased, and related to the purpose of this project;

5. Adequacy of plans for administering the project;

6. Quality of the evaluation plan to be used to measure progress.

Consideration will also be given to the extent to which the budget request is clearly explained, reasonable, and consistent with the purpose of the project.

Application Submission and Deadline

The original and two copies of the application must be submitted to Nancy C. Bridger, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 300, Atlanta, GA 30305, on or before August 22, 1988.

Revie Requirements

Application is not subject to review as governed by Executive Order, 12372, Intergovernmental Review of Federal Programs.

Where to Obtain Additional Information

Information regarding the business aspects of this project may be obtained from Marsha D. Driggans, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE, Room 300, Atlanta, GA 30305, (404) 842-6575 or FTS 236-6575.

Information regarding the technical aspects of this project may be obtained from Dr. Lawrence J. Furman, Chief, Dental Disease Prevention Activity, Center for Prevention Services, Centers for Disease Control, Atlanta, GA 30333, (404) 639-1830 or FTS 236-1830.

Dated: July 26, 1988.

Glenda S. Cowart,

Director, Office of Program Support Centers for Disease Control.

[FR Doc. 88-17235 Filed 7-29-88; 8:45 am]

BILLING CODE 4160-18-M

National Institutes of Health

Establishment of Program Advisory Committee on the Human Genome

Pursuant to the Federal Advisory Committee Act of October 6, 1972, [Pub. L. 92-463, 86 Stat. 770-776] the Director, National Institutes of Health, announces the establishment by the Secretary, Department of Health and Human Services, of the Program Advisory Committee on the Human Genome.

The Program Advisory Committee on the Human Genome will advise the Secretary; the Assistant Secretary for Health; the Director, National Institutes of Health; the Associate Director for Human Genome Research, National Institutes of Health; and the NIH Working Group on the Human Genome on long- and short-term planning to meet research needs for genomic analysis. Specifically, the Committee shall identify opportunities to further research on information and database technology and the methodology of genomic analysis and the characteristization of the genomes of a variety of organisms, with the goal of applying this knowledge to the analysis of the human genome and ultimately to the prevention, diagnosis, and treatment of human disorders; recommend areas in which research should be stimulated; and suggest conference, workshops, or other activities that the NIH should support to further the development of this research area.

Unless renewed by appropriate action prior to its expiration, the Program Advisory Committee on the Human Genome shall terminate two years from the date of establishment.

Dated: July 26, 1988.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 88-17279 Filed 7-29-88; 8:45 am]

BILLING CODE 4140-01-M

Meeting of the National Advisory Council on Aging

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging (NIA), on September 8, 1988, in Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on Thursday, September 8, from 8:30 a.m. to approximately 2:00 p.m. for a status report by the Director, National Institute on Aging, a report on the Behavioral and Social Research Program, and for discussions of program policies and issues, recent legislation, and other items of interest. Attendance by the Public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sections 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on September 8 from 2:00 p.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

A roster of committee members and summary minutes of the meeting can be obtained from Ms. June McCann, Committee Management Officer, Building 31, Room 5C02, National

Institute on Aging, National Institutes of Health, Bethesda, Maryland 20892, (Phone: (301) 496–9322).

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Dated: July 19, 1988.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 88–17280 Filed 7–29–88; 8:45 am]

BILLING CODE 4140–01–M

Office of Human Development Services

Developmental Disabilities Program; Intent To Reallot Basic Support and Protection and Advocacy Funds to States for Developmental Disabilities Expenditures

AGENCY: Administration on Developmental Disabilities, Office of Human Development Services, HHS.

ACTION: Notice of intent to reallot funds.

SUMMARY: The Administration on Developmental Disabilities herein gives notice of intent to reallot Fiscal Year 1988 funds which are not available to the Trust Territories of the Pacific and Fiscal Year 1988 funds which prior to September 30, 1989 will not be obligated by any other State. This notice is given in accordance with section 125(d) of the Developmental Disabilities Assistance and Bill of Rights Act. To identify States that do not intend to obligate Fiscal Year 1988 funds by September 30, 1989, and to identify those States that wish to be considered for receipt of additional funds under this reallotment, each State or Territory must provide the following information in writing:

(1) The amount of Fiscal Year 1988 funds that will not be obligated by September 30, 1989, under its approved State Plan. If all the funds will be obligated, provide a statement to that effect;

(2) The amount of additional funds that can be obligated by September 30, 1989, if any; or

(3) A statement that no additional funds can be used by that date.

This information will be used to calculate the amounts to be reallotted. It should be submitted no later than August 31, 1988, to: Bettye J. Mobley, Grants and Contracts Management Division, Office of Human Development Services, Department of Health and Human Services, 200 Independence Avenue SW., Room 341F.4 HHH Bldg., Washington, DC 20201.

A State or Territory which does not provide the written notice as described above will not receive a reallocation of additional funds for Fiscal Year 1988.

FOR FURTHER INFORMATION CONTACT: Bettye J. Mobley, (202) 245–7220.

Dated: July 7, 1988.

Carolyn Doppelt Gray,

Commissioner, Administration on Developmental Disabilities.

Approved: July 25, 1988.

Sydney Olson,

Assistant Secretary for Human Development Services.

[FR Doc. 88–17230 Filed 7–29–88; 8:45 am]

BILLING CODE 4130–01–M

Public Health Service

National Center for Health Services Research and Health Care Technology Assessment; Assessment of Medical Technology

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness and indications for use of refractive keratoplasty procedures. This assessment will not address radial keratotomy. We are interested in the safety and effectiveness of keratophakia, keratomileusis, and epikeratophakia. In keratophakia the front of the cornea is sliced off, a donor piece of cornea curved to shape is inserted over the eye and the front part of the cornea that was removed is reattached over the donor cornea. Keratomileusis involves removing the front of the cornea, freezing and reshaping it and stiching it back on the eye. Epikeratophakia is a procedure in which a commercially prepared piece of corneal tissue is sutured onto the patient's cornea which has been surgically prepared to accept this tissue. Specifically, we are interested in: (1) The indications including keratoconus, myopia, aphakia and others for which these procedures are deemed appropriate, (2) patient selection criteria to identify patient populations that would benefit from these procedures, and (3) specific guidelines under which patients with specific diagnoses may benefit from the procedures being evaluated. This assessment also seeks to determine if one procedure is more appropriate for patients with a specific diagnosis as opposed to another. The PHS also seeks to determine under what circumstances these procedures are considered alternatives to intraocular lens implantation or contact lenses.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies. Information related to the characterization of the patient population most likely to benefit, as well as on clinical acceptability and the effectiveness of this technology and extent of use are also being sought. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than October 24, 1988 or within 90 days from the date of publication of this notice.

Written material should be submitted to: Mr. Martin Erlichman, Health Science Analyst, Office of Health Technology Assessment, 5600 Fishers Lane, Room 18A–27, Rockville, MD 20857, 301 443–4990.

Date: July 25, 1988.

Enrique D. Carter,

Director, Office of Health Technology Assessment, National Center for Health Services Research and Health Care Technology Assessment.

[FR Doc. 88–17231 Filed 7–29–88; 8:45 am]

BILLING CODE 4160–17–M

National Toxicology Program; Announcement of Completed Short-Term Toxicology Studies on Twelve Chemicals; Request for Comments

As part of an effort to inform the public and allow interested parties to comment and provide information on chemicals prior to designing studies for long-term toxicology and carcinogenesis studies, the National Toxicology Program (NTP) will routinely announce in the **Federal Register** the list of chemicals for which short-term toxicology studies have been completed.

Short-term toxicology studies on the chemicals listed in this announcement have been completed and the National Institute of Environmental Health Sciences (NIEHS)/National Toxicology Program (NTP) is in the process of evaluating the results. A decision on whether additional studies are needed, including long-term toxicology and

carcinogenesis studies, will soon be made by the NTP. If you have relevant information (such as current production, use pattern, exposure levels, toxicological data) to share with the NTP on any of these chemicals, please contact the responsible NTP Scientists within 30 days of the appearance of this announcement. Contact may be made by telephone or mail to: NIEHS/NTP, P.O. Box 12233, Research Triangle Park, North Carolina 27709. The information provided will be considered by the NTP in determining which chemicals required additional studies and in designing these studies.

1. *o-Cresol (95-48-7)*—14-day and 90-day dosed feed studies in Fischer 344 rats and B6C3F$_1$ mice. Contact Person: Dr. Dennis Dietz, telephone 919-541-2272.

2. *m-Cresol (108-39-4)*—14-day dosed feed studies in Fischer 344 rats and B6C3F$_1$ mice. Contact Person: Dr. Dennis Dietz, telephone 919-541-2272.

3. *p-Cresol (106-44-5)*—14-day dosed feed studies in Fischer 344 rats and B6C3F$_1$ mice. Contact Person: Dr. Dennis Dietz, telephone 919-541-2272.

4. *Cresol Mixture (1319-77-3)*—14-day and 90-day doses feed studies in Fischer 344 rats and B6C3F$_1$ mice. Contact Person: Dr. Dennis Dietz, telephone 919-541-2272.

5. *t-Butyl perbenzoate (614-45-9)*—14-day and 90-day gavage studies in Fischer 344 rats and B6C3F$_1$ mice. Contact Person: Dr. H. Matthews telephone 919-541-3252.

6. *Chloropropanol (127-00-4)*—14-day and 90-day dosed water studies in Fischer 344 rats and B6C3F$_1$ mice. Contact Person: Dr. Raymond Yang, telephone 919-541-2947.

7. *Chloroprene (126-99-8)*—14-day and 90-day inhalation studies in Fischer 344 rats and B6C3F$_1$ mice. Contact Person: Dr. Ron Melnick, telephone 919-541-4142.

8. *Carisoprodol (78-44-4)*—14-day and 90-day gavage studies in Fischer 344 rats and B6C3F$_1$ mice. Contact Person: Dr. Po Chan, telephone 919-541-7561.

9. *Methyl ethyl ketone peroxide (1338-23-4).*14-day and 90-day skin paint studies in Fischer 344 rats and B6C3F$_1$ mice. Contact Person: Dr. Kamal Abdo, telephone 919-541-7819.

10. *Pentachlorobenzene (608-93-5)*—14-day and 90-day dosed feed studies in Fischer 344 rats and B6C3F$_1$ mice. Contact Person: Dr. Raymond Yang, telephone 919-541-2947.

11. *Trichlorofon (52-68-6)*—14-day and 90-day dosed feed studies in Fischer 344 rats and B6C3F$_1$ mice. Contact Person: Dr. Po Chan, telephone 919-541-7561.

12. *Arsine (7784-42-1)*—14-day and 90-day inhalation studies in Fischer 344 rats and B6C3F$_1$ mice and 28-day inhalation studies in Golden Syrian hamsters. Contact Person: Dr. Richard Morrissey, telephone 919-541-5035.

Dated: July 27, 1988.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 88-17281 Filed 7-29-88; 8:45 am]

BILLING CODE 4140-01-M

Health Resources and Services Administration; Statement of Organization, Functions and Delegation of Authority

Part H, Chapter HB (Health Resources and Services Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (47 FR 38409-24, August 31, 1982, as amended most recently at 52 FR 47053-54, December 11, 1987), is amended to reflect the transfer of the Freedom of Information and Privacy Act functions from the Office of Program and Policy Development (HBC12) to the Division of Health Services Scholarships (HBC7), Bureau of Health Care Delivery and Assistance.

Under *Section HB-10, Organization and Functions,* amend the *Bureau of Health Care Delivery and Assistance (HBC),* as follows:

(1) Under functional statement for the *Office of Program and Policy Development (HBC12)* amend item (9) to read "(9) coordinates the Bureau's responsibilities in connection with the Inspector General's 'Hotline'."

(2) Under functional statement for the *Division of Health Services Scholarships (HBC7)* and after item (10), change the period to a semicolon and add the following: "(11) Administers the Bureau's Freedom of Information Act and Privacy Act activities."

Date: July 25, 1988.

Wilford J. Forbush,

Director, Office of Management, PHS.

[FR Doc. 88-17269 Filed 7-29-88; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-88-1838]

Notice of Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have 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 proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. 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 proposals for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C.Chapter 35).

The Notices list 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 22, 1988.

David S. Cristy,

Deputy Director, Information Policy and Management Division.

Proposal: Definition of Income, Rents, and Recertification of Family Income for the Rent Supplement, Section 236,

and Section 8 Special Allocation Programs
Office: Housing
Description of The Need for the Information and Its Proposed Use: This information will be used by the project owner to advise HUD and request approval of new utility allowances when the utility rate change results in a cumulative increase of 10 percent or more. If periodic adjustments to the utility allowance are not made, tenants would be required to pay a larger total tenant payment than is permissible
Form Number: None
Respondents: State or Local Governments, Businesses or Other For-Profit, and Non-Profit Institutions
Frequency of Submission: On Occasion
Reporting Burden

	Number of respondents	X	Frequency of response	X	Hours per response	=	Burden hours
Periodic Requests	1,200		1		½		600

Total Estimated Burden Hours: 600
Status: Extension
Contact: Judith L. Lemeshewsky, HUD, (202) 426-3944; John Allison, OMB, (202) 395-6880
Date: July 21, 1988
Proposal: Emergency Shelter Grants Program (FR-2387)
Office: Community Planning and Development
Description of the Need for the Information and Its Proposed Use: This program provides grants to cities, counties, states, and territories for the following eligible activities relating to emergency shelter for the homeless: renovation, rehabilitation, or conversion of buildings; supportive services; and maintenance, operation (other than staff), insurance, utilities, and furnishings. Information collected will be used to ensure grantees comply with the program's statutory and regulatory requirements
Form Number: SF-269, SF-424, and certifications
Respondents: State or Local Governments and Non-Profit Institutions
Frequency of Submission: On Occasion and Annually
Reporting Burden:

	Number of respondents	X	Frequency of response	X	Hours per response	=	Burden hours
Application	350		1		16		5,600
Initial Reports	350		1		12		4,200
Annual Reports	350		1		12		4,200
Waiver Reports	25		1		4		100

Total Estimated Burden Hours: 14,100
Status: Extension
Contact: James R. Broughman, HUD, (202) 755-5977; John Allison, OMB, (202) 395-6880
Date: July 22, 1988.

[FR Doc. 88-17524 Filed 7-29-88; 8:45 am]
BILLING CODE 4210-01-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-88-1837; FR-2533]

Mortgage and Loan Insurance Programs Under the National Housing Act; Debenture Interest Rates

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, (HUD).

ACTION: Notice of change in debenture interest rates.

SUMMARY: This notice announces changes in the interest rates to be paid on debentures issued with respect to a loan or mortgage insured by the Federal Housing Commissioner under the provisions of the National Housing Act (the "Act"). The interest rate for debentures issued under Section 221(g)(4) of the Act during the six-month period beginning July 1, 1988, is 8⅝ percent. The interest rate for debentures issued under any other provision of the Act is the rate in effect on the date that the commitment to insure the loan or mortgage was issued, or the date that the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. The interest rate for debentures issued under these other provisions with respect to a loan or mortgage committed or endorsed during the six-month period beginning July 1, 1988, is 9⅜ percent.

FOR FURTHER INFORMATION CONTACT: James B. Mitchell, Financial Policy Division, Room 9132, Department of Housing, and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Telephone (202) 426-4325 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 224 of the National Housing Act (24 U.S.C. 1715o) provides that debentures issued under the Act with respect to an insured loan or mortgage (except for debentures issued pursuant to section 221(g)(4) of the Act) will bear interest at the rate in effect on the date the commitment to insure the loan or mortgage was issued, or the date the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. This provision is implemented in HUD's regulations at 24 CFR 203.405, 203,479, 207.259(e)(6) and 220.830. Each of these regulatory provisions states that the applicable rates of interest will be published twice each year as a notice in the **Federal Register.**

Section 224 further provides that the interest rate on these debentures will be set from time to time by the Secretary of HUD, with the approval of the Secretary of the Treasury, in an amount not in excess of the interest rate determined by the Secretary of the Treasury pursuant to a formula set out in the statute.

The Secretary of the Treasury (1) has determined, in accordance with the provisions of Section 224, that the statutory maximum interest rate for the

period beginning July 1, 1988, is 9⅜ percent and (2) has approved the establishment of the debenture interest rate by the Secretary of HUD at 9⅜ percent for the six-month period beginning July 1, 1988. This interest rate will be the rate borne by debentures issued with respect to any insured loan or mortgage (except for debentures issued pursuant to Section 221(g)(4)) with an insurance commitment or endorsement date (as applicable) within the last six months of 1988.

For convenience of reference, HUD is publishing the following chart of debenture interest rates applicable to mortgages committed or endorsed since July 1, 1979:

Effective rate (percent)—	On or after	Prior to
8¼	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅞	July 1, 1981	Jan. 1, 1982.
12¾	Jan. 1, 1982	Jan. 1, 1983.
10¼	Jan. 1, 1983	July 1, 1983.
10⅜	July 1, 1983	Jan. 1, 1984.
11½	Jan. 1, 1984	July 1, 1984.
13⅜	July 1, 1984	Jan. 1, 1985.
11⅝	Jan. 1, 1985	July 1, 1985.
11⅛	July 1, 1985	Jan. 1, 1986.
10¼	Jan. 1, 1986	July 1, 1986.
8¼	July 1, 1986	Jan. 1, 1987.
8	Jan. 1, 1987	July 1, 1987.
9	July 1, 1987	Jan. 1, 1988.
9⅛	Jan. 1, 1988	July 1, 1988.
9⅜	July 1, 1988	

Section 221(g)(4) of the Act provides that debentures issued pursuant to that paragraph (with respect to the assignment of an insured mortgage to the Secretary) will bear interest at the "going Federal rate" in effect at the time the debentures are issued. The term "going Federal rate", as used in that paragraph, is defined to mean the interest rate that the Secretary of the Treasury determines, pursuant to a formula set out in the statute, for the six-month periods of January through June and July through December of each year. Section 221(g)(4) is implemented in the HUD regulations at 24 CFR 221.790.

The Secretary of the Treasury has determined that the interest rate to be borne by debentures issued pursuant to Section 221(g)(4) during the six-month period beginning July 1, 1988, is 8⅝ percent.

HUD expects to publish its next notice of change in debenture interest rates in January 1989.

The subject matter of this notice falls within the categorical exclusions from HUD's environmental clearance procedures set forth in 24 CFR 50.20(1). For that reason, no environmental finding has been prepared for this notice.

(Secs. 211, 221, 224, National Housing Act, 12 U.S.C. 1715b, 1715l, 1715o; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Dated: July 25, 1988.

Thomas T. Demery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 88-17255 Filed 7-29-88; 8:45 am]

BILLING CODE 4210-27-M

Office of the Regional Administrator—Regional Housing Commissioner

[Docket No. D-88-882]

Acting Manager, Region IV (Atlanta); Designation for Memphis Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Manager for the Memphis Office.

EFFECTIVE DATE: June 29, 1988.

FOR FURTHER INFORMATION CONTACT: Henry E. Rollins, Director, Management Systems Division, Office of Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 634, Richard B. Russell Federal Building, 75 Spring Street SW., Atlanta, Georgia 30303-3388, 404-331-5199.

Designation of Acting Manager for Memphis Office

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence of, or vacancy in the position of, the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided, That no official is authorized to serve as Acting Manager unless all other employees whose titles precede his/hers in this designation are unable to serve by reason of absence:

1. Deputy Manager
2. Chief, Property Disposition Branch
3. Chief, Valuation Branch

This designation supersedes the designation effective February 25, 1987, (52 FR 17482, May 8, 1987)

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971))

This designation shall be effective as of June 29, 1988.

Michael F. Dalton,

Acting Manager, Memphis Office.

[FR Doc. 88-17256 Filed 7-29-88; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-88-883]

Acting Manager, Region IV (Atlanta), Designation for Tampa Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Manager for the Tampa Office.

EFFECTIVE DATE: July 1, 1988.

FOR FURTHER INFORMATION CONTACT: Henry E. Rollins, Director, Management Systems Division, Office of Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 634, Richard B. Russell Federal Building, 75 Spring Street SW., Atlanta, Georgia 30303-3388, 404-331-5199.

Designation of Acting Manager for Tampa Office

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence of, or vacancy in the position of, the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided, That no official is authorized to serve as Acting Manager unless all other employees whose titles precede his/hers in this designation are unable to serve by reason of absence:

1. Deputy Manager.
2. Chief, Property Disposition Branch.
3. Chief, Valuation Branch.
4. Chief, Mortgage Credit Branch.
5. Chief, Loan Management Branch.

This designation supersedes the designation effective February 25, 1987, (52 FR 17483, May 8, 1987).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971))

This designation shall be effective as of July 1, 1988.

George A. Milburn, Jr.,

Manager, Tampa Office.

Raymond A. Harris,

Regional Administrator, Regional Housing Commissioner, Office of the Regional Administrator.

[FR Doc. 88-17257 Filed 7-29-88; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-040-08-4212-12; A 22435(A)]

Notice of Realty Action; Exchange of Public Land in Graham, Greenlee, Cochise and Pinal Counties, Arizona With the State of Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment notice.

SUMMARY: The **FEDERAL REGISTER** Notice published on July 17, 1987 at 52 FR 137 beginning on page 27063, serial numbers A 22435 and A 22436, should be amended to include the following offered State lands:

Gila and Salt River Meridian, Arizona

T. 7 S., R. 23 E.,
Sec. 7, lots 1–4 incl., E½,E½W½;
Sec. 8, all;
Sec. 9, all;
Sec. 13, N½,SW¼,N½SE¼,SW¼SE¼;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, N½,SW¼,N½SE¼,SW¼SE¼;
Sec. 18, lots 1–4 incl., E½,E½W½;
Sec. 20, W½NE¼,SE¼NE¼,W½,SE¼;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, W½NE¼,SE¼NE¼,W½,SE¼.
T. 7 S., R. 25 E.,
Sec. 24, that portion of W½NW¼NE¼ lying north of Golf Course Road.
T. 11 S., R. 20 E.,
Sec. 31, lots 3 and 4, SE¼NE¼,SE¼;
Sec. 32, all.
T. 14 S., R. 24.,
Sec. 36, all.
T. 14 S., R. 25 E.,
Sec. 32, all.
T. 23 S., R. 31 E.,
Sec. 33, NE¼,N½SE¼,SW¼SE¼
Sec. 34, NW¼NE¼,NW¼,NE¼SE¼;
Sec. 35, S½NE¼,S½.
T. 23 S., R. 32 E.,
Sec. 20, all;
Sec. 21, S½NE¼,SE¼NW¼,NE¼SW¼, SE¼;
Sec. 28, all;
Sec. 29, all.
T. 24 S., R. 31 E.,
Sec. 1, N½,SW¼,W½SE¼;
Sec. 2, all;
Sec. 3, NE¼,E½NW¼,SW¼NW¼,S½;
Sec. 4 SE¼NE¼,SW¼,E½SE¼;
Sec. 9, E½NE¼,W½,S½SE¼;
Sec. 10, E½;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 21, lots 1–4 incl. (U.S. Minerals);
Sec. 22, lots 1–4 incl. (U.S. Minerals);
Sec. 23, lots 1–4 incl. (U.S. Minerals);
Sec. 24, lots 1–4 incl. (U.S. Minerals);
T. 24 S., R. 32 E.,
Sec. 6, SW¼,W½SE½;
Sec. 7, all (U.S. Minerals);
Sec. 8, all (U.S. Minerals);
Sec. 17, all (U.S. Minerals);
Sec. 18, all (U.S. Minerals);
Sec. 19, lots 1–4 incl. (U.S. Minerals);
Sec. 20, lots 1–4 incl. (U.S. Minerals).

Containing 24,114.13 acres, more or less in Graham and Cochise Counties.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange proposal may be obtained from the District Manager, Safford District Office, 425 E. 4th Street, Safford, Arizona 85546.

John A. Rietz,

Acting District Manager.

Date: July 21, 1988.

[FR Doc. 88–17241 Filed 7–29–88; 8:45 am]

BILLING CODE 4310-32-M

[NV-930-08-4212-14; N-48113, et al.]

Battle Mountain District; Tonopah Resource Area; NV

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Realty action; Competitive sale of Federal land in Nye County, Nevada.

SUMMARY: The following described land has been examined and identified as suitable for disposal by sale through competitive bidding procedures under section 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713 and 1719) at no less than the appraised fair market value:

Mount Diablo Meridian

T. 12 S., R. 46 E.,
Sec. 7,
N–48113, lot 53,
N–48560, lot 60,
N–48561, SW¼NE¼SE¼SW¼,
N–48562, SE¼NE¼SE¼SW¼,
N–48563, NW¼NW¼SE¼SW¼,
N–48564, SW¼NW¼SE¼SW¼.
N–48565, NE¼SW¼SE¼SW¼,
N–48566, SW¼SW¼SE¼SW¼,
N–48567, SW¼SE¼SE¼SW¼,
N–48568, SE¼SE¼SE¼SW¼.

Ten parcels of land, each containing 2.5 acres, for a total of 25 acres.

The sale is consistent with the Bureau's planning system and the Esmeralda-Southern Nye Resource Management Plan. The parcels are isolated. The land is not needed for any resource program and is not suitable for management by the Bureau or any other Federal department or agency. The land will not be offered for sale for at least 60 days after the publication of this Notice in the **Federal Register**.

The lands are not within any Grazing Allotment.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. Oil, gas, geothermal steam and associated geothermal resources, saleable and locatable minerals, together with the right to prospect for, mine, and remove these minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at the Battle Mountain District Office.

The patents will be subject to a 50 foot easement for roads and public utilities purposes, in favor of Nye County, along the north, south, east, and west boundaries of each parcel.

General Information

Publication of this notice in the **Federal Register** segregates the public lands from the all forms of appropriation under the public land laws and the mining laws. The segregative effect will end upon issuance of a patent to these lands, upon publication in the **Federal Register** of a notice of termination or 270 days from the date of publication of this notice, whichevercomes first.

Information relative to the sale and bidding procedures as well as the appraised fair market value of the parcels, will be made available to the public at a later date, not less than 30 days before the sale.

The lands are proposed to be offered for sale by sealed bid, utilizing competitive bidding procedures. Conveyance of the mineral estates, except for oil, gas, geothermal steam and associated geothermal resources, saleable and locatable minerals, will occur simultaneously with the sale of the land. A bid will constitute an application for the mineral estates having no known mineral values; therefore, all bids must be accompanied by a $50.00 filing fee for conveyance of the available mineral interests.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 1420, Battle Mountain, Nevada 89820. Objections will be reviewed by the 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 the Interior.

Michael C. Mitchel,

Acting District Manager, Battle Mountain District.

July 19, 1988.

[FR Doc. 88-17242 Filed 7-29-88; 8:45 am]

BILLING CODE 4310-HC-M

National Park Service

Information Collection Submitted to the Office of Management and Budget Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, Telephone 202-395-7313.

Title: Park Use Survey—Katmai NP.

Abstract: Results of the survey will be used in operational planning and management of activities designed to support actual public use activities and needs.

Bureau Form Number: None.

Frequency: On Occasion.

Description of Respondents: Individuals or households.

Annual Responses: 2,400.

Annual Burden Hours: 180.

Bureau Clearance Officer: Russell K. Olsen, 523-5133.

Russell K. Olsen,

Chief, Administrative Services Division.

[FR Doc. 88-17222 Filed 7-29-88; 8:45 am]

BILLING CODE 4310-02-M

Information Collection Submitted to the Office of Management and Budget Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the telephone listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget, Interior Department Desk Officer, Washington, DC 20503, Telephone, 202-395-7313.

Title: Park Use Survey—Sleeping Bear Dunes.

Abstract: Results of the survey will be used in operational planning and management of activities designed to support actual public use activities and needs.

Bureau Form Number: None.

Frequency: On Occasion.

Description of Respondents: Individuals or households.

Annual Responses: 2,300.

Annual Burden Hours: 383.

Bureau Clearance Officer: Russell K. Olsen, 523-5133.

Russell K. Olsen,

Chief, Administrative Services Division.

[FR Doc. 88-17223 Filed 7-29-88; 8:45 am]

BILLING CODE 4310-02-M

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Saturday, September 10, 1988 at the Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mrs. Sheila Rabb Weidenfeld, Chairman, Washington, DC.
Mrs. Dorothy Tappe Grotos, Arlington, Virginia
Mr. Samuel S. D. Marsh, Bethesda, Maryland
Mr. Keith A. Kirk, Hancock, Maryland
Mr. James F. Scarpelli, Sr., Cumberland, Maryland
Ms. Elise B. Heinz, Arlington, Virginia
Professor Charles P. Poland, Jr., Chantilly, Virginia
Captain Thomas F. Hahn, Shepherdstown, West Virginia
Colonel Ralph Albertazzie, Martinsburg, West Virginia
Mr. Rockwood H. Foster, Washington, D.C.
Mr. Barry A. Passett, Washington, D.C.
Mrs. Jo Reynolds, Potomac, Maryland
Ms. Nancy C. Long, Glen Echo, Maryland
Mrs. Minny Pohlmann, Dickerson, Maryland
Dr. James H. Gilford, Frederick, Maryland
Mr. Edward K. Miller, Hagerstown, Maryland
Mrs. Sue Ann Sullivan, Williamsport, Maryland
Mrs. Josephine L. Beynon, Cumberland, Maryland
Mr. Robert L. Ebert, Cumberland, Maryland

Matters to be discussed at this meeting include:

1. Old and new business.
2. Superintendent's report.
3. Committee reports: Plans and Projects Committee, Recreation Policies and Issues Committee, Resource Protection Committee.
4. Public comments.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Minutes of the meeting will be available for public inspection six (6) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Date: July 25, 1988.

Lowell V. Sturgill,

Regional Director, National Capital Region.

[FR Doc. 88-17220 Filed 7-29-88; 8:45 am]

BILLING CODE 4310-70-M

Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 7:30 p.m., CDT, on September 15, 1988, at the St. Bernard Parish Police Jury Conference Room, 8201 West Judge Perez Drive, Chalmette, Louisiana.

The Delta Region Preservation Commission was established pursuant to section 907 of Pub. L. 95-625 (16 U.S.C. 230f), as amended, to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, and in the implementation and development of a general management plan and of a comprehensive interpretive program of

the natural, historic, and cultural resources of the Region.

The matters to be discussed at this meeting include:

—Planning and Development Committee Report.
—Natural Systems Committee Report.
—Acadian House.
—New Commission Members.
—Update on Cooperative Agreements.
—Update on Acadian Centers.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact M. Ann Belkov, Superintendent, Jean Lafitte National Historical Park, U.S. Customs House, 423 Canal Street, Room 210, New Orleans, Louisiana 70130–2341, telephone 504/589–3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Date: July 21, 1988.

John E. Cook,

Regional Director, Southwest Region.

[FR Doc. 88–17219 Filed 7–29–88; 8:45 am]

BILLING CODE 4310–70–M

National Capital Region, Public Affairs; Public Meeting

The National Park Service is seeking public comments and suggestions on the planning of the 1988 Christmas Pageant of Peace, which opens December 15 on the Ellipse, south of the White House.

A public meeting will be held at 10:30 a.m., Thursday, October 6, at the National Capital Region Building, 1100 Ohio Drive, SW., 2nd floor conference room, (Room 234), Washington, DC.

Interested persons who would like to comment at the meeting should notify the National Park Service by September 30 by calling the Office of the Public Affairs between 9 a.m. and 4 p.m., weekdays at 485–9666. Persons who cannot attend the meeting can send written comments to Regional Director, National Capital Region, 1100 Ohio Drive, SW., Washington, DC 20242.

Date: July 26, 1988.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 88–17221 Filed 7–29–88; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–55 (Sub-No. 261X)]

CSX Transportation, Inc.; Abandonment Exemption; Greenville County, SC

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its approximately 2.36-mile line of railroad between Valuation Station 19+81 and Valuation Station 1793+00 at Greenville, SC, in Greenville County, SC.

Applicant has certified that (1) no local or overhead traffic has moved over the line for at least 2 years and (2) no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to Oregon Short Line R. Co.-Abandonment-Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective September 1, 1988 (unless stayed pending reconsideration). Petitions to stay regarding matters that do not involve environmental issues [1] and formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2) [2] must be filed by August 12, 1988, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by August 22, 1988 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Patricia Vail, 500 Water Street, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio.*

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (See) will prepare an environmental assessment (EA). See will serve the EA on all parties by August 7, 1988. Other interested persons may obtain a copy of the EA from See by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, See at (202) 275–7316.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: July 22, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88–17109 Filed 8–1–88; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub–No. 251X)]

CSX Transportation, Inc.; Abandonment Exemption; Loudon County, TN

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its approximately 3.2-mile line of railroad between milepost LKT–302.3 at Jena, TN, and milepost LKT–305.5 at Greenback, TN, in Loudon County, TN.

Applicant has certified that (1) no local or overhead traffic has moved over the line for at least 2 years and (2) no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See* Ex Parte No. 274 (Sub-No. 8), *Exemption of Out-of-Service Rail Lines* (not printed), served March 8, 1988.

[2] *See Exemption of Rail Line Abandonments or Discontinuance—Offers of Financial Assistance,* 4 I.C.C. 2d 164 served December 21, 1987, and final rules published in the **Federal Register** on December 22, 1987 (52 FR 48440–48446).

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to Oregon Short Line R. Co.-Abandonment-Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective September 1, 1988 (unless stayed pending reconsideration). Petitions to stay regarding matters that do not involve environmental issues [1] and formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2) [2] must be filed by August 12, 1988, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by August 22, 1988 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Patricia Vail, 500 Water Street, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (See) will prepare an environmental assessment (EA). See will serve the EA on all parties by August 7, 1988. Other interested persons may obtain a copy of the EA from See by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, See at (202) 275–7316.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: July 22, 1988.

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See* Ex Parte No. 274 (Sub-No. 8), *Exemption of Out-of-Service Rail Lines* (not printed), served March 8, 1988.

[2] *See Exemption of Rail Line Abandonments or Discontinuance—Offers of Financial Assistance*, 4 I.C.C. 2d 164 served December 21, 1987, and final rules published in the **Federal Register** on December 22, 1987 (52 FR 48440–48446).

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88–17108 Filed 8–1–88; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–298 (Sub-No. 1X)]

Iowa Southern Railroad Co.; Exemption; Abandonment in Pottawattamie, Mills, Fremont, and Page Counties, IA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10903, *et seq.*, the abandonment by Iowa Southern Railroad Company of 61.5 miles of main track and 3 miles of additional side track and/or terminal track in Pottawattamie, Mills, Fremont, and Page Counties, IA, subject to employee protective conditions, a public use condition, and environmental conditions with respect to the salvaging of the rail on the line.

DATES: Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by August 11, 1988. Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on August 16, 1988. Petitions for reconsideration must be filed by August 22, 1988.

ADDRESSES: Send pleadings referring to Docket No. AB–298 (Sub–No. 1) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Richard L. Barr, 76 S. Sierra Madre, #230, Colorado Springs, CO 80903.

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 (D.C. 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 21, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lamboley. Commissioner Lamboley was absent and did not participate in the disposition of this proceeding.

Noreta R. McGee,

Secretary.

[FR Doc. 88–17229 Filed 7–29–88; 8:45 am]

BILLING CODE 7035–01–M

[1] *See Exemption of Rail 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

Antitrust Division

Pursuant to the National Cooperative Research Act of 1984; Microelectronics Center of North Carolina

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. et seq. ("the Act"), the Microelectronics Center of North Carolina ("MCNC") has filed on June 7, 1988, a wriiten notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the nature and objectives of the MCNC joint research and development program and (2) the identities of the parties involved in the program. The notification was filed for the purpose of invoking the Act's provision limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the research and development program and its general area of planned activities are given below.

MCNC is one institution along with six other participating institutions comprising a consortium of seven North Carolina nonprofit institutions with educational and research programs that support next-generation microelectronics technology. MCNC enhances these programs through its advanced manufacturing research capability and promotes commercialization of newly developed technologies into direct application in industry.

MCNC's specific objectives include planning, developing, constructing, maintaining and operating related integrated-circuit facilities to support microelectronics education and research in the participating institutions; providing coordination and stimuli for

research in microelectronics in the participating institutions, and developing and improving research facilities and broadening opportunities for scientific and educational research activities by all of the participating institutions; operating microelectronics design and fabrication facilities in furtherance of the charitable, educational, and scientific purposes of the Corporation; and assisting agencies of North Carolina State Government to establish and maintain effective working relationships with industry.

The MCNC Central Laboratory maintains a cooperative educational and scientific research effort through a Research Program wherein MCNC staff and other consortium members' students, faculty and staff conduct research and develop technology relative to microelectronics. In furtherance of this cooperative research effort and to maintain links with industry, MCNC conducts an Industrial Affiliates program, whereby "Resident Professionals" from various companies are assigned to the MCNC Central Laboratory and act as MCNC staff members for a period of time. The Resident Professionals are an integral part of the Research Program and interact with all other researchers.

The Industrial Affilates program provides for in-depth interaction by the Resident Professionals, and an Industry Executive Council comprised of affiliate representatives which identifies, for MCNC consideration, research priorities relevant to industrial application. Additionally, affiliates who manufacture equipment may place equipment at MCNC for development of capability with the support of the MCNC community. When pooled research sponsored by affiliates yields inventions, affiliates get the advantage of early acces to these inventions for their internal use. MCNC also gives Industrial Affiliates priority access to appropriate contract research capabilities when available.

The current MCNC Industrial Affiliates are as follows: Airco Industrial Gases, Cadence Design Systems, Inc., Digital Equipment Corporation, E.I. Du Pont De Nemours & Company, Inc., General Signal Corporation, General Electric Company, International Business Machines Corporation, Megatest Corporation, Northern Telecom, Inc. and Shipley Company, Inc.

The six nonprofit institutions working closely with MCNC are as follows: Duke University, North Carolina A&T State University, North Carolina State University, University of North Carolina at Chapel Hill, University of North Carolina at Charlotte, and the Research Triangle Institute.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 88-17248 Filed 7-29-88; 8:45 am]

BILLING CODE 4410-01-M

Bureau of Prisons

National Institute of Corrections; Annual Program Plan and Academy Training Schedule

The National Institute of Corrections (NIC), U.S. Department of Justice, has released its "Annual Program Plan and Academy Training Schedule for Fiscal Year 1989." The document describes the Institute's program of training, technical assistance, information services, research/evaluation, and policy development projects planned for the next fiscal year. It also describes the Institute's schedule of training seminars to be conducted by the NIC National Academy of Corrections and contains application forms.

To obtain a copy of the document, contact the National Institute of Corrections, 320 First Street NW., Washington, DC 20534. Telephone 202-724-8449; TDD for hearing impaired, 202-724-3156.

Raymond C. Brown,

Director.

[FR Doc. 88-17300 Filed 7-29-88; 8:45 am]

BILLING CODE 1510-01-M

NUCLEAR REGULATORY COMMISSION

Energy; Permanent Disposal of High-Level Radioactive Waste and Spent Nuclear Fuel; Memorandum of Understanding

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Memorandum of Understanding between the Nuclear Regulatory Commission and the Department of Energy.

SUMMARY: On July 20, 1988, the Nuclear Regulatory Commission and the Department of Energy, entered into the Memorandum of Understanding below. The purpose of the MOU is to establish the terms under which the NRC will be reimbursed from the Nuclear Waste Fund for NRC pre-application activities related to the disposal of high-level radioactive waste and spent fuel in a geologic repository.

FOR FURTHER INFORMATION CONTACT: Ronald M. Scroggins, Deputy Director for Financial Management & Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 492-4750.

Samuel J. Chilk,

Secretary of the Commission.

Memorandum of Understanding Between the United States Nuclear Regulatory Commission and the United States Department of Energy

The Memorandum of Understanding establishes general policy and procedures regarding the Nuclear Regulatory Commission's (NRC) recovery of the costs it incurs in performing pre-license application activities related to the disposal of high-level radioactive waste and spent fuel in a geologic repository. NRC costs are to be recovered from the Nuclear Waste Fund managed by the Department of Energy (DOE).

I. Introduction

A. Background

In section III of the Nuclear Waste Policy Act of 1982, as amended (NWPA), Congress made clear that while the Federal Government has the responsibility to provide for the permanent disposal of high-level radioactive waste and spent nuclear fuel, the costs of disposal should be borne by the generators and owners of the waste and spent fuel. To implement this policy, Congress in section 302 of the NWPA established the Nuclear Waste Fund. The Fund consists of payments from the owners and generators of high-level radioactive waste and spent nuclear fuel. Section 302 authorizes the Secretary of Energy to make expenditures from the Fund for activities under Titles I and II of the NWPA. This would include appropriate reimbursement of NRC costs.

B. Purpose

The purpose of this Memorandum of Understanding is to set forth the activities to be performed by the NRC during the pre-license application phase of the Civilian Radioactive Waste Management Program for which costs shall be paid from the Nuclear Waste Fund, and to establish general procedures for the payment of such costs from the Nuclear Waste Fund. The primary objective of these activities is to identify and resolve issues to the extent possible prior to license application. The parties intend to enter into another Memorandum of Understanding at a later date to provide for NRC recovery of its post-license application costs.

C. Authority

This Memorandum of Understanding is in accordance with the provisions of sections 111, 113, 114, and 302 of the NWPA.

D. Policy

Consistent with the NWPA, both the NRC and DOE's Office of Civilian Radioactive Waste Management (OCRWM) agree that it is in the best interest of the Nuclear Waste Management Program for NRC to review OCRWM activities during the pre-license application phase so that issues can be identified and resolved to the extent possible prior to the submission of a license application by OCRWM. OCRWM agrees to reimburse from the Nuclear Waste Fund all reasonable costs that are incurred by the NRC as a direct result of NRC's pre-license application consultations provided to the OCRWM program. Activities for which costs will be recovered from the Nuclear Waste Fund are as follows: (1) The development of NWPA regulatory requirements and technical guidance (technical guidance in the form of regulatory guides, rules, or other appropriate management approved guidance, consultation with DOE, States, and Indian Tribes, and changes to 10 CFR 2 to accommodate the licensing support system and improve the review and hearing process to meet the mandated three-year licensing schedule); (2) the development of technical assessment capability for repository licensing reviews; (3) the development and implementation of quality assurance/quality control and inspection programs for NWPA activities; (4) site characterization reviews (conducting pre-license application reviews of OCRWM and OCRWM contractor NWPA activities, conducting pre-license application reviews of the environmental impact statement (EIS) resulting from the repository program including those activities required to make the EIS acceptable for adoption by NRC); (5) the review of transport packages certificate applications and technical issues related to package certification; (6) the review of pre-license application activities relating to a monitored retrievable storage (MRS) facility; (7) the conduct of high-level waste research necessary to support NRC regulatory activities directly related to the repository, MRS or transportation aspects of the program; (8) activities relating to the disposal of defense high-level waste in the geologic repository; (9) the cost of an independent auditor performing audits of NRC costs covered by this Memorandum; and (10) that portion of the costs of the following that arise solely as a result of NRC's pre-license application consultations with the OCRWM program: (a) NRC staff's legal support for NWPA activities; (b) Atomic Safety and Licensing Board and Atomic Safety Licensing Appell Panel expenses related to NWPA issues; (c) reviews of NWPA activities conducted by NRC's Advisory Committee on Nuclear Waste; and (d) services provided by NRC's Office of Governmental and Public Affairs related to NWPA issues. In carrying out its responsibilities covered by this Memorandum of Understanding, the NRC will avoid unnecessary duplication of activities performed by DOE.

Additional activities may be added to those listed above, after consultation between OCRWM and NRC.

II. Management and Program Guidelines

As soon as practicable, following the end of each fiscal year, the NRC shall provide the DOE with a statement certified by an independent auditory setting forth the amount DOE is obligated to pay for NRC's costs incurred for work as defined in this MOU during the fiscal year just completed. DOE shall promptly, following the appropriation of funds, deposit into the General Fund of the Treasury of the United States a sum equal to the certified NRC costs. If in any year, the NRC audited costs significantly exceed the funds available for NRC reimbursement based upon funds appropriated to OCRWM, DOE shall promptly notify the NRC so that a payment schedule can be set.

The NRC shall provide OCRWM, prior to June of each year, with an estimate of the costs NRC expects to incur during the next three fiscal years. These estimates shall include a description of anticipated work and an explanation of how these amounts were derived. This information shall be included in NRC's budget submission to the Office of Management and Budget.

Further details regarding billing and payment will be set forth in the annual Interagency Agreement between the NRC and the Department of Energy.

III. Administration

This Memorandum of Understanding may be modified or amended by written agreement between NRC and OCRWM and terminated by either party upon 60-day written notice to the other party. This Memorandum of Understanding is effective when signed by both parties.

The following signatures constitute acceptance of this agreement.

Nuclear Regulatory Commission.

Date: July 20, 1988.

Victor Stello, Jr.,

Executive Director of Operations.

Department of Energy.

Date: July 18, 1988.

Charles E. Kay,

Acting Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 88-17273 Filed 7-29-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-416]

Mississippi Power & Light Co. et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment of Facility Operating License No. NPF-29 issued to Mississippi Power & Light Company, System Energy Resources, Inc., and South Mississippi Electric Power Associates, (the licensees), for operation of the Grand Gulf Nuclear Station (GGNS), Unit 1, located in Claiborne County, Mississippi.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would change the onsite diesel generator test schedule in the Technical Specifications (TS) by changing the criterion for more frequent testing.

The proposed action is in accordance with the licensee's application for amendment dated April 8, 1988, as supplemented by letter dated June 21, 1988.

The Need for the Proposed Action

The proposed change to the TS is required in order to reduce the ware of diesel generators due to the frequent testing required by the present TS.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed change to TS and has concluded that the proposed amendment would not adversely affect plant safety. Therefore, the proposed amendment does not significantly increase the probability or consequences of any accident. The Commission also concludes that the amendment involves no significant increase in the amounts and no significant change in the types of any effluents that may be released offsite and that there should be no significant increase in individual or cumulative occupational radiation exposure.

Accordingly, the Commissioin concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential non-radiological impacts, the proposed change to the TS involves requirements with respect to installation or use of a facility component 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. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement related to the operation of Grand Gulf Nuclear Station Units 1 and 2, dated September 1981.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated April 8, 1988, as supplemented June 21, 1988, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Dated at Rockville, Maryland, this 25th day of July 1988.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Director, Project Directorate II–I, Division of Reactor Projects I/II Office of Nuclear Reactor Regulation.

[FR Doc. 88–17274 Filed 7–29–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corp.; Issuance of 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–28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), for operation of Vermont Yankee Nuclear Power Station.

Identification of Proposed Action

The amendment would consist of changes to the operating license and Technical Specifications (TSs) and would authorize an increase of the storage capacity of the spent fuel pool (SEP) from 2000 fuel assemblies to 2870 fuel assemblies.

The amendment to the TSs is responsive to the licensee's application dated April 25, 1986. The NRC staff has prepared an Environmental Assessment of the Proposed Action, "Environmental Assessment by the Office of Nuclear Reactor Regulation Relating to the Expansion of Spent Fuel Pool, Facility Operating License No. DPR–28, Vermont Yankee Nuclear Power Corporation, Vermont Yankee Nuclear Power Station, Docket No. 50–271."

Summary of Environmental Assessment

The Final Generic Environmental Impact Statement (FGEIS) on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG–0575), Volumes 1–3, concluded that the environmental impact of interim storage of spent fuel was negligible and the cost of the various alternatives reflected the advantage of continued generation of nuclear power with the accompanying spent fuel storage. Because of the differences in SEP designs, the FGEIS recommended evaluating SFP expansions on a case-by-case basis.

For the Vermont Yankee Nuclear Power Station, the expansion of the storage capacity of the SFP will not create any significant additional radiological effects or non-radiological environmental impacts.

The additional whole body dose that might be received by an individual at the site boundary is less than 0.1 millirem per year; the estimated dose to the population within a 40-mile radius is estimated to be less than 0.1 person-rem per year. These doses are small compared to the fluctuations in the annual dose this population receives from exposure to background radiation. The occupational radiation dose for the proposed operation of the expanded spent fuel pool is estimated to be less than one percent of the total annual occupational radiation exposure for this facility.

The only non-radiological impact affected by the SFP expansion is the waste heat rejected to the Connecticut River. The increase in total plant waste heat is less than 0.1%. There is no significant environmental impact attributable to the waste heat from the plan due to this very small increase.

Finding of No Significant Impact

The staff has reviewed the proposed spent fuel pool expansion to the facility relative to the requirements set forth in 10 CFR Part 51. Based on this assessment, the staff concludes that there are no significant radiological or non-radiological impacts associated with the proposed action and that the issuance of the proposed amendment to the license will have no significant impact on the quality of the human environment. Therefore, pursuant to 10 CFR 51.31, an environmental impact statement need not be prepared for this action

For further details with respect to this action, see (1) the application for amendment to the Technical Specifications dated April 25, 1986 and additional information provided by the licensee in letters dated August 1, September 26, October 21, November 24, and December 15, 1986, February 25 March 19, March 31, April 9, April 13, May 22, June 11, September 1, and December 11, 1987; and March 2 and June 7, 1988; (2) the FGEIS on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG–0575); (3) the Final Environmental Statement for the Vermont Yankee Nuclear Power Station, July 1972; and (4) the Environmental Assessment dated July 25, 1988. These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555 and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Dated at Rockville, Maryland, this 25th day of July 1988.

For the Nuclear Regulatory Commission.

Victor Nerses,

Acting Director, Project Directorate I-3, Division of Reactor Projects, I/II.

[FR Doc. 88-17276 Filed 7-29-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-397]

Washington Public Power Supply System, Nuclear Project No. 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR Part 20 Appendix A, footnote d-2(c), to the Washington Public Power Supply System (WPPSS), who holds Facility Operating License No. NPF-21, which authorizes operation of WPPSS Nuclear Project No. 2 (WNP-2). WNP-2 utilizes a boiling water reactor and is located in Benton County, Washington.

Environmental Assessment

Identification of the Proposed Action

Appendix A sets forth protection factors for use in the selection of respiratory protective devices where the airborne contaminants have been identified and the possible concentrations are known. Footnote d-2(c) of that Appendix states that no allowance is to be made for the use of sorbents against radioactive gases or vapors. The exemption would allow the use of a protection factor of 50 for Mine Safety Appliances (MSA) GMR-I canisters for radioiodine atmospheres.

The Need for the Proposed Action

The exemption would make permissible the utilization of the GMR-I air-purifying respirator in lieu of supplied air or self contained breathing apparatus. The licensee contends that this will reduce the physical stress on workers, resulting in an associated reduction in personnel exposure.

Environmental Impacts of the Proposed Action

There are no significant environmental impacts of the proposed action. The proposed exemption pertains to the selection of breathing apparatus to be used by workers in areas potentially contaminated by radiation. The staff has determined that the proposed exemption involves no significant change in the types and no significant change in the amounts of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. In fact the intent of the action is to allow the licensee to achieve a reduction in occupational radiation exposure.

With regard to potential nonradiological impacts, the proposed exemption involves systems located entirely within the restricted areas as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

We have concluded that there is no measurable environmental impact associated with the proposed exemption. The principal alternative would be to deny the requested exemption. Denial would not reduce environmental impacts of plant operation, and would not allow the licensee to achieve the reduction in exposure of plant workers to radiation.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the "Final Environmental Statement Related to the Operation of WPPSS Nuclear Project No. 2", dated December 1981.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

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. Therefore, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the application for exemption dated May 10, 1988 which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC., and at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Dated at Rockville, Maryland, this 19th day of July, 1988.

For the Nuclear Regulatory Commission.

Robert B. Samworth,

Senior Project Manager, Project Directorate V, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 88-17277 Filed 7-29-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-029]

Yankee Atomic Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 113 to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company (the licensee), which revised the Technical Specifications for operation of the Yankee Nuclear Power Station located neaer Rowe, Massachusetts. The amendment was effective as of the date of issuance.

The amendment changes the Technical Specifications to permit loads of greater than 900 pounds to travel over the spent fuel pit to enable removal of control rods from the spent fuel pit.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on March 17, 1988 (53 FR 8828). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment and Finding of No Significant Impact (53 FR 27416) related to the action and has concluded that an environmental impact statement is not warranted and that the issuance of this amendment will not have a significant adverse effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated January 15, 1988, March 31, 1988 and May 19, 1988, (2) Amendment No. 113 to License No. DPR-3 and (3) the Commission's related Safety Evaluation and Environmental Assessment.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street

NW., Washington, DC and at the Local Public Document Room, Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Dated at Rockville, Maryland, this 25th day of July, 1988.

For the Nuclear Regulatory Commission.

Victor Nerses,

Project Manager, Project Directorate I-3, Division of Reactor Projects-I/II.

[FR Doc. 88-17278 Filed 7-29-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-416]

System Energy Resources, Inc., et al.; 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. NPF-29 issued to Mississippi Power & Light Company, South Mississippi Electric Power Association and System Energy Resources, Inc. (the licensees) for operation of the Grand Gulf Nuclear Station, Unit 1, located in Claiborne County, Mississippi.

The proposed amendment would change Technical Specification 3/4.3.1, "Reactor Protection System (RPS) Instrumentation" and associated Bases 3/4.3.1 to increase surveillance intervals for channel functional tests of most RPS instrumentation and allow more time to complete actions when inoperable instrumentation is found.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By August 31, 1988, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Elinor G. Adensam; 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 General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Nicholas S. Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street NW., Washington, DC 20036, 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 it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated June 30, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. 20555, and at the Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Dated at Rockville, Maryland, this 25th day of July 1988.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Director, Project Directorate II-1, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88-17275 Filed 7-29-88; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comments in Connection With Presidential Review of Exclusion Order Under Section 337

AGENCY: Office of the United States Trade Representative.

ACTION: Request for public comments on the exclusion order issued by the U.S. International Trade Commission (Commission) in Certain High Intensity Retroreflective Sheeting, Inv. No. 337–TA–268.

SUMMARY: On July 15, 1988, the Commission referred to the President for review its determination that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), in the importation into the United States, and in the sale, of certain high intensity retroreflective sheeting because of infringement of certain claims of U.S. Letters Patent 4,025,159 owned by the Minnesota Mining & Manufacturing Co. (3M). The Commission found that this unfair act had the effect or tendency to destroy or substantially injure an efficiently and economically operated industry in the United States.

The Commission issued an order directing the U.S. Customs Service to exclude from entry in the United States imports of high intensity retroreflective sheeting manufactured by or on behalf of Seibu Polymer Chemical Co., Ltd of Tokyo, Japan, unless the product is entered under license from the patent owner. The Commission also issued a cease and desist order directing Seibulite International, Inc. from marketing, distributing, selling or offering for sale in the United States imported infringing high intensity retroreflective sheeting.

Under section 337(g), the President, for policy reasons may disapprove the Commission's determination within 60 days following receipt of the determination and record. If disapproved by the President, the determination, and any order issued under its authority, would be without force or effect. The President also may approve the Commission's determination rendering the determination and order final on the date that the Commission receives notice of the approval. If the President takes no action to approve or disapprove the determination and order, they become final automatically following the 60-day review period.

Interested parties may submit comments concerning foreign or domestic policy issues that should be considered by the President in making his decision regarding this investigation. Parties commenting on domestic policy issues should specifically refer to the portion of the Commission's record related to that issue. If the domestic policy issue was not raised before the Commission, parties should provide a rationale for that omission.

Comments may not exceed 15 letter-sized pages, including attachments. Parties must provide twenty copies of the submission to the Secretary, Trade Policy Staff Committee, Room 521, 600 17th Street, NW., Washington, DC 20506. All submissions must be received by close of business, Monday, August 8, 1988.

FOR FURTHER INFORMATION CONTACT: Catherine R. Field, Associate General Counsel, Office of the U.S. Trade Representative (202) 395–3432.

Sandra Kristoff,

Chairwoman, Trade Policy Staff Committee.

[FR Doc. 88–17224 Filed 7–29–88; 8:45 am]

BILLING CODE 3190–01–M

POSTAL RATE COMMISSION

[Docket No. MC88–2]

Mail Classification Schedule, 1988 Second-Class Eligibility; Prehearing Conference

July 26, 1988.

Notice is hereby given that pursuant to Presiding Officer's Notice of Tentative Hearing Schedule, dated July 26, 1988, a Prehearing Conference is scheduled for August 11, 1988, at 9:00 a.m., Hearing Room, Postal Rate Commission, 1333 H Street NW., Suite 300, Washington, DC, in the above-designated proceeding.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 88–17202 Filed 7–29–88; 8:45 am]

BILLING CODE 7715–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash (202) 272–2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, 450 Fifth Street NW., Washington, DC 20549.

EXTENSION

File No.	Rule/Form
270–259	Rule 17f–5.
270–132	Rule 20a–1.
270–133	Rule 20a–2.
270–134	Rule 20a–3.
270–128	Rules 20(b), 20(c), 23, and 100(a) and Forms U–1 and U–A.
270–129	Rules 24 and 50.
270–162	Rule 44.
270–169	Rules 29a, 29b, 72
270–166	Rule 62, Form U–R–I.
270–79	Rules 93 and 94, Form U–13–60, and 17 CFR Part 256 and 256a.
270–83	Rule 2, Form U–3A–2.
270–77	Rule 3, Form U–3A–3–1.
270–74	Rule 95, Form U–13E–1.
270–81	Rules 20(d) and 47(b), Form U–6B–2.
270–75	Rules 7 and 7(d), Form U–7D.
270–168	Rules 1(a) and 1(b), Forms U5A and U5B.
270–163	Rule 42.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq*), the Securities and Exchange Commission has submitted for extension of OMB approval the following rules under the Investment Company Act of 1940:

Rule 17f–5 regulates the custody of investment ocmpany assets located outside the United States. Approximately 40 respondents spend about 4 hours each, annually, keeping records relating to requirements of the rule.

Rules 20a–1 through 20a–3 set forth various requirements with respect to solicitation of proxies, consents, and authorizations on behalf of registered investment companies. About 970 investment companies spend a total of approximately 94,284 hours annually complying with these rules.

Notice is also given that the Securities and Exchange Commission has submitted for extension of OMB approval the following rules under the Public Utility Holding Company Act of 1935 ("1935 Act"):

The family of information requests related to Form U–1 provide a legally required record that enables a registered company to seek authorization from the Commission for proposed transactions. The 355 respondents each spend about 147 hours annually meeting the requirements of these information collections.

Rules 24 and 50 require the filing with the Commission of certain information indicating that an authorized transaction has been carried out in accordance with the terms and conditions of the Commission order. The rules impose a burden of about 395 hours annually on approximately 275 respondents.

Rule 44 implements section 12(d) of the 1935 Act by prohibiting sales of utility securities or any utility assets owned by a registered holding company, except pursuant to a declaration which notifies the Commission of the proposed sale and which has become effective. The rule imposes a burden of about 12 hours annually on 13 respondents.

Rule 29 requires the filing of copies of reports submitted by a registered holding company or its subsidiaries to stockholders or reports submitted to state commissions covering operations not reported to the Federal Energy Regulatory Commission. The rule imposes an annual burden ¼ hour on each of 76 companies.

Rule 62 prohibits the solicitation of authorization regarding any security of a regulated company in connection with reorganization subject to Commission approval or regarding any transaction which is the subject ot an application or declaration, except pursuant to a declaration regarding the solicitation which has become effective. The rule imposes a burden of 50 hours on 10 companies.

Rules 93 and 94, Form U–13–60, and 17 CFR Part 256 and 256a require a uniform system of accounts for mutual and subsidiary service companies. The annual burden imposed on the 12 companies subject to this requirement is 138 hours.

Rule 2 permits a public utility holding company to claim exemption from the 1935 Act by filing an annual statement on Form U–3A–2. The rule and form impose a total annual burden of 37 hours on 73 companies.

Rule 3 permits a bank which is also a public utility holding company to claim exemption from the 1935 Act by filing an annual statement on Form U–3A3–1. The Commission receives 1 filing from a bank annually, taking about 4 hours to complete.

Rule 95 requires service companies to file reports with the Commission prior to performing under contracts for registered holding companies or their subsidiaries, for services, construction, or the sale of goods. One company meets this requirement annually, at an estimated average burden of 2 hours.

Rules 20(d) and 47(b) and Form U–6B–2 provide information relating to securities issued, sold, reissued or guaranteed pursuant to an exemption from section 6(a) of the 1935 Act and not subject to the filing of Form U–1 or pursuant to exemption by Rule 48. The rules and form impose a total burden of 2 hours per year on 1 respondent.

Form U–7D establishes the filing company's right to the exemption authorized for financing entities holding title to utility assets leased to a utility company. The form imposes a total burden of 102 hours on 34 respondents, annually.

Rules 1(a) 1935 and 1(b) and Forms U5A and U5B implement section 5(a) of the 1935 Act which requires the filing of a notification of registration with the Commission of any holding company or any person proposing to become a holding company. The burden of this requirement is approximately 1 hour annually for 1 respondent.

Rule 42 prohibits registered holding companies or subsidiaries thereof from acquiring, retiring or redeeming securities of which it is the issuer unless authorized by the Commission. Thirteen companies are required to spend 1 hour annually, each, on this requirement.

Rule 71 and Forms U–12–I–A and U–12–I–B implement sections of the 1935 Act which make it unlawful for any person employed or retained by a regulated company to prevent, advocate, or oppose any matter affecting a regulated company before Congress, the Commission, or the Federal Energy Regulatory Commission unless such person files a statement with the Commission. These information collections impose an annual burden of about 56 hours on 225 respondents.

Rule 83 enables regulated subsidiaries, when dealing with foreign affiliates to seek exemption from certain provisions of the 1935 Act. There have been no filings under this rule in recent years.

Rule 88 requries the filing of Form U–13–1 for a mutual or subsidiary service company performing services for affiliate companies of a holding company system. Four respondents spend a total of approximately 8 hours, annually meeting this requirement.

Rule 26 sets forth the financial statement and recordkeeping requirements for registered holding companies and subsidiaries. The total annual burden is 1 hour.

The estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

Direct general comments to Robert Neal at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with SEC rules and forms to Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–6004, and Robert Neal, Clearance Officer, Office of Management and Budget, Room 3228 New Executive Office Building, Washington, DC 20503.

July 26, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–17236 Filed 7–29–88; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34–25942; File No. SR–Amex–88–10, Amdt. No. 1]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc. Relating to Equity Index Participations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 21, 1988, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to trade Equity Index Participations ("EIPs") based on the S&P 500 Index, a capitalization-weighted stock index calculated by the Standard & Poor's Corporation. This would be in addition to the proposed trading of EIPs based on the Amex Major Market Index ("MMI"). The Exchange is not proposing to trade EIPs based on the Amex Institutional Index ("II") at this time, as the Exchange originally proposed. Proposed Amex rules and procedures applicable to trading in EIPs are set forth in File No. SR–Amex–88–10 (Securities Exchange Act Release No. 25664, May 5, 1988).

The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in sections (A), (B), and (C) below, of the

most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

In File No. SR–Amex–88–10, the Amex proposed specific rules applicable to listing and trading of EIPs based on the MMI and II. (Securities Exchange Act Release No. 25664, May 5, 1988). EIPs would permit holders to own a security designed to reflect the principal characteristics of ownership of the stocks comprising those indices, but that does not require the actual purchase or sale of shares of common stock of the issues included in those indices.

The Exchange is amending its filing by proposing to trade EIPs based on the S&P 500 Index, a capitalization-weighted stock index calculated by the Standard & Poor's Corporation. Each EIP based on the S&P 500 Index will represent $\frac{1}{10}$—the index multiplier—times the S&P 500 Index value. The standard unit of trading in such securities would be 100 EIPs. The S&P 500 Index will be calculated at least once each minute and disseminated by the Standard & Poor's Corporation or its agent, in accordance with its current procedures. All proposed rules applicable to trading in EIPs based on the MMI would likewise be applicable to EIPs bases on the S&P 500 Index. The Exchange is further amending its filing to specify that it is not proposed to trade EIPs based on the Institutional Index at this time.

In addition, the proposed rule change has been amended to add new Rule 912F to reflect that the Standard & Poor's Corporation has licensed use of the S&P 500 Index to the Amex. Former proposed Rule 912F (Reserved Authority) has been renumbered as Rule 913F. New Rule 913F is amended to provide that the Exchange may require, upon notice of at least one year, the EIP holders and obligors settle their contracts at the closing index value determined by a designated cash-out time if any Amex license to use a particular index for EIPs trading is terminated, and no other market exists for EIPs based on such index. In addition, the Exchange may require that EIP holders and obligors settle their contracts in the event of insubstantial trading activity in EIPs or other exceptional circumstances as determined by the Exchange, in its discretion.

(2) Basis

The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)(5) in particular in that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to facilitate transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Amex consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the file number in the caption above and should be submitted by August 22, 1988.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 25, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–17237 Filed 7–29–88; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34–25944; File No. SR–NYSE–88–19]

Self-Regulatory Organizations; Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Amendments to the Exchange's Shareholder Approval Policy for Domestic Companies

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 13, 1988, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed amendments to Paragraph 312.00 of the NYSE Listed Company Manual continue to require shareholder approval as a prerequisite to listing securities to be issued in circumstances set forth in the policy. The amendments, however, revise threshold requirements, provide definitions and exceptions, and otherwise enhance the objectivity of the policy. The Exchange does not expect that the proposed rule change will have any direct effect, or significant indirect effect, on any other Exchange rule in effect at the time of this filing.

In approving the amendments to the shareholder approval policy described above, the Board of Directors of the Exchange further determined to grandfather those companies which had issued shares in violation of the existing policy while the voting rights policies of the Exchange were being reviewed.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The Exchange has a policy which requires prior shareholder approval as a prerequisite to the listing of securities issued in connection with certain transactions. These transactions relate primarily to issuances of common stock or securities convertible into common stock in connection with: (a) Options granted to or special remuneration plans for directors, officers and key employees; (b) actions resulting in a change of control; (c) transactions with directors, officers and substantial security holders; (d) transactions involving the issuance of 18½% or more of the outstanding common shares; and (e) transactions where the present or potential issuance of common stock and any other consideration has a combined fair value of 18½% or more of the market value of the outstanding common shares.

This policy prohibits the listing of securities issued or to be issued in connection with the described transactions unless shareholders approve them.

In addition to refusing to list securities issued in violation of these policies, the Exchange has undertaken delisting proceedings in cases in which the policy was violated.

In June 1984, the Exchange formed the Subcommittee on Shareholder Participation and Qualitative Listing Standards (the "Committee") to consider the continued relevance and appropriateness of the Exchange's voting rights policies which include both the so-called "one share, one vote" policy and the related shareholder approval policy.

As pointed out by the Committee the standards as presently existing pose certain difficulties. For instance, the Exchange staff has frequently been confronted with difficult questions concerning the application of the standard with respect to a change in control of a company, e.g., what constitutes a change of control? There has developed no reliable "rule of thumb" to govern the exercise of discretion by the staff in dealing with these problems.

Moreover, the Committee was unable to find any conceptual basis for selecting 18½% as the standard with respect to the issuance of stock in acquisitions rather than some other figure. Prior to the amendment of these standards several years ago the criterion was "approximately 20%," which was increasingly interpreted by the staff as meaning 18½%, with the result that the latter figure bacame a fixed standard.

The Committee submitted its initial recommendations to the Legal Advisory Committee ("LAC"). After review by the LAC, the Committee's recommendations were returned for further modification and revision. The Committee's final recommeded modifications to the policy received the concurrence of the LAC.

The Committee, having concluded that the present shareholder approval policy is essentially sound in concept, recommended that the Exchange retain it, but with modifications that would simplify the administration of it and conform it to more realistic standards. The Committee therefore made the following recommendations:

1. The provision with respect to the issuance of securities in connection with the acquisition of certain properties from directors, officiers or substantial security holders should be modified in the following details.

a. An interest consisting of less than 5% of the outstanding common shares or 5% of the voting power of a company or party should not be considered a significant interest in determining when the policy should apply (thus the policy would not apply to an acquisition from a shareholder of a listed company who holds less than 5% of such company or voting power, or to an acquisition of an entity or property in which directors, officers and 5% shareholders of the listed company had interests aggregating less than 5%.

b. The policy should not appy to the acquisition of relatively insignificant amounts of property from an officer, director or substantial security holder. The Committee suggests that the issuance of securities representing less than 1% of the outstanding common shares, or less than 1% of the voting power would be a reasonable standard in measuring the significance of the acquisition.

2. The present provision with regard to the issuance of an amount of common stock equal to 18½% or more of the amount outstanding in making acquisitions should be modified to substitute a 25% standard and it should be applied to both the total voting power and the amount of common stock outstanding at the time of issuance with a view toward the existence of a dual class environment.

The separate standard relating to change of control should be eliminated. The Committee believed that staff should be provided greater guidance in determining when there has occurred a change in control. The Committee concluded that there is a widely held belief that the ownership of 20% or more of the outstanding common stock or voting power of a company whose stock is widely held in most instances constitutes control, hence the appropriate standard should be 25% of the amount outstanding or voting power before the issuance, which, of course, results in the shares issued constituting 20% of the amount outstanding or voting power after the issuance.

Issuances of stock that may bring about a change of control are typically made in connection with acquisitions or in private placements of securities. Thus, the Committee's recommendation would require shareholder approval with respect to issuances of 25% or more of the company's common stock or voting power in any transaction other than a public offering, thus relieving the staff of the necessity of making often difficult judgments as to whether an issuance resulted in a change of control. The substitution of a certain standard for the uncertain standard, "change of control," will make it easier for managements to plan transactions since they will have greater advance assurance of the Exchange's treatment of them.

The 25% criterion has been substituted for the 18½% criterion in connection with acquisitions to make the standards with respect to change of control and those with respect to acquisitions uniform. Further, the Committee believes that 25% is as more realistic standard than 18½% in determining whether there is a degree of dilution of shareholders' interests suggesting that the shareholders should have a vote. Obvioulsy the change will permit some transactions which would not be permissible under the present standard; however, the Committee is unable to see that any significant harm is likely to fall upon shareholders.

3. The Committee also recommended elimination of the present requirement for shareholder approval of transactions involving the present or potential issuance of common stock and any other consideration which has a fair value of 18½% or more of the market value of the

outstanding common shares and the common shares portion represents a fair market value in excess of 5% of the market value of the common shares. This particular criterion, like "change of control," has been considered to be an imprecise standard. Its elimination enhances the objectivity of the overall policy.

4. The Committee has concluded that the provision with regard to the approval of options and special remuneration plans for directors, officers and key employees should be modified by eliminating "key employees" from its scope because of the uncertainty of determining who is properly within that term.

5. The Committee felt that a provision should be added which would provide relief from the policy for a financially troubled company. The requirement for shareholder approval would be waived for such a company if: (1) Delaying the issuance of securities in order to obtain shareholder approval would jeopardize the company's existence; (2) the audit committee approved the waiver; and (3) appropriate notice of such action is sent to all shareholders of the company at least 10 days prior to the issuance.

The proposal to modify the policy in line with the Committee recommendations was reviewed with the Exchange's Listed Company Advisory Committee which unanimously concurred. The Board of Directors of the Exchange, at it meeting of July 7, 1988, approved the proposed policy modification. It should be noted that the modified policy retains the basic requirement of shareholder approval and takes into account the significant increases in corporate governance initiatives over the past-few years.

The Board further determined that those companies which had issued shares in violation of the current policy during the period when the Exchange's voting rights policies were under review would be grandfathered. This decision is consistent with the position taken by the Exchange regarding those companies which had violated the one share, one vote policies while those policies were being reviewed by the Committee.

(2) Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b)(5) of the Securities Exchange Act of 1934 as amended ("the Act"). This section, among other things, requires Exchange rules to be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this title, matters not related to the purposes of this title or the administration of the Exchange. Furthermore, the proposed rule amendments are consistent with Section 11A(a)(1)(c)(ii) of the Act in that they will tend to assure fair competition among exchange markets and between exchange markets and markets other than exchange markets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments concerning its proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by August 22, 1988.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

July 26, 1988.

[FR Doc. 88-17286 Filed 7-29-88; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Meetings of Pipeline Safety Advisory Committees

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, U.S.C. App. 1), notice is hereby given of the following meetings of the Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee. Each meeting will be in Room 3442-46, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

On September 13, 1988, at 9:00 a.m. the Technical Pipeline Safety Standards Committee will meet to discuss and vote on the technical feasibility, reasonableness, and practicability of proposed rules regarding:

- Gas Gathering Line Definition
- Deletion of Referenced Standards Affecting Iron, Steel and Copper Pipe and Other Materials (53 FR 24968; July 1, 1988)
- Operation and Maintenance Procedures for Gas Pipelines
- Gas Pipelines Operating in Excess of 72 Percent of SMYS
- Gas Pipeline Damage Prevention Program (53 FR 24747; June 30, 1988)
- Pipeline Operator Qualifications

In addition, the committee will discuss an article called "The Smell Survey Results," published in the *National Geographic* (October 1987), as it relates to odorization of natural gas. Time permitting, the committee will

informally discuss preliminary rulemaking proposals regarding (1) Gas Detection and Monitoring in Compressor Station Buildings (53 FR 10906; April 4, 1988), and (2) Determining the Extent of Corrosion on Exposed Gas Pipelines.

On September 14, 1988, at 9:00 a.m. the Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee will meet jointly to discuss proposed rules regarding:

- Maps and Records of Pipeline Location and Characteristics; Notification of State Agencies
- Control of Drug Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations (53 FR 25892, July 8, 1988).

On September 14, 1988, after the joint meeting, the Technical Pipeline Safety Standards Committee will reconvene briefly and vote on the technical feasibility, reasonableness, and practicability of the proposals discussed in the joint meeting as they affect gas and liquefied natural gas pipeline facilities.

Also, on September 14, 1988, after the joint meeting the Technical Hazardous Liquid Pipeline Safety Standards Committee will meet to vote on the technical feasibility, reasonableness, and practicability of the proposals discussed in the joint meeting as they affect hazardous liquid pipelines. In addition, the Committee will discuss and vote on the technical feasibility, reasonableness, and practicability of proposed rules regarding:

- Deletion of Referenced Standards Affecting Iron, Steel, and Copper Pipe and Other Materials (53 FR 24968; July 1, 1988)
- Pressure Testing Certain Hazardous Liquid Pipelines
- Hazardous Liquid Pipeline Damage Prevention Program (53 FR 24747; June 30, 1988)
- Pipeline Operator Qualifications

If this schedule is not completed on September 14, 1988, the Technical Hazardous Liquid Pipeline Safety Standards Committee will reconvene at 9:00 a.m. on September 15, 1988.

Each meeting will be open to the public, but attendance will be limited to the space available. With approval of the Executive Director of the Committees, members of the public may present oral statements on the subjects. Due to the limited time available, each person who wants to make an oral statement must notify Linda Craver, Room 8417, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 366–1640, not later than September 9, 1988, of the topics to be addressed and the time requested to address each topic. The presiding officer may deny any request to present an oral statement and may limit the time of any oral presentation. Members of the public may present written statements to the committees before or after any meeting.

Dated: July 27, 1988.

Cesar De Leon,

Assistant Director for Regulation, Office of Pipeline Safety.

[FR Doc. 88–17249 Filed 7–29–88; 8:45 am]

BILLING CODE 4910–60–M

Urban Mass Transportation Administration

UMTA Sections 3 and 9 Grant Obligations; Los Angeles County Transportation Commission

AGENCY: Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice.

SUMMARY: The Department of Transportation and Related Agencies Appropriations Act, 1988, included in the Omnibus Appropriations Act, Pub. L. 100–202 signed into law by President Reagan on December 22, 1987, contained a provision requiring the Urban Mass Transportation Administration to publish an announcement in the **Federal Register** each time a grant is obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended. The statute requires that the announcement include the grant number, the grant amount, and the transit property receiving each grant.

This notice provides the information as required by statute.

FOR FURTHER INFORMATION CONTACT: Edward R. Fleischman, Chief, Resource Management Division, Department of Transportation, Urban Mass Transportation Administration, Office of Grants Management, 400 Seventh Street, SW., Room 9305, Washington, DC 20590, (202) 366–2053.

SUPPLEMENTARY INFORMATION: The section 3 program was established by the Urban Mass Transportation Act of 1964 to provide capital assistance to eligible recipients in urban areas. Funding for this program is distributed on a discretionary basis. The section 9 formula program was established by the Surface Transportation Assistance Act of 1982. Funds appropriated to this program are allocated on a formula basis to provide capital and operating assistance in urbanized areas. Pursuant to the statute UMTA reports the following grant information:

SECTION 3 GRANTS

Transit property	Grant number	Grant amount	Date obligated
Los Angeles County Transportation Commission, Los Angeles, CA	CA-03-0332	$1,237,500	6-30-88
Metropolitan Dade County Transportation Administration, Miami, FL	FL-03-0064-02	1,108,044	6-30-88
Metropolitan Area Rapid Transit Authority, Atlanta, GA	GA-03-0032	39,525,699	6-30-88
Metropolitian Area Rapid Transit Authority, Atlanta, GA	GA-03-0033	105,469,998	6-30-88
Cobb County, Atlanta, GA	GA-03-0034	3,000,000	6-30-88
Regional Transit Authority, New Orleans, LA	LA-03-0044	2,630,251	6-23-88
Massachusetts Bay Transportation Authority, Boston, MA	MA-03-0146	23,475,000	6-30-88
Maasachusetts Bay Transportation Authority, Boston, MA	MA-03-0147	14,130,000	6-30-88
Massachusetts Bay Transportation Authority, Boston, MA	MA-03-0148	13,748,625	6-30-88
Montachusett Area Regional Transit Authority, Fitchburg-Leominster, MA	MA-03-0150-01	405,000	6-30-88
Mass Transportation Authority, Flint, MI	MI-03-0114	2,013,750	6-30-88
City of Rochester, Rochester, MN	MN-90-X035	204,000	6-30-88
New Jersey Transit Corporation, Statewide, NJ	NJ-03-0073	10,000,002	6-30-88
City of Albuquerque, Albuquerque, NM	NM-03-0007	1,400,000	6-30-88
Area Transportation Authority of North Central Pennsylvania, McKean County, PA	PA-03-0192-01	496,920	6-30-88
Dallas Area Rapid Transit Authority, Dallas, TX	TX-03-0120	3,900,000	6-30-88
Brazos County, Houston TX	TX-03-0123	928,000	6-30-88
Utah Transit Authority, Provo, UT	UT-03-0012	3,750,000	6-30-88

SECTION 3 GRANTS—Continued

Transit property	Grant number	Grant amount	Date obligated
Town of Blacksburg, Blackburg, VA	VA-03-0038	1,980,000	6-30-88
Greater Roanoke Transit Company, Roanoke, VA	VA-03-0037	847,500	6-30-88

SECTION 9 GRANTS

Transit property	Grant number	Grant amount	Date obligated
Alabama Highway Department, Montgomery, AL	AL-90-X033	$1,507,794	6/29/88
Birmingham-Jefferson County Transit Authority, Birmingham, AL	AL-90-X015-01	9,952	6/29/88
Central Arkansas Transit Authority, Little Rick, AR	AR-90-X012	4,158,596	6/30/88
City of Phoenix, Phoenix, AZ	AZ-90-X019	10,093,144	6/30/88
Los Angeles County, Lancaster, CA	CA-90-X304	315,700	6/30/88
Chico Area Transit System, Chico, CA	CA-90-X299	740,400	6/30/88
Kern County Council of Governments, Bakersfield, CA	CA-90-X296	146,000	6/30/88
Yolo County, Sacramento, CA	CA-90-X294	182,096	6/30/88
Sunline Transit Agency, Palm Springs, CA	CA-90-X303	246,976	6/30/88
City of Napa, Napa, CA	CA-90-X293	354,175	6/30/88
North San Diego County Transit Development Board, San Diego, CA	CA-90-X301	2,904,049	6/30/88
Santa Cruz Metropolitan Transit District, Santa Cruz, CA	CA-90-X300	786,307	6/30/88
Bay Area Rapid Transit District, San Francisco, CA	CA-90-X232-01	1,452,096	6/30/88
City of La Mirada, Los Angeles, CA	CA-90-X297	76,000	6/30/88
Monterey County, Seaside-Monterey, CA	CA-90-X302	107,774	6/30/88
City of Colorado Springs, Colorado Springs, CO	CO-90-X042	1,417,772	6/30/88
City of Pueblo, Pueblo, CO	CO-90-X027-01	38,867	6/30/88
South Central Regional Council of Governments, New Haven, CT	CT-90-X118	35,684	6/30/88
Valley Regional Planning Agency, Bridgeport, CT	CT-90-X116	14,000	6/30/88
Council of Governments, Central Naugatuck Valley, Waterbury, CT	CT-90-X117	36,976	6/30/88
Connecticut Department of Transportation, Hartford, CT	CT-90-X112	8,980,800	6/30/88
Milford Transit District, New Haven, CT	CT-90-X113	65,000	6/30/88
Connecticut Department of Transportation, Southwestern, CT	CT-90-X108-01	9,629,790	6/30/88
Southeastern Connecticut Regional Planning Agency, New London-Norwich, CT	CT-90-X115	14,000	6/30/88
Pinellas Suncoast Transit Authority, Clearwater, FL	FL-90-X108	429,576	6/30/88
Space Coast Area Transit, Melbourne, FL	FL-90-X109	1,323,838	6/30/88
Pasco County Board of Commissioners, Tampa, FL	FL-90-X110	167,537	6/30/88
Palm Beach County Transportation Authority, West Palm Beach, FL	FL-90-X112	2,757,318	6/30/88
Hillsborough Area Regional Transit, Tampa, FL	FL-90-X063-01	528,000	6/29/88
Lee County Board of Commissioners, Ft. Myers, FL	FL-90-X114	2,858,350	6/24/88
Regional Transit System, Gainesville, FL	FL-90-X113	2,835,400	6/30/88
Manatee County Board of Commissioners, Bradenton, FL	FL-90-X115	1,264,349	6/30/88
Panama City Urbanized Area MPO, Panama City, FL	FL-90-X082	640,000	6/24/88
Escambia County Transit System, Pensacola, FL	FL-90-X111	1,882,940	6/30/88
Sarasota County Transportation Authority, Sarasota, FL	FL-90-X102	2,005,479	6/24/88
Jacksonville Transportation Authority, Jacksonville, FL	FL-90-X107	3,978,863	6/30/88
Augusta-Richmond County Planning Commission, Augusta, GA	GA-90-X043	28,080	6/24/88
Metro Transportation Authority, Columbus, GA	GA-90-X042	1,114,061	6/24/88
Cobb County Department of Transportation, Atlanta, GA	GA-90-X033	1,869,000	6/30/88
City of Augusta, Augusta, GA	GA-90-X030	486,654	6/24/88
Atlanta Regional Commission, Atlanta, GA	GA-90-X041	121,140	6/30/88
East-Centro Intergovernmental Association, Dubuque, IA	IA-90-X093	22,000	6/30/88
University of Iowa, Iowa City, IA	IA-90-X087	64,000	6/30/88
City of Cedar Rapids, Cedar Rapids, IA	IA-90-X089	712,205	6/30/88
City of Dubuque (Keyline Transit System), Dubuque, IA	IA-90-X072-01	308,578	6/30/88
City of Cedar Rapids, Cedar Rapids, IA	IA-90-X088	248,000	6/30/88
City of Bettendorf, Bettendorf, IA	IA-90-X095	123,474	6/30/88
City of Dubuque (Keyline Transit System), Dubuque, IA	IA-90-X090	400,657	6/30/88
Metropolitan Transit Authority of Black Hawk County, Waterloo, IA	IA-90-X091	33,880	6/30/88
City of Davenport, Davenport, IA	IA-90-X092	623,097	6/30/88
Des Moines Metropolitan Transit Authority, Des Moines, IA	IA-90-X094	252,800	7/1/88
City of Kankakee, Kankakee, IL	IL-90-X122	24,837	6/30/88
Greater Peoria Mass Transit District, Peoria, IL	IL-90-X095-01	442,540	6/30/88
Pekin Municipal Bus System, Peoria, IL	IL-90-X112	118,133	6/30/88
Decatur Public Transit System, Decatur, IL	IL-90-X099-01	851,966	6/30/88
City of East Dubuque, East Dubuque, IL	IL-90-X119	3,006	7/14/88
City of East Dubuque, East Dubuque, IL	IL-90-X120	3,711	7/14/88
City of East Dubuque, East Dubuque, IL	IL-90-X118	293	7/14/88
Northwestern Indiana Regional Planning Commission, Northwestern, IN	IN-90-X110	1,234,635	6/30/88
Northern Indiana Commuter Transportation District, Northwestern, IN	IN-90-X106	5,778,981	6/30/88
South Bend Public Transportation Corporation, South Bend, IN	IN-90-X109	1,944,467	6/30/88
East Chicago Public Transportation, Northwestern, IN	IN-90-X108	247,500	6/30/88
City of Indianapolis, Indianapolis, IN	IN-90-X031-04	1,074,728	6/30/88
Indianapolis Public Transportation Corporation, Indianapolis, IN	IN-90-X089-01	1,044,589	6/30/88
Indianapolis Public Transportation Corporation, Indianapolis, IN	IN-90-X102	5,031,563	6/30/88
Topeka Metropolitan Transit Authority (Topeka Transit), Topeka, KS	KS-90-X029	840,000	6/30/88
Wichita-Sedgwick County Metropolitan Area Planning Dept., Wichita, KS	KS-90-X030	93,000	6/30/88
City of Owensboro, Owensboro, KY	KY-90-X037	493,570	6/24/88

SECTION 9 GRANTS—Continued

Transit property	Grant number	Grant amount	Date obligated
Transit Authority of Northern Kentucky, Fort Wright, KY	KY-90-X039	1,492,797	7/11/88
Henderson Area Rapid Transit, Henderson, KY	KY-90-X038	132,920	6/30/88
Jefferson Parish, New Orleans, LA	LA-90-X040-01	952,600	6/30/88
City of Lafayette, Lafayette, LA	LA-90-X077	1,262,000	6/30/88
City of Baton Rouge/Parish of East Baton Rouge, Baton Rouge, LA	LA-90-X079	1,564,600	6/30/88
City of Shreveport, Shreveport, LA	LA-90-X080	60,000	6/30/88
Greater Attleboro-Taunton Regional Transit Authority, Providence-Attleboro, MA	MA-90-X083	991,000	6/30/88
Merrimack Valley Regional Transit Authority, Haverhill, MA	MA-90-X080-01	50,000	6/30/88
Cape Ann Transportation Authority, Boston, MA	MA-90-X082	75,000	6/30/88
Mass Transit Administration, Baltimore, MD	MD-90-X034	873,584	6/30/88
State Railroad Adminsitration, Baltimore, MD	MD-90-X033	7,414,421	7/13/88
Mass Transit Administration, Baltimore, MD	MD-90-X032	18,862,339	6/30/88
Mass Transit Adminstration for Annapolis, Annapolis, MD	MD-90-X035	588,927	6/30/88
Greater Portland Transit District, Portland, ME	ME-90-X033	421,323	6/30/88
Maine Department of Transportation, Statewide, ME	ME-90-X036	69,900	6/30/88
Muskegon Area Transit System, Muskegon, MI	MI-90-X099	550,690	6/30/88
Bay County Metro Transportation Authority, Bay City, MI	MI-90-X098	423,421	7/11/88
Southeastern Michigan Transportation Authority, Detroit, MI	MI-90-X100	22,530,308	6/30/88
Mass Transportation Authority, Flint, MI	MI-90-X102	2,835,792	6/30/88
Saginaw Transit System, Saginaw, MI	MI-90-X101	2,025,520	6/30/88
Niles Dial-a-Ride, Miles, MI	MI-90-X097	136,700	6/30/88
Kansas City Area Transportation Authority, Kansas City, MO	MO-90-X039-01	388,678	6/30/88
Kansas City Area Transportation Authority, Kansas City, MO	MO-90-X044-01	234,102	6/30/88
City of Columbia, Columbia, MO	MO-90-X048	318,170	6/30/88
Mississippi Coast Transportation Authority, Gulfport, MS	MS-90-X019	1,216,000	6/24/88
Great Falls Transit District, Great Falls, MT	MT-90-X021	458,712	6/30/88
City of High Point, High Point, NC	NC-90-X074	663,200	6/28/88
City of Fayetteville, Fayetteville, NC	NC-90-X079	898,594	6/28/88
City of Greensboro, Greensboro, NC	NC-90-X076	148,800	6/27/88
City of Raleigh, Raleigh, NC	NC-90-X075	3,032,590	6/30/88
Town of Carrboro, Durham, NC	NC-90-X077	24,000	6/27/88
City of Hickory, Hickory, NC	NC-90-X078	222,668	6/24/88
Transit Authority of the City of Omaha, Omaha, NE	NE-90-X015-01	9,284	6/30/88
Manchester Transit Authority, Manchester, NH	NH-90-X016	610,739	6/30/88
New Jersey Transit Corporation, Statewide, NJ	NJ-90-X023-02	8,249,440	6/30/88
City of Santa Fe, Santa Fe, NM	NM-90-X021	261,486	6/30/88
City of Albuquerque, Albuquerque, NM	NM-90-X019-01	409,456	6/30/88
City of Las Cruces, Las Cruces, NM	NM-90-X020	159,506	6/30/88
County of Albany, Albany, NY	NY-90-X119	4,646,400	6/30/88
Onandaga County, Syracuse, NY	NY-90-X136	322,641	6/30/88
Broome County Department of Public Transportation, Binghamton, NY	NY-90-X137	1,382,976	6/30/88
Capital District Transportation Authority, Albany, NY	NY-90-X138	290,136	6/30/88
Rochester-Genesee Regional Transportation Authority, Rochester, NY	NY-90-X108-02	966,985	6/30/88
Oneida County, Utica, NY	NY-90-X129	419,486	6/30/88
Utica Transit Authority, Utica, NY	NY-90-X105-02	2,212	6/30/88
County of Orange, Newburgh, NY	NY-90-X122	483,562	6/30/88
Greater Cleveland Regional Transit Authority, Cleveland, OH	OH-90-X102	8,283,752	6/30/88
Central Oklahoma Transportation and Parking Authority, Oklahoma City, OK	OK-90-X023	3,395,332	6/30/88
Metropolitan Tulsa Transit Authority, Tulsa, OK	OK-90-X021-01	2,173,124	6/30/88
Tri-County Metropolitan Transportation District, Portland, OR	OR-90-X026-01	8,437,088	7/11/88
City of Washington, Pittsburgh, PA	PA-90-X142	115,638	6/24/88
Lehigh and Northampton Transportation Authority, Allentown, PA	PA-90-X145	3,126,250	6/30/88
Transportation and Motor Buses for Public Use Authority, Altoona, PA	PA-90-X146	788,002	6/24/88
County of Lackawanna Transit System, Scranton, PA	PA-90-X147	283,347	6/27/88
Williamsport Bureau of Transportation, Williamsport, PA	PA-90-X149	418,000	6/30/88
Borough of Canonsburg, Pittsburgh, PA	PA-90-X141	53,176	6/24/88
York Area Transportation Authority, York, PA	PA-90-X144	569,834	6/24/88
Erie Metropolitan Transit Authority, Erie, PA	PA-90-X148	1,949,652	6/30/88
Berks Area Reading Transportation Authority, Reading, PA	PA-90-X143	940,000	6/27/88
Municipality of Aguadilla, Aguadilla, PR	PR-90-X038	855,664	6/24/88
Municipality of Caguas, Caguas, PR	PR-90-X040	1,351,792	6/24/88
Municipality of Catano, San Juan, PR	PR-90-X037	89,600	6/24/88
Municipality of Hatillo, Arecibo, PR	PR-90-X039	492,000	6/24/88
Metropolitan Bus Authority, San Juan, PR	PR-90-X034-01	1,500,000	6/24/88
Rhode Island Department of Transportation, Providence, RI	RI-90-X010-01	89,464	6/30/88
Pee Dee Regional Transportation Authority, Florence, SC	SC-90-X022	242,943	6/30/88
Greenville Transit Authority, Greenville, SC	SC-90-X021	1,600,576	6/30/88
Central Midlands Regional Planning Council, Columbia, SC	SC-90-X023	96,597	6/24/88
City of Sioux Falls, Sioux Falls, SD	SD-90-X012	40,028	6/30/88
Jackson Transit Authority, Jackson, TN	TN-90-X064	286,272	6/30/88
Memphis Area Transit Authority, Memphis, TN	TN-90-X065	2,052,000	6/30/88
City of Clarksville, Clarksville, TN	TN-90-X063	240,065	6/30/88
Johnson City Transit System, Johnson City, TN	TN-90-X062	787,000	6/30/88
Dallas Area Rapid Transit Authority, Dallas, TX	TX-90-X103-01	1,780,000	6/30/88
Houston Metropolitan Transit Authority, Houston, TX	TX-90-X125	42,492,552	6/30/88
City of Port Arthur, Port Arthur, TX	TX-90-X128	400,000	6/30/88
City of Lubbock, Lubbock, TX	TX-90-X127	1,083,496	6/30/88
City of Arlington, Dallas, TX	TX-90-X126	230,000	6/30/88
City of Galveston, Galveston, TX	TX-90-X124	80,000	6/30/88

SECTION 9 GRANTS—Continued

Transit property	Grant number	Grant amount	Date obligated
Via Metropolitan Transit, San Antonio, TX	TX-90-X121	4,716,519	6/30/88
Fort Worth Transportation Authority, Fort Worth, TX	TX-90-X116	5,098,800	6/30/88
City of San Angelo, San Angelo, TX	TX-90-X117	409,553	6/30/88
Jaunt, Inc., Charlottesville, VA	VA-90-X054	158,597	6/30/88
Greater Lynchburg Transit Company, Lynchburg, VA	VA-90-X053	640,000	6/30/88
Ben Franklin Transit, Richland, WA	WA-90-X085	480,000	6/30/88
Spokane Transit Authority, Spokane, WA	WA-90-X077-01	792,000	6/30/88
Waukesha Metro Transit, Waukesha, WI	WI-90-X091	244,542	6/30/88
Beloit Transit System, Beloit, WI	WI-90-X092	191,791	6/30/88
Transit Network, Eau Claire, WI	WI-90-X096	67,764	6/30/88
Sheboygan Transit System, Sheboygan, WI	WI-90-X093	550,291	6/30/88
La Crosse Municipal Transit Utility, La Crosse, WI	WI-90-X089	556,279	6/30/88
Waukesha County Express and Freeway Flyer, Milwaukee, WI	WI-90-X090	183,263	6/30/88
Milwaukee County Transit System, Milwaukee, WI	WI-90-X094	14,519,251	6/30/88
Tri-State Transit Authority, Huntington, WV	WV-90-X025	1,137,300	6/30/88
Kanawha Valley Regional Transportation Authority, Charleston, WV	WV-90-X026	1,226,918	6/27/88
Mid Ohio Valley Transit Authority, Parkersburg, WV	WV-90-X027	469,426	6/27/88

SECTION 9 GRANTS READY FOR OBLIGATION WAITING FOR 13(c) CERTIFICATION

Transit property	Grant number	Grant amount
Birmingham-Jefferson County Transit Authority, Birmingham, AL	AL-90-X006-03	$240,000
Birmingham-Jefferson County Transit Authority, Birmingham, AL	AL-90-X031-01	232,800
Washington Metropolitan Area Transportation Authority, Washington, DC	DC-90-X010-01	30,429,600
Gary Public Transportation Corporation, Northwestern, IN	IN-90-X107	2,210,500
Transit Authority of Lexington Fayette Urban County Government, Lexington, KY	KY-90-X036	1,797,043
Regional Transit Authority, New Orleans, LA	LA-90-X081	9,221,897
Metropolitan Transportation Authority, New York, NY	NY-90-X135-01	53,387,196
Central Ohio Transit Authority, Columbus, OH	OH-90-X103	338,000
Corpus Christi Regional Transit Authority, Corpus Christi, TX	TX-90-X119	2,030,400
Snohomish County Public Transportation Benefit Area, Everett, WA	WA-90-X083	1,637,637
Madison Metro, Madison, WI	WI-90-X095	3,280,375

Issued on: July 21, 1988.

Matthew M. Wirgau,

Deputy Administrator.

[FR Doc. 88-17250 Filed 7-29-88; 8:45 am]

BILLING CODE 4910-57-M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 147
Monday, August 1, 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).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, August 5, 1988.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 88–17362 Filed 7–28–88; 3:26 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, August 12, 1988.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 88–17363 Filed 7–28–88; 3:26 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, August 19, 1988.

PLACE: 2033 K St. NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 88–17364 Filed 7–28–88; 3:26 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, August 26, 1988.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 88–17565 Filed 7–28–88; 3:26 pm]

BILLING CODE 6351-01-M

Corrections

Federal Register
Vol. 53, No. 147
Monday, August 1, 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.

THE PRESIDENT

3 CFR

Memorandum of July 21, 1988

Determination Under Section 301 of the Trade Act

Correction

In a Presidential Memorandum appearing on page 28177 in the issue of Wednesday, July 27, 1988, make the following correction:

On page 28177, the file line at the end of the document was omitted and should have appeared as follows:
[FR Doc. 88-17063
Filed 7-25-88; 4:53 pm]

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 88N-0202]

Drug Export; Nitropflaster Ratiopharm-5 and 10

Correction

In notice document 88-12158 beginning on page 20021 in the issue of Wednesday, June 1, 1988, make the following correction:

On page 20022, in the first column, in the second line, "**D. Hicks**" should read "**Daniel L. Michels**".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 88M-0220]

Paragon Optical, Inc.; Premarket Approval of FluoroPerm™ (Paflufocon A) Rigid Gas-Permeable Contact Lens (Clear and Tinted) for Extended Wear

Correction

In notice document 88-15529 beginning on page 26314 in the issue of Tuesday, July 12, 1988, make the following corrections:

On page 26315, in the second column, in the 4th line, "(21 U.S.C. 12)" should read "21 CFR Part 12"; and in the 11th line, "(21 U.S.C. 10.33(b))" should read "(21 CFR 10.33(b))".

BILLING CODE 1505-01-D

federal register

Monday
August 1, 1988

Part II

Federal Communications Commission

47 CFR Parts 1 and 87
Aviation Services; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 87

[PR Docket No. 87-214; FCC 88-210]

Aviation Services

AGENCY: Federal Communications Commission (FCC).

ACTION: Final rule.

SUMMARY: The FCC is revising and reorganizing Part 87 of the Rules governing the Aviation Services. This action is part of the FCC's ongoing effort to review, simplify and clarify its regulations. The intended effect of this action is to eliminate unnecessary rules and language and improve the organization of the regulations governing the Aviation Services.

EFFECTIVE DATE: August 31, 1988.

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

FOR FURTHER INFORMATION CONTACT: Maureen Cesaitis, Robert Mickley, or James Shaffer, Private Radio Bureau, Aviation and Marine Branch, Washington, DC 20554, (202) 632-7175.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (adopted June 23, 1988, and released July 14, 1988), revising and amending its Aviation Services. The full text of this Commission action is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of the Report and Order may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

1. We are revising the Commission's Rules governing the Aviation Services, which are contained in Part 87 of Title 47 of the Code of Federal Regulations. The removal of unnecessary language and rules, the elimination of redundant sections and the reorganization of certain rules into tables will result in a 30 percent reduction in the size of Part 87. These changes will significantly improve Part 87 and make it easier to use.

2. We are also making a number of substantive changes. In the aeronautical advisory station (unicom) rules, we are implementing two changes aimed at reducing congestion on certain frequencies. Under the new aviation support station category we are expanding the scope of communications permitted between aircraft and aviation service organizations. We will grant fleet licenses to Civil Air Patrol Wings. Further, we have added a number of tables which we believe will be easier to understand and use than the existing rules. We have included a new subpart consisting of a combined list which gives the frequency's use and references the appropriate subpart(s) for further details.

Final Regulatory Flexibility Analysis

3. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, the Commission's final regulatory flexibility analysis has been prepared. It is available for public viewing as part of the full text of this decision, which may be obtained from the Commission or its copy contractor.

Paperwork Reduction

4. The rule changes contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to decrease the information collection burden which the Commission imposes on the public. Implementation of any new or modified requirements or burden will be subject to approval by the Office of Management and Budget as prescribed in the Act.

Ordering Clauses

5. Accordingly, it is ordered, pursuant to section 4(i) and 303(r) of the Communications Act of 1934, as amended, that Part 87 of the Commission's Rules is amended effective August 29, 1988, as shown at the end of this document.

6. A copy of this Report and Order will be served on the Chief Counsel for Advocacy of the Small Business Administration.

7. It is further ordered that this proceeding is terminated.

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 87

Aeronautical stations, Aviational services, Civil defense, Communications equipment, General aviation, Incorporation by reference.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; Implement, 5 U.S.C. 552, unless otherwise noted.

2. Section 1.962 is amended by revising paragraph (a)(5) to read as follows:

§ 1.962 Public notice of acceptance for filing; petitions to deny applications of specified categories.

(a) * * *

* * * * *

(5) Airport control tower stations.

* * * * *

3. Part 87 is revised in its entirety to read as follows:

PART 87—AVIATION SERVICES

Subpart A—General Information

Subpart B—Applications and Licenses

Subpart C—Operating Requirements and Procedures

Operating Requirements

Radio Operator Requirements

Operating Procedures

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–156, 301–609.

Subpart A—General Information

§ 87.1 Basis and purpose.

This section contains the statutory basis and provides the purpose for which this part is issued.

(a) *Basis.* The rules for the aviation services in this part are promulgated under the provisions of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission (Commission) to regulate radio transmission and to issue licenses for radio stations. These rules conform with applicable statutes and international treaties, agreements and recommendations to which the United States is a party. The most significant of these documents are listed with the short title appearing in parentheses:

(1) Communications Act of 1934, as amended—(Communications Act).

(2) International Telecommunication Union Radio Regulations, in force for the United States—(Radio Regulations).

(3) The Convention on International Civil Aviation—(ICAO Convention).

(b) *Purpose.* This part states the conditions under which radio stations may be licensed and used in the aviation services. These rules do not govern U.S. Government radio stations.

§ 87.3 Other applicable rule parts.

Other applicable CFR Title 47 parts include:

(a) Part 0 contains the Commission's organizations and delegations of authority. Part 0 also lists Commission publications, standards and procedures for access to Commission records and location of Commission monitoring stations.

(b) Part 1 contains rules of practice and procedure for license applications, adjudicatory proceedings, rule making proceedings, procedures for reconsideration and review of the Commission's actions, provisions concerning violation notices and forfeiture proceedings, and the requirements for environmetal impact statements.

(c) Part 2 contains the Table of Frequency Allocations and special requirements in international regulations, recommendations, agreements, and treaties. This part also contains standards and procedures concerning marketing of radio frequency devices, and for obtaining equipment authorization.

(d) Part 13 contains information and rules for the licensing of commercial radio operators.

(e) Part 17 contains requirements for construction, marking and lighting of antenna towers.

(f) Part 80 contains rules for the maritime services. Certain maritime frequencies are available for use by aircraft stations for distress and safety, public correspondence and operational communications.

§ 87.5 Definitions.

Aeronautical advisory station (unicom). An aeronautical station used for advisory and civil defense communications primarily with private aircraft stations.

Aeronautical enroute station. An aeronautical station which communicates with aircraft stations in flight or other aeronautical enroute stations.

Aeronautical fixed service. A radiocommunication service between

specified fixed points provided primarily for the safety of air navigation and for the regular, efficient and economical operation of air transport. A station in this service is an aeronautical fixed station.

Aeronautical mobile service. A mobile service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft stations may also participate; emergency position-indicating radiobeacon stations may also participate in this service on designated distress and emergency frequencies.

Aeronautical multicom station. An aeronautical station used to provide communications to conduct the activities being performed by, or directed from, private aircraft.

Aeronautical radionavigation service. A radionavigation service intended for the benefit and for the safe operation of aircraft.

Aeronautical search and rescue station. An aeronautical station for communication with aircraft and other aeronautical search and rescue stations pertaining to search and rescue activities with aircraft.

Aeronautical station. A land station in the aeronautical mobile service. In certain instances an aeronautical station may be located, for example, on board ship or on a platform at sea.

Aeronautical utility mobile station. A mobile station used on airports for communications relating to vehicular ground traffic.

Air carrier aircraft station. A mobile station on board an aircraft which is engaged in, or essential to, the transportation of passengers or cargo for hire.

Aircraft station. A mobile station in the aeronautical mobile service other than a survival craft station, located on board an aircraft.

Airport. An area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

Airport control tower (control tower) station. An aeronautical station providing communication between a control tower and aircraft.

Automatic weather observation station. A land station located at an airport and used to automatically transmit weather information to aircraft.

Aviation service organization. Any business firm which maintains facilities at an airport for the purposes of one or more of the following general aviation activities: (a) Aircraft fueling; (b) aircraft services (e.g. parking, storage, tie-downs); (c) aircraft maintenance or sales; (d) electronics equipment maintenance or sales; (e) aircraft rental, air taxi service or flight instructions; and (f) baggage and cargo handling, and other passenger or freight services.

Aviation services. Radio-communication services for the operation of aircraft. These services include aeronautical fixed service, aeronautical mobile service, aeronautical radiodetermination service, and secondarily, the handling of public correspondence on frequencies in the maritime mobile and maritime mobile satellite services to and from aircraft.

Aviation support station. An aeronautical station used to coordinate aviation services with aircraft and to communicate with aircraft engaged in unique or specialized activities. (See Subpart K)

Civil Air Patrol station. A station used exclusively for communications of the Civil Air Patrol.

Emergency locator transmitter (ELT). A transmitter of an aircraft or a survival craft actuated manually or automatically that is used as an alerting and locating aid for survival purposes.

Emergency locator transmitter (ELT) test station. A land station used for testing ELTs or for training in the use of ELTs.

Flight test aircraft station. An aircraft station used in the testing of aircraft or their major components.

Flight test land station. An aeronautical station used in the testing of aircraft or their major components.

Glide path station. A radionavigation land station which provides vertical guidance to aircraft during approach to landing.

Instrument landing system (ILS). A radionavigation system which provides aircraft with horizontal and vertical guidance just before and during landing and, at certain fixed points, indicates the distance to the reference point of landing.

Instrument landing system glide path. A system of vertical guidance embodied in the instrument landing system which indicates the vertical deviation of the aircraft from its optimum path of descent.

Instrument landing system localizer. A system of horizontal guidance embodied in the instrument landing system which indicates the horizontal deviation of the aircraft from its optimum path of descent along the axis of the runway or along some other path when used as an offset.

Land station. A station in the mobile service not intended to be used while in motion.

Localizer station. A radionavigation land station which provides horizontal guidance to aircraft with respect to a runway center line.

Marker beacon station. A radionavigation land station in the aeronautical radionavigation service which employs a marker beacon. A marker beacon is a transmitter which radiates vertically a distinctive pattern for providing position information to aircraft.

Mean power (of a radio transmitter). The average power supplied to the antenna transmission line by a transmitter during an interval of time sufficiently long compared with the lowest frequency encountered in the modulation taken under normal operating conditions.

Microwave landing system. An instrument landing system operating in the microwave spectrum that provides lateral and vertical guidance to aircraft having compatible avionics equipment.

Mobile service. A radiocommunication service between mobile and land stations, or between mobile stations. A mobile station is intended to be used while in motion or during halts at unspecified points.

Operational fixed station. A fixed station, not open to public correspondence, operated by and for the sole use of persons operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

Peak envelope power (of a radio transmitter). The average power supplied to the antenna transmission line by a transmitter during one radio frequency cycle at the crest of the modulation envelope taken under normal operating conditions.

Private aircraft station. A mobile station on board an aircraft not operated as an air carrier. A station on board an air carrier aircraft weighing less than 12,500 pounds maximum certified takeoff gross weight may be licensed as a private aircraft station.

Racon station. A radionavigation land station which employs a racon. A racon (radar beacon) is a transmitter-receiver associated with a fixed navigational mark, which when triggered by a radar, automatically returns a distinctive signal which can appear on the display of the triggering radar, providing range, bearing and identification information.

Radar. A radiodetermination system based upon the comparison of reference signals with radio signals reflected, or re-transmitted, from the position to be determined.

Radio altimeter. Radionavigation equipment, on board an aircraft or spacecraft, used to determine the height

of the aircraft or spacecraft above the Earth's surface or another surface.

Radiobeacon station. A station in the radionavigation service the emissions of which are intended to enable a mobile station to determine its bearing or direction in relation to the radiobeacon station.

Radiodetermination service. A radiocommuncation service which uses radiodetermination. Radiodetermination is the determination of the position, velocity and/or other characteristics of an object, or the obtaining of information relating to these parameters, by means of the propagation of radio waves. A station in this service is called a radiodetermination station.

Radiolocation service. A radiodetermination service for the purpose of radiolocation. Radiolocation is the use of radiodetermination for purposes other than those of radionavigation.

Radionavigation land test stations. A radionavigation land station which is used to transmit information essential to the testing and calibration of aircraft navigational aids, receiving equipment, and interrogators at predetermined surface locations. The Maintenance Test Facility (MTF) is used primarily to permit maintenance testing by aircraft radio service personnel. The Operational Test Facility (OTF) is used primarily to permit the pilot to check a radionavigation system aboard the aircraft prior to takeoff.

Radionavigation service. A radiodetermination service for the purpose of radionavigation. Radionavigation is the use of radiodetermination for the purpose of navigation, including obstruction warning.

Surveillance radar station. A radionavigation land station in the aeronautical radionavigation service employing radar to display the presence of aircraft within its range.

Survival craft station. A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, life raft or other survival equipment.

VHF Omni directional range station (VOR). A radionavigation land station in the aeronautical radionavigation service providing direct indication of the bearing (omni-bearing) of that station from an aircraft.

Subpart B—Applications and Licenses

§ 87.17 Scope.

This subpart contains the procedures and requirements for the filing of applications for radio station licenses in the aviation services. Part 1 of the Commission's rules contains the general rules of practice and procedure applicable to proceedings before the Commission.

§ 87.19 Basic eligibility.

(a) *General.* Foreign governments or their representatives cannot hold station licenses.

(b) *Aeronautical enroute and aeronautical fixed stations.* The following persons cannot hold an aeronautical enroute or an aeronautical fixed station license.

(1) Any alien or the representative of any alien;

(2) Any corporation organized under the laws of any foreign government;

(3) Any corporation of which any officer or director is an alien;

(4) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or its representative, or by a corporation organized under the laws of a foreign country; or

(5) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or its representatives, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 87.21 Standard forms to be used.

(a) Applications must be submitted on prescribed forms which may be obtained from the Commission in Washington, DC 20554 or from any of its field offices.

(b) The following table indicates the correct standard form or other means to be used when submitting an application:

Class of station	Application for—	Use—
Aircraft	New license	FCC Form 404.
	Fleet license (new).	FCC Form 404.
	Modification of license.	FCC Form 404.
	Renewal of license with modification.	FCC Form 404.
	Renewal of license without modification.	FCC Form 405–B.
	Temporary operating authority in conjunction with application for a new license or modification of license.	FCC Form 404–A.
	Transfer of control of corporation.	FCC Form 703.
	Special Temporary authority.	Letter/Telegram.
	Name or address change.	Letter.
Ground	New license	FCC Form 406.
	Modification of license.	FCC Form 406.
	Renewal of license with modification.	FCC Form 406.
	Renewal of license without modification.	FCC Form 405–A.
	Assignment of license.	FCC Form 1046 and 406.
	Transfer of control of corporation.	FCC Form 703.
	Special Temporary Authority.	Letter/Telegram.
Civil Air Patrol.	New license	FCC Form 480.
	Modification of license.	FCC Form 480.
	Renewal of license.	FCC Form 480.

§ 87.23 Supplemental information required.

(a) To minimize harmful interference at the National Radio Astronomy Observatory site at Green Bank, Pocahontas County, WV, and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, WV, an applicant for a new station license (other than mobile, temporary base, temporary fixed or Civil Air Patrol), or for modification of an existing license to change the frequency, power, antenna location, height or directivity within the area bounded by 39'15'N. on the north, 78'30'W. on the east, 37'30'N on the south and 80'30'W on the west, must first notify the Director, National Radio Astronomy Observatory, Attn: Interference Office, Post Office Box No. 2, Green Bank, WV 24944, in writing, of the geographical coordinates of the antenna, antenna height, antenna directivity, frequency, emission and power. The application to the Commission must show the date notification was made to the Observatory. The Commission will allow twenty (20) days after receipt of its copy of the notification for comments

or objections. If a timely response is received, the Commission will consider the comments or objections.

(b) Geographical coordinates of Commission facilities which require protection are listed in § 0.121(c). Applications for stations (except mobile stations) which will be located within 80 km (50 miles) of the referenced coordinates are examined to determine extent of possible interference. A clause protecting the monitoring station may be added to the station license.

(c) Each application for a station license to operate in the vicinity of Boulder County, CO, under this part must give due consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from harmful interference. These are the Research Laboratories of the Department of Commerce, Boulder County, CO. To prevent degradation of the present ambient radio signal level at the site, the Department of Commerce seeks to ensure that field strength at 40°07'50"N latitude, 105° 14'40"W longitude, resulting from new assignments (other than mobile stations) or from the modification or relocation of the existing facilities do not exceed the following values:

Frequency range	Field strength (mV/m) in authorized bandwidth of service	Power flux density [1] (dBW/m²) in authorized bandwidth of service
Below 540 kHz	10	−65.8
540 to 1600 kHz	20	−59.8
1.6 to 470 MHz	10	[2] −65.8
470 to 890 MHz	30	[2] −56.2
Above 890 MHz	1	[2] −85.8

[1] Equivalent values of power flux density are calculated assuming a free-space characteristic impedence of 376.7 120 ohms.

[2] Space stations shall conform to the power flux density limits at the earth's surface specified in appropriate parts of the Commission's rules, but in no case should exceed the above levels in any 4 kHz band for all angles of arrival.

(d) Each applicant is responsible for determining whether proposals for a new or modified station require envionmental information. Applicants should refer to § 1.1307 to identify those actions for which environmental information must be submitted.

§ 87.25 Filing of applications.

Rules about the filing of applications for radio station licenses are contained in this section.

(a) Each application must specify an address in the United States to be used by the Commission in serving documents or directing correspondence to the licensee. Otherwise the address contained in the licensee's most recent notification will be used for this purpose. Failure to answer Commission correspondence can result in revocation of the license.

(b) An original of each application must be filed with the Commission, Gettysburg, PA 17326, unless otherwise noted on the application form. Applications requiring fees as set forth at Part 1, Subpart G of this chapter must be filed in accordance with § 0.401(b) of the rules.

(c) One application may be submitted for the total number of aircraft stations in the fleet (fleet license).

(d) One application for aeronautical land station license may be submitted for the total number of stations in the fleet.

(e) One application for modification or transfer of control may be submitted for two or more stations when the individual stations are clearly identified and the following elements are the same for all existing or requested station licenses involved:

(1) Applicant;

(2) Specific details of request;

(3) Rule part.

(f) One application must be submitted for each Civil Air Patrol wing. The application must show the total number of transmitters to be authorized. The wing need not notify the Commission each time the number of transmitters is altered. Upon renewal, the wing must notify the Commission of any change in the total number of transmitters.

Note.—A fee schedule was implemented by the Federal Communications Commission on April 1, 1986. A synopsis of the new fee schedule applicable to the Aviation Services is printed here as a convenience to the reader. Governmental entities are exempt from the fee schedule.

Aircraft stations (new, modification or renewal); no fee; submit to address indicated on FCC Form 404 or FCC Form 405B, as appropriate.

Aviation ground stations (new or modification); $60 fee; submit FCC Form 406 to FCC, Aviation Ground Service, P.O. Box 371632M, Pittsburgh, PA 15251–7632.

Aviation ground stations (renewal); $60 fee; submit FCC Form 405A to FCC, 405A Station Renewal, P.O. Box 360703M, Pittsburgh, PA 15251–6703.

§ 87.27 License term.

(a) Licenses for regular stations will normally be issued for five years.

(b) Licenses for developmental stations will be issued for a period not to exceed one year and are subject to change or to cancellation by the Commission at any time, upon reasonable notice but without a hearing.

§ 87.29 Partial grant of application.

Whenever the Commission, without a hearing, grants an application in part or with any privileges, terms, or conditions other than those requested, the action will be considered as a grant of the application unless the applicant, within 30 days from the date on which such grant is made, or from its effective date if a later day is specified, files with the Commission a written protest, rejecting the grant as made. Upon receipt of such protest, the Commission will vacate its original action upon the application and, if necessary, set the application for hearing.

§ 87.31 Changes during license term.

The following table indicates the required action for changes made during the license term:

Type of change	Required action
Mailing address	Written notice to FCC. Gettysburg, PA 17326.
Name of licensee (without change in ownership, control or corporate structure).	Written notice to FCC. Gettysburg, PA 17326.
Transfer of control of a corporation.	Use FCC Form 703.
Assignment of a radio station license (except aircraft station license).	Use FCC Form 1046 and 406.
Addition of transmitting equipment on a frequency, frequency band or with emission types not authorized on present license.	Use FCC Form 404 (aircraft). Use FCC Form 406 (land). Use FCC Form 480 (C.A.P.).
Addition or replacement of transmitting equipment on a frequency or frequency band with emission types authorized on present license.	None.
Addition of survival craft station.	None

§ 87.33 Transfer of aircraft station license prohibited.

An aircraft station license cannot be assigned. If the aircraft ownership is transferred, the previous license must be returned to the Commission. The new owner must file for a new license.

§ 87.35 Cancellation of license.

When a station permanently discontinues operation, the license must be returned to the Commission, Gettysburg, PA 17326.

§ 87.37 Developmental license.

This section contains rules about the licensing of developmental operations subject to this part.

(a) *Showing required.* Each application for a developmental license

must be accompanied by a letter showing that:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential;

(3) The program has reasonable promise of substantial contribution to of the use of radio;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally qualified and possesses technical facilities for conduct of the program as proposed;

(6) The public interest, convenience and necessity will be served by the proposed operation.

(b) *Signature and statement of understanding.* The showing must be signed by the applicant.

(c) *Assignable frequencies.* Developmental stations may be authorized to use frequencies available for the service and class of station proposed. The number of frequencies assigned will depend upon the specific requirements of the developmental program and the number of frequencies available.

(d) *Developmental program.* (1) The developmental program as described by the applicant must be substantially followed.

(2) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions as considered necessary in the public interest, convenience or necessity.

(3) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

(e) *Use of developmental stations.* (1) Developmental stations must conform to all applicable technical and operating requirements contained in this part, unless a waiver is specifically provided in the station license.

(2) Communication with any station of a country other than the United States is prohibited unless specifically provided in the station license.

(3) The operation of a developmental station must not cause harmful interference to stations regularly authorized to use the frequency.

(f) *Report of operation required.* A report on the results of the developmental program must be filed within 60 days of the expiration of the license. A report must accompany a request for renewal of the license. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information. However, public disclosure is governed by § 0.467 of the Commission's rules. The report must include the following:

(1) Results of operation to date.

(2) Analysis of the results obtained.

(3) Copies of any published reports.

(4) Need for continuation of the program.

(5) Number of hours of operation on each authorized frequency during the term of the license to the date of the report.

§ 87.39 Equipment acceptable for licensing.

Transmitters listed in this part must be type accepted for a particular use by the Commission based upon technical requirements contained in Subpart D of this part.

§ 87.41 Frequencies.

(a) *Applicant responsibilities.* The applicant must propose frequencies to be used by the station consistent with the applicant's eligibility, the proposed operation and the frequencies available for assignment. Applicants must cooperate in the selection and use of frequencies in order to minimize interference and obtain the most effective use of stations. See Subpart E and the appropriate subpart applicable to the class of station being considered.

(b) *Licensing limitations.* Frequencies are available for assignment to stations on a shared basis only and will not be assigned for the exclusive use of any licensee. The use of any assigned frequency may be restricted to one or more geographical areas.

(c) *Government frequencies.* Frequencies allocated exclusively to federal government radio stations may be licensed. The applicant for a government frequency must provide a satisfactory showing that such assignment is required for inter-communication with government stations or required for coordination with activities of the federal government. The Commission will coordinate with the appropriate government agency before a government frequency is assigned.

(d) *Assigned frequency.* The frequency coinciding with the center of an authorized bandwidth of emission must be specified as the assigned frequency. For single sideband emission, the carrier frequency must also be specified.

§ 87.43 Operation during emergency.

A station may be used for emergency communications in a manner other than that specified in the station license or in the operating rules when normal communication facilities are disrupted. The Commission may order the discontinuance of any such emergency service.

§ 87.45 Time in which station is placed in operation.

This section applies to unicom stations and radionavigation land stations, excluding radionavigation land test stations. In those cases in which a new or modified license is issued, if the station or modifications authorized have not been placed in operation within eight months from the date of the grant, the license becomes invalid and must be returned to the Commission unless the licensee shows good cause why notification was not made. The licensee must notify the Commission in writing when the station is placed in operation.

§ 87.47 Application for a portable aircraft station license.

A person may apply for a portable aircraft radio station license if the need exists to operate the same station on more than one U.S. aircraft.

Subpart C—Operating Requirements and Procedures

Operating Requirements

§ 87.69 Maintenance tests.

The licensee may make routine maintenance tests on equipment other than emergency locator transmitters if there is no interference with the communications of any other station. Procedures for conducting tests on emergency locator transmitters are contained in Subpart F.

§ 87.71 Frequency measurements.

A licensed operator must measure the operating frequencies of all land-based transmitters at the following times:

(a) When the transmitter is originally installed;

(b) When any change or adjustment is made in the transmitter which may affect an operating frequency; or

(c) When an operating frequency has shifted beyond tolerance.

§ 87.73 Transmitter adjustments and tests.

A general radiotelephone operator must directly supervise and be responsible for all transmitter adjustments or tests during installation, servicing or maintenance of a radio station. A general radiotelephone operator must be responsible for the proper functioning of the station equipment.

§ 87.75 Maintenance of tower marking and control equipment.

Section 303(q) of the Communications Act of 1934, as amended, requires some antenna structures to be painted or illuminated. The licensee of any radio station which has such an antenna structure must operate and maintain the tower marking and associated control equipment in accordance with Part 17 of this chapter.

§ 87.77 Availability for inspections.

The licensee must make the station and its records available for inspection upon request.

§ 87.79 Answer to notice of violation.

(a) Any person who receives an official notice of violation of the Communications Act, any legislative act, executive order, treaty to which the U.S. is a party, terms of a station or operator license, or the Commission's rules must send a written answer, in duplicate, to the office which originated the notice, within 10 days of receipt. If the licensee cannot acknowledge within the allotted period due to unavoidable circumstances, an answer must be given at the earliest practicable date with a satisfactory explanation of the delay.

(b) The answer to each notice must be complete in itself. The answer must contain a full expalantion of the incident involved and must give the action taken to prevent a recurrence of the violation. If the notice relates to operator errors, the answer must give the name and license number of the operator on duty.

Radio Operator Requirements

§ 87.87 Classification of operator licenses and endorsements.

(a) Commercial radio operator licenses issued by the Commission are classified in accordance with the Radio Regulations of the International Telecommunication Union.

(b) The following licenses are issued by the Commission. International classification, if different from the license name, is given in parentheses. The licenses and their alphanumeric designator are listed in descending order.

(1) T–1 First Class Radiotelegraph Operator's Certificate

(2) T–2 Second Class Radiotelegraph Operator's Certificate

(3) G General Radiotelephone Operator Licenes (radiotelephone operator's general certificate)

(4) T–3 Third Class Radiotelegraph Operator's Certificate (radiotelegraph operator's special certificate)

(5) MP Marine Radio Operator Permit (radiotelephone operator's restricted certificate)

(6) RP Restricted Radiotelephone Operator Permit (radiotelephone operator's restricted certificate)

§ 87.89 Minimum operator requirements.

(a) A station operator must hold a commercial radio operator license or permit, except as listed in paragraph (d).

(b) The minimum operator license or permit required for operation of each specific classification is:

Minimum Operator License or Permit

Land stations, all classes

—All frequencies except VHF telephony transmitters providing domestic service.....RP

Aircraft stations, all classes

—Frequencies below 30 MHz allocated exclusively to aeronautical mobile services.....RP

—Frequencies below 30 MHz not allocated exclusively to aeronautical mobile services...MP or higher

—Frequencies above 30 MHz not allocated exclusively to aeronautical mobile services and assigned for international use...MP or higher

—Frequencies above 30 MHz not assigned for international use..... none

—Frequencies not used solely for telephone or exceeding 250 watts carrier power or 1000 watts peak envelope power.....G or higher

(c) The operator of a telephony station must directly supervise and be responsible for any other person who transmits from the station, and must ensure that such communications are in accordance with the station license.

(d) No operator license is required to:

(1) Operate an aircraft radar set, radio altimeter, transponder or other aircraft automatic radionavigation transmitter by flight personnel;

(2) Test an emergency locator transmitter or a survival craft station used solely for survival purposes;

(3) Operate an aeronautical enroute station which automatically transmits digital communications to aircraft stations;

(4) Operate a VHF telephony transmitter providing domestic service or used on domestic flights.

§ 87.91 Operation of transmitter controls.

The holder of a marine radio operator permit or a restricted radiotelephone operator permit must perform only transmitter operations which are controlled by external switches. These operators must not perform any internal adjustment of transmitter frequency determining elements. Further, the stability of the transmitter frequencies at a station operated by these operators must be maintained by the transmitter itself. When using an aircraft radio station on maritime mobile service frequencies the carrier power of the transmitter must not exceed 250 watts (emission A3E) or 1000 watts (emission R3E, H3E, or J3E).

Operating Procedures

§ 87.103 Posting station license.

(a) *Stations at fixed locations.* The license or a photocopy must be posted or retained in the station's permanent records.

(b) *Aircraft radio stations.* The license must be either posted in the aircraft or kept with the aircraft registration certificate.

(c) *Aeronautical mobile stations.* The license must be retained as a permanent part of the station records.

§ 87.105 Availability of operator permit or license.

All operator permits or licenses must be readily available for inspection.

§ 87.107 Station identification.

(a) *Aircraft station.* Identify by one of the following means:

(1) Aircraft radio station call sign.

(2) Assigned FCC control number (assigned to ultralight aircraft).

(3) The type of aircraft followed by the characters of the registration marking ("N" number) of the aircraft, omitting the prefix letter "N". When communication is initiated by a ground station, an aircraft station may use the type of aircraft followed by the last three characters of the registration marking.

(4) The FAA assigned radiotelephony designator of the aircraft operating organization followed by the flight identification number.

(5) An aircraft identification approved by the FAA for use by aircraft stations participating in an organized flying activity of short duration.

(b) *Land and fixed stations.* Identify by means of radio station call sign, its location, its assigned FAA identifier, the name of the city area or airport which it serves, or any additional identification required. An aeronautical enroute station which is part of a multistation network may also be identified by the location of its control point.

(c) *Survival craft station.* Identify by transmitting a reference to its parent aircraft. No identification is required when distress signals are transmitted automatically. Transmissions other than distress or emergency signals, such as equipment testing or adjustment, must be identified by the call sign or by the registration marking of the parent

aircraft followed by a single digit other than 0 or 1.

(d) *Exempted station.* The following types of stations are exempted from the use of a call sign: Airborne weather radar, radio altimeter, air traffic control transponder, distance measuring equipment, collision avoidance equipment, racon, radio relay, radionavigation land test station (MTF), and automatically controlled aeronautical enroute stations.

§ 87.109 Station logs.

A station at a fixed location in the international aeronautical mobile service must maintain a written or automatic log in accordance with Paragraph 3.5, Volume II, Annex 10 of the ICAO Convention.

§ 87.111 Suspension or discontinuance of operation.

The licensee must notify the nearest FAA regional office upon the temporary suspension or permanent discontinuance of any station. This requirement does not apply to aircraft stations. The FAA center must be notified again when service resumes.

Subpart D—Technical Requirements

§ 87.131 Power and emissions.

(a) The authorized emissions and maximum power are as follows:

Class of station	Frequency band/ frequency	Authorized emission(s)	Maximum power [1]
Aeronautical advisory	VHF	A3E	10 watts.
Aeronautical multicom	VHF	A3E	10 watts.
Aeronautical enroute and aeronautical fixed	HF	R3E, H3E, J3E, J7B, H2B, A1A, F1B, J2A, J2B	6 kw
			1.5 kw.
	VHF	A3E	200 watts.[2]
Aeronautical search	VHF	A3E	10 watts.
and rescue	HF	R3E, H3E, J3E	100 watts.
Operational fixed	VHF	G3E, F2D	30 watts.
Flight test land	VHF	A3E	200 watts.
	UHF	F2D, F9D, F7D	25 watts.[3]
	HF	H2B, J3E, J7D, J9W	6.0 kw.
Aviation support	VHF	A3E	50 watts.
Airport control tower	VHF	A3E	50 watts.
	below 400 kHz	A3E	15 watts.
Aeronautical utility mobile	VHF	A3E	10 watts.
Radionavigation land test	108.150 MHz	A9W	1 milliwatt.
	334.550 MHz	A1N	1 milliwatt.
	other VHF	M1A, XXA, A1A, A1N, A2A, A2D, A9W	1 watt.
	other UHF	M1A, XXA, A1A, A1N, A2A, A2D, A9W	1 watt.
	5031.0 MHz	F7D	1 watt.
Radionavigation land	various [4]	various [4]	various [4]
Aircraft Communication		Aeronautical frequencies	
	UHF	F2D, F9D, F7D	25 watts.
	VHF	A3E	55 watts.
	HF	R3E, H3E, J3E, J7B, H2B, J7D, J9W	400 watts.
	HF	A1A, F1B, J2A, J2B	100 watts.
Radionavigation	various [5]	various [5]	various [5]
		Marine Frequencies [6]	
	156.300 MHz	G3E	5 watts.
	156.375 MHz	G3E	5 watts.
	156.400 MHz	G3E	5 watts.
	156.425 MHz	G3E	5 watts.
	156.450 MHz	G3E	5 watts.
	156.625 MHz	G3E	5 watts.
	156.800 MHz	G3E	5 watts.
	156.900 MHz	G3E	5 watts.
	156.425 MHz	G3E	5 watts.
	HF [7]	R3E, H3E, J3E, J2B, F1B, A3E	1000 watts
			250 watts.
	MF [7]	R3E, H3E, J3E, J2B, F1B,	1000 watts
		A3E	250 watts.

[1] The power is measured at the transmitter output terminals and the type of power is determined according to the emission designator as follows:
(i) Mean power (pY) for amplitude modulated emissions and transmitting both sidebands using unmodulated full carrier.
(ii) Peak envelope power (pX) for all emission designators other than those referred to in paragraph (i) of this note.
[2] Power and antenna height are restricted to the minimum necessary to achieve the required service.
[3] Transmitter power may be increased to overcome line and duplexer losses but must not exceed 25 watts delivered to the antenna.
[4] Frequency, emission and maximum power will be determined after coordination with appropriate Government agencies.
[5] Frequency, emission and maximum power will be determined by appropriate standards during the type acceptance process.
[6] To be used with airborne marine equipment type accepted for Part 80 (ship) and used in accordance with Part 87.
[7] Applicable only to marine frequencies used for public correspondence.
(b) Power must be determined by direct measurement.

§ 87.133 Frequency stability.

(a) Except as provided in paragraphs (c), (d), and (f) of this section, the carrier frequency of each station must be maintained within these tolerances:

Frequency band (lower limit exclusive, upper limit inclusive), and categories of stations	Tolerance [1]	Tolerance [2]
(1) Band-9 to 535 kHz:		
Aeronautical stations	100	100
Aircraft stations	200	100
Survival craft stations on 500 kHz.	5,000	20 Hz [3]
Radionavigation stations	100	100
(2) Band-1605 to 4000 kHz:		
Aeronautical fixed stations:		
Power 200 W or less	100	100 [6]
Power above 200 W	50	50 [6]
Aeronautical stations:		
Power 200 W or less	100 [7]	100 [7, 8]
Power above 200 W	50 [7]	50 [7, 8]
Aircraft stations	100 [7]	100 [7]
Survival craft stations on 2182 kHz.	200	20 Hz [3]
(3) Band-4 to 29.7 MHz:		
Aeronautical fixed stations:		
Power 500 W or less	50	
Power above 500 W	15	
Single-sideband and Independent-sideband emission:		
Power 500 W or less		50 Hz
Power above 500 W		20 Hz
Class F1B emissions		10 Hz
Other classes of emission:		
Power 500 W or less		20
Power above 500 W		10
Aeronautical stations:		
Power 500 W or less	[7] 100	100 [7]
Power above 500 W	[7] 50	50 [7]
Aircraft stations	[7] 100	100 [7]
Survival craft stations on 8364 kHz.	200	50 Hz [3]
(4) Band-29.7 to 100 MHz:		
Aeronautical fixed stations:		
Power 200 W or less	50	
Power above 200 W	30	
Power 50 W or less		30
Power above 50 W		20
Operational fixed stations:		
73–74.6 MHz (Power 50 W or less).	50	30
73–74.6 MHz (Power above 50 W).	20	20
72–73.0 MHz and 75.4–76.0 MHz.	5	5
Radionavigation stations	100	50
(5) Band-100 to 137 MHz:		
Aeronautical stations	[4] 50	20
Emergency locator transmitter test stations.	50	50
Survival craft stations on 121.5 MHz.	50	50
Emergency locator stations	50	50
Frequency band (lower limit exclusive, upper limit (inclusive), and categories of stations	Tolerance [1]	Tolerance [2]
Aircraft and other mobile stations in the Aviation Services.	50 [5]	30
Radionavigation stations	20	20
(6) Band-137 to 470MHz:		
Aeronautical stations	50	20
Survival craft stations on 243 MHz.	50	50
Aircraft stations	50 [5]	30
Radionavigation stations	50	50
(7) Band-470 to 2450 MHz:		
Aeronautical stations	100	20
Aircraft stations	100	20
Radionavigation stations:		
470–960 MHz	500	500
960–1215 MHz	20	20
1215–2450 MHz	500	500
(8) Band-2450 to 10500 MHz:		
Radionavigation stations	[6, 9] 1250	1250 [6, 9]
(9) Band-10.5 GHz to 40 GHz:		
Radionavigation stations	5000	5000

[1] This tolerance is the maximum permitted until January 1, 1990, for transmitters installed before January 2, 1985, and used at the same installation. Tolerance is indicated in parts in 10^6 unless shown as Hertz (Hz).

[2] This tolerance is the maximum permitted after January 1, 1985 for new and replacement transmitters and to all transmitters after January 1, 1990. Tolerance is indicated in parts in 10^6 unless shown as Hertz (Hz).

[3] For transmitters first type accepted or type approved after November 30, 1977.

[4] The tolerance for transmitters type accepted between January 1, 1966, and January 1, 1974, is 30 parts in 10^6. The tolerance for transmitters type accepted after January 1, 1974, and stations using offset carrier techniques is 20 parts in 10^6.

[5] The tolerance for transmitters type accepted after January 1, 1974, is 30 parts in 10^6.

[6] In the 5000 to 5250 MHz band, the FAA requires a tolerance of ±10 kHz for Microwave Landing System stations which are to be a part of the National Airspace System (FAR 171).

[7] For single-sideband transmitters operating in the frequency bands 1605–4000 kHz and 4–29.7 MHz which are allocated exclusively to the Aeronautical Mobile (R) Service, the tolerance is: Aeronautical stations, 10 Hz; aircraft stations, 20 Hz.

[8] For single-sideband radiotelephone transmitters the tolerance is: In the bands 1605–4000 kHz and 4–29.7 MHz for peak envelope powers of 200 W or less and 500 W or less, respectively, 50 Hz; in the bands 1605–4000 kHz and 4–29.7 MHz for peak envelope powers above 200 W and 500 W, respectively, 20 Hz.

[9] Where specific frequencies are not assigned to radar stations, the bandwidth occupied by the emissions of such stations must be maintained within the band allocated to the service and the indicated tolerance does not apply.

(b) The power shown in paragraph (a) of this section is the peak envelope power for single-sideband transmitters and the mean power for all other transmitters.

(c) For single-sideband transmitters, the tolerance is:

(1) All aeronautical stations on land other than Civil Air Patrol.....10 Hz

(2) All aircraft stations other than Civil Air Patrol.....20 Hz

(3) Civil Air Patrol Stations.....50 Hz

(d) For radar transmitters, except non-pulse signal radio altimeters, the frequency at which maximum emission occurs must be within the authorized frequency band and must not be closer than 1.5/T MHz to the upper and lower limits of the authorized bandwidth, where T is the pulse duration in microseconds.

(e) The Commission may authorize tolerances other than those specified in this section upon a satisfactory showing of need.

(f) The carrier frequency tolerance of transmitters operating in the 1435–1535 MHz and 2310–2390 MHz bands manufactured before January 2, 1985, is 0.003 percent. The carrier frequency tolerance of transmitters operating in the 1435–1535 MHz and 2310–2390 MHz bands manufactured after January 1, 1985, is 0.002 percent. After January 1, 1990, the carrier frequency tolerance of all transmitters operating in the 1435–1535 MHz and 2310–2390 MHz bands is 0.002 percent.

§ 87.135 Bandwidth of emission.

(a) Occupied bandwidth is the width of a frequency band such that, below the lower and above the upper frequency limits, the mean powers emitted are each equal to 0.5 percent of the total mean power of a given emission.

(b) The authorized bandwidth is the maximum occupied bandwidth authorized to be used by a station.

(c) The necessary bandwidth for a given class of emission is the width of the frequency band which is just sufficient to ensure the transmission of information at the rate and with the quality required under specified conditions.

§ 87.137 Types of emission.

(a) The assignable emissions, corresponding emission designators and authorized bandwidths are as follows:

Class of emission	Emission designator	Authorized bandwidth (kilohertz)		
		Below 50 MHz	Above 50 MHz	Frequency deviation
A1A [1]	100HA1A	0.25		
A1N	300HA1N		0.75	
A2A	2K04A2A	2.74	50	
A2D	6K0A2D		50	
A3E [2]	6K00A3E		[3] 50	
A3E	3K20A3E [15]		[15] 25	

Class of emission	Emission designator	Authorized bandwidth (kilohertz)		
		Below 50 MHz	Above 50 MHz	Frequency deviation
A3N [4]	3K20A3N		25	
A9W [5]	13K0A9W		25	
F1B [1]	1K70F1B	1.7		
F1B [1]	2K40F1B	2.5		
F2D	5M0F2D		([9])	
F3E [6]	16K0F3E		20	5
F3E [7]	36K0F3E		40	15
F7D [8]	5M0F7D		([9])	
F9D	5M0F9D		([9])	
G3E [6]	16K0G3E		20	5
H2B [10 11]	2K80H2B	3.0		
H3E [11 12]	2K80H3E	3.0		
J2A [1]	100HJ2A	0.25		
J2B [1]	1K70J2B	1.7		
	2K40J2B	2	.5	
J3E [11 12]	2K80J3E	3.0		
J7B [11]	2K80J7B	3.0		
J7D	5M0J7D		([9])	
J9W [11]	2K80J9W	3.0		
M1A	620HM1A			
NON	NON		None [15]	
PON [13]	([9])		([9])	
R3E [11 12]	2K80R3E	3.0		
XXA [14]	1K12XXA	2.74		

NOTES:

[1] A1A, F1B, J2A and J2B are permitted provided they do not cause harmful interference to H2B, J3E, J7B and J9W

[2] For use with an authorized bandwidth of 8.0 kilohertz at radiobeacon stations. A3E will not be authorized:

(i) At existing radiobeacon stations that are not authorized to use A3 and at new radiobeacon stations unless specifically recommended by the FAA for safety purposes.

(ii) At existing radiobeacon stations currently authorized to use A3, subsequent to January 1, 1990, unless specifically recommended by the FAA for safety purposes.

[3] In the band 117.975–136 MHz, the authorized bandwidth is 25 kHz for transmitters type accepted after January 1, 1974.

[4] Applicable only to Survival Craft Stations and to the emergency locator transmitters and emergency locator transmitter test stations employing modulation in accordance with that specified in § 87.141 of the Rules. The specified bandwidth and modulation requirements shall apply to emergency locator transmitters for which type acceptance is granted after October 21, 1973.

[5] This emission may be authorized only for audio frequency shift keying and phased shift keying for digital data links on any frequency listed in § 87.263(a)(1).

[6] Applicable to operational fixed stations in the bands 72.0–73.0 MHz and 75.4–76.0 MHz and to CAP stations using F3 on 143.900 MHz and 148.150 MHz.

[7] Applicable to operational fixed stations presently authorized in the band 73.0–74.6 MHz.

[8] The authorized bandwidth is equal to the necessary bandwidth for frequency or digitally modulated transmitters used in aeronautical telemetering and associated aeronautical telemetry or telecommand stations operating in the 1435–1535 MHz and 2310–2390 MHz bands. The necessary bandwidth must be computed in accordance with Part 2 of this chapter.

[9] To be specified on license.

[10] H2B must be used by stations employing digital selective calling.

[11] For A1A, F1B and single sideband emissions, except H2B, the assigned frequency must be 1400 Hz above the carrier frequency.

[12] R3E, H3E, and J3E will be authorized only below 25000 kHz. Only H2B, J3E, J7B, and J9W are authorized, except that A3E and H3E may be used only on 3023 kHz and 5680 kHz for search and rescue operations.

[13] The letters "K, L, M, Q, V, W, and X" may also be used in place of the letter "P" for pulsed radars.

[14] Authorized for use at radiobeacon stations.

[15] Applicable only to transmitters of survival craft stations, emergency locator transmitter stations and emergency locator transmitter test stations type accepted after October 21, 1973.

(b) For other emissions, an applicant must determine the emission designator by using Part 2 of this chapter.

(c) A license to use radiotelephony includes the use of tone signals or signaling devices whose sole function is to establish or maintain voice communications.

(d) Emissions other than, or bandwidths in excess of, those listed in

paragraph (b) of this section, will be authorized only upon a satisfactory showing of need. An application requesting this special license must fully describe the emission desired and the required bandwidth, and must state the purpose of the proposed operation.

§ 87.139 Emission limitations.

(a) Except when using single sideband (R3E, H3E, J3E), or frequency modulation (F9) or digital modulation (F9Y) for telemetry or telecommand in the frequency bands 1435–1535 MHz and 2310–2390 MHz, the mean power of any emissions must be attenuated below the mean power of the transmitters (pY) as follows:

(1) When the frequency is removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth the attenuation must be at least 25 dB;

(2) When the frequency is removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth the attenuation must be at least 35 dB.

(3) When the frequency is removed from the assigned frequency by more than 250 percent of the authorized bandwidth the attenuation for aircraft station transmitters must be at least 40 dB; and the attenuation for aeronautical station transmitters must be at least 43 + 10 $\log_{10}$ pY dB.

(b) For aircraft station transmitters and for aeronautical station transmitters first installed before February 1, 1983, and using H2B, H3E, J3E, J7B or J9W, the mean power of any emissions must be attenuated below the mean power of the transmitter (pY) as follows:

(1) When the frequency is removed from the assigned frequency by more than 50 percent up to and including 150 percent of the authorized bandwidth of 4.0 kHz, the attenuation must be at least 25 dB.

(2) When the frequency is removed from the assigned frequency by more than 150 percent up to and including 250 percent of the authorized bandwidth of 4.0 kHz, the attenuation must be at least 35 dB.

(3) When the frequency is removed from the assigned frequency by more than 250 percent of the authorized bandwidth of 4.0 kHz for aircraft station transmitters the attenuation must be at least 40 dB; and for aeronautical station transmitters the attenuation must be at least 43 + 10 $\log_{10}$ pY dB.

(c) For aircraft station transmitters first installed after February 1, 1983, and for aeronautical station transmitters in use after February 1, 1983, and using H2B, H3E, J3E, J7B or J9W, the peak envelope power of any emissions must be attenuated below the peak envelope power of the transmitter (pX) as follows:

(1) When the frequency is removed from the assigned frequency by more than 50 percent up to and including 150 percent of the authorized bandwidth of 3.0 kHz, the attenuation must be at least 30 dB.

(2) When the frequency is removed from the assigned frequency by more than 150 percent up to and including 250 percent of the authorized bandwidth of 3.0 kHz, the attenuation must be at least 38 dB.

(3) When the frequency is removed from the assigned frequency by more than 250 percent of the authorized bandwidth of 3.0 kHz for aircraft transmitters the attenuation must be at least 43 dB. For aeronautical station transmitters with transmitter power up to and including 50 watts the attenuation must be at least 43 + 10 $\log_{10}$ pX dB and with transmitter power more than 50 watts the attenuation must be at least 60 dB.

(d) Except for telemetry in the 1435–1535 MHz band, when the frequency is removed from the assigned frequency by more than 250 percent of the authorized bandwidth for aircraft stations above 30 MHz and all ground stations the attenuation must be at least 43 + $\log_{10}$ pY dB.

(e) When using frequency modulation or digital modulation for telemetry or telecommand in the 1435–1535 MHz and 2310–2390 MHz frequency bands with an authorized bandwidth equal to or less than 1 MHz the emissions must be attenuated as follows:

(1) On any frequency removed from the assigned frequency by more than 100 percent of the authorized bandwidth up to and including 100 percent plus 0.5 MHz, the attenuation must be at least 60 dB, when measured in a 3.0 kHz bandwidth. This signal need not be attenuated more than 25 dB below 1 milliwatt.

(2) On any frequency removed from the assigned frequency by more than 100 percent of the authorized bandwidth plus 0.5 MHz, the attenuation must be at least 55 + 10 $\log_{10}$ pY dB when measured in a 3.0 kHz bandwidth.

(f) When using frequency modulation or digital modulation for telemetry or telecommand in the 1435–1535 MHz or 2310–2390 MHz frequency bands with an authorized bandwidth greater than 1 MHz, the emissions must be attenuated as follows:

(1) On any frequency removed from the assigned frequency by more than 50 percent of the authorized bandwidth plus 0.5 MHz up to and including 50 percent of the authorized bandwidth plus 1.0 MHz, the attenuation must be 60 dB, when measured in a 3.0 kHz bandwidth. The signal need not be attenuated more than 25 dB below 1 milliwatt.

(2) On any frequency removed from the assigned frequency by more than 50 percent of the authorized bandwidth plus 1.0 MHz, the attenuation must be at least 55 + 10 $\log_{10}$ pY dB, when measured in a 3.0 kHz bandwidth.

(g) The requirements of paragraphs (e) and (f) of this section apply to transmitters type accepted after January 1, 1977, and to all transmitters first installed after January 1, 1983.

§ 87.141 Modulation requirements.

(a) When A3E emission is used, the modulation percentage must not exceed 100 percent. This requirement does not apply to emergency locator transmitters or survival craft transmitters.

(b) A double sideband full carrier amplitude modulated radiotelephone transmitter with rated carrier power output exceeding 10 watts must be capable of automatically preventing modulation in excess of 100 percent.

(c) If any licensed radiotelephone transmitter causes harmful interference to any authorized radio service because of excessive modulation, the Commission will require the use of the transmitter to be discontinued until it is rendered capable of automatically preventing modulation in excess of 100 percent.

(d) Single sideband transmitters must be able to operate in the following modes:

Carrier mode	Level N(dB) of the carrier with respect to peak envelope power
Full carrier (H3E)	O>N>-6.
Suppressed carrier (J3E)	Aircraft stations N<-26; Aeronautical stations N<-40.

(e) Each frequency modulated transmitter operating in the band 72.0–76.0 MHz must have a modulation limiter.

(f) Each frequency modulated transmitter equipped with a modulation limiter must have a low pass filter between the modulation limiter and the modulated stage. At audio frequencies between 3 kHz and 15 kHz the filter must have an attenuation referred to 1 kHz of at least 40 log 10 (f/3) db where "f" is the frequency in kilohertz. Above 15 kHz, the attenuation must be at least 28 db greater than the attenuation at 1 kHz.

(g) The types of emissions for ELTs must be in accordance with those

specified in the Federal Aviation Administration (FAA) Technical Standard Order (TSO) Document TSO–C91a titled "Emergency Locator Transmitter (ELT) Equipment" dated April 29, 1985. TSO–C91a is incorporated by reference in accordance with 5 U.S.C. 552(a). TSO–C91a may be obtained from the Department of Transportation, Federal Aviation Administration, Office of Airworthiness, 800 Independence Avenue SW., Washington, DC 20591.

(h) Transmission of A3E or NON emission must not exceed 90 seconds and must be followed by a transmission of at least three minutes of A3N emission; each transmission of a synthesized and/or pre-recorded voice message must be preceded by the words "this is a recording."

(i) ELTs manufactured effective October 1, 1988, must have in emissions A3N, A3E and NON a clearly defined carrier frequency distinct from the modulation sidebands. On 121.500 MHz at least thirty percent of the total power emitted during each sweep cycle of the audio frequencies (A3N emission) must be contained within ±30 Hz of the reference carrier frequency. On 243.000 MHz at least thirty percent of the total power emitted during each sweep cycle of the audio frequencies (A3N emission) must be contained within ±60 Hz of the reference carrier frequency. See TSO–C91a at paragraph (a)(3)(ii) of this section. Additionally, if the type of modulation is changed the carrier frequency must not shift more than ±30 Hz from the fixed reference frequency on 121.500 MHz and ±60 Hz on 243.000 MHz. The long term stability of the carrier frequency must comply with the requirements in § 87.133.

§ 87.143 Transmitter control requirements.

(a) Each transmitter must be installed so that it is not accessible to, or capable of being operated by persons other than those authorized by the licensee.

(b) Each station must be provided with a control point at the location of the transmitting equipment, unless otherwise specifically authorized. Except for aeronautical enroute stations governed by paragraph (e) of this section, a control point is the location at which the radio operator is stationed. It is the position at which the transmitter(s) can immediately be turned off.

(c) Applicants for additional control points at aeronautical advisory (unicom) stations must specify the location of each proposed control point.

(d) Except for aeronautical enroute stations governed by paragraph (f) of this section, the control point must have the following facilities installed:

(1) A device that indicates when the transmitter is radiating or when the transmitter control circuits have been switched on. This requirement does not apply to aircraft stations;

(2) Aurally monitoring of all transmissions originating at dispatch points;

(3) A way to disconnect dispatch points from the transmitter; and

(4) A way to turn off the transmitter.

(e) A dispatch point is an operating position subordinate to the control point. Dispatch points may be installed without authorization from the Commission, and dispatch point operators are not required to be licensed.

(f) In the aeronautical enroute service, the control point for an automatically controlled enroute station is the computer facility which controls the transmitter. Any computer controlled transmitter must be equipped to automatically shut down after 3 minutes of continuous transmission of an unmodulated carrier.

§ 87.145 Acceptability of transmitters for licensing.

(a) The Commission publishes a list of type approved and type accepted equipment entitled "Radio Equipment List—Equipment Acceptable for Licensing." Copies of this list are available for inspection at any of the Commission's offices.

(b) Each transmitter must be type accepted for use in these services, except as listed in paragraph (d) of this section. However, aircraft stations which transmit on maritime mobile frequencies musts use transmitters type accepted for use in ship stations in accordance with Part 80 of this chapter.

(c) Some radio equipment installed above air carrier aircraft must meet requirements of the Commission and of the FAA. The FAA requirements may be obtained from the Federal Aviation Administration, Aircraft Maintenance Division (AFS–300), 800 Independence SW., Washington, DC 20591.

(d) The equipment listed below is exempted from type acceptance. The operation of transmitters which have not been type accepted must not result in harmful interference due to the failure of those transmitters to comply with technical standards of this subpart.

(1) Development or Civil Air Patrol transmitters.

(2) Flight test station transmitters for limited periods where justified.

(3) U.S. Government transmitters furnished in the performance of a U.S. Government contract if the use of type accepted equipment would increase the cost of the contract or if the transmitter will be incorporated in the finished product. However, such equipment must meet the technical standards contained in this subpart.

§ 87.147 Type acceptance of equipment.

(a) Type acceptance may be requested by following the type acceptance procedure in Part 2 of this chapter. Aircraft transmitters must meet the requirements over an ambient temperature range of –20 degreess to +50 degrees Celsius.

(b) An applicant for a station license may request type acceptance for an individual transmitter by following the type acceptance procedure in Part 2 of this chapter. Such a transmitter will be individually type accepted and so noted on the station license, but will not generally be included in the Commission's "Radio Equipment List—Equipment Acceptable for Licensing".

(c) An applicant for type acceptance of equipment intended for transmission in any of the frequency bands listed in paragraph (c)(3) of this section, must notify the FAA of the filing of a type acceptance application. The letter of notification must be mailed to: FAA, Spectrum Engineering Division (AES–500), 800 Independence Avenue SW., Washington, DC 20591 no later than the date of filing of the application with the Commission.

(1) The notification must describe the equipment, give the manufacturer's identification, antenna characteristics, rated output power, emission type and characteristics, the frequency or frequencies of operation, and essential receiver characteristics if protection is required.

(2) The type acceptance application must include a copy of the notification letter to the FAA. The Commission will not act for 21 days after receipt of the application to afford the FAA an opportunity to comment. If the FAA objects to the applicatioin for equipment authorization, it should mail its objection with a showing that the equipment is incompatible with the National Airspace System to: Office of Engineering and Technology—Laurel Laboratory, Authorization And Evaluation Division, 7435 Oakland Mills Road, Columbia, MD 21046. If the Commission receives such an objection, the Commission will consider the FAA showing before taking final action on the application.

(3) The frequency bands are as follows: 74.8 MHz to 75.2 MHz; 108.000 MHz to 136.000 MHz; 328.600 MHz to 335.400 MHz; 960.000 MHz to 1215.000

MHz; 1559.000 MHz to 1626.500 MHz; 5000.000 MHz to 5250.000 MHz; 14.000 GHz to 14.400 GHz; 15.400 GHz to 15.700 GHz; 24.250 GHz to 25.250 GHz; and 31.800 GHz to 33.400 GHz.

Subpart E—Frequencies

§ 87.169 Scope.

This subpart contains class of station symbols and a frequency table which lists assignable frequencies. Frequencies in the Aviation Services will transmit communications for the safe, expeditious, and economic operation of aircraft and the protection of life and property in the air. Each class of land station and Civil Air Patrol station may communicate in accordance with the particular sections of this part which govern these classes. Land stations in the Aviation Services in Alaska may transmit messages concerning sickness, death, weather, ice conditions or other matters relating to safety of life and property if there is no other established means of communications between the points in question and no charge is made for the communications service.

§ 87.171 Class of station symbols.

The two or three letter symbols for the classes of station in the aviation services are:

Symbol and class of station

AX—Aeronautical fixed
AXO—Aeronautical operational fixed
FA—Aeronautical land (unspecified)
FAU—Aeronautical advisory (unicom)
FAC—Airport control tower
FAE—Aeronautical enroute
FAM—Aeronautical multicom
FAP—Civil Air Patrol
FAR—Aeronautical search and rescue
FAS—Aviation support
FAT—Flight test
FAW—Automatic weather observation
MA—Aircraft (Air carrier and Private)
MA1—Air carrier aircraft only
MA2—Private aircraft only
MOU—Aeronautical utility mobile
MRT—ELT test
RL—Radionavigation land (unspecified)
RLA—Marker beacon
RLB—Radiobeacon
RLG—Glide path
RLL—Localizer
RLO—VHF omni-range
RLS—Surveillance radar
RLT—Radionavigation land test
RLW—Microwave landing system

§ 87.173 Frequencies.

(a) The table in paragraph (b) of this section lists assignable carrier frequencies or frequency bands.

(1) The single letter symbol appearing in the "Subpart" column indicates the subpart of this part which contains additional applicable regulations.

(2) The two or three letter symbol appearing in the "Class of Station" column indicates the class of station to which the frequency is assignable.

(b) Frequency table:

Frequency or frequency band	Subpart	Class of station	Remarks
90–110 kHz	Q	RL	LORAN"C"
190–285 kHz	Q	RLB	Radiobeacons.
200–285 kHz	O	FAC	Air traffic control.
325–405 kHz	O	FAC	Air traffic control.
325–435 kHz	Q	RLB	Radiobeacons.
410.0 kHz	F	MA	International direction-finding for use outside of U.S.
457.0 kHz	F	MA	Working frequency for aircraft on over water flights.
500.0 kHz	F	MA	International calling and distress frequency for ships and aircraft on over water flights.
510.525 kHz	Q	RLB	Radiobeacons.
2182.0 kHz	F	MA	International distress and calling.
2372.5 kHz	R	MA, FAP	Civil Air Patrol.
2374.0 kHz	R	MA, FAP	Civil Air Patrol.
2375.5 kHz	R	MA, FAP	Civil Air Patrol.
2648.0 kHz	I	AX	Alaska station.
2851.0 kHz	I, J	MA, FAE, FAT	International HF (AFI); Flight test.
2854.0 kHz	I	MA, FAE	International HF (SAT).
2866.0 kHz	I	MA, FAE	Domestic HF (Alaska).
2869.0 kHz	I	MA, FAE	International HF (CEP).
2872.0 kHz	I	MA, FAE	International HF (NAT).
2875.0 kHz	I	MA, FAE	Domestic HF.
2878.0 kHz	I	MA1, FAE	Domestic HF; International HF (AFI).
2887.0 kHz	I	MA, FAE	International HF (CAR).
2899.0 kHz	I	MA, FAE	International HF (NAT).
2911.0 kHz	I	MA, FAE	Domestic HF.
2932.0 kHz	I	MA, FAE	International HF (NP).
2935.0 kHz	I	MA, FAE	International HF (SAT).
2944.0 kHz	I	MA, FAE	International HF (SAM and MID).
2956.0 kHz	I	MA, FAE	Domestic HF.
2962.0 kHz	I	MA, FAE	International HF (NAT).
2971.0 kHz	I	MA, FAE	International HF (NAT).
2992.0 kHz	I	MA, FAE	International HF (MID).
2998.0 kHz	I	MA, FAE	International HF (CWP).
3004.0 kHz	I, J	MA, FAE, FAT	International HF (NCA); Flight test.
3013.0 kHz	I	MA, FAE	Long distance operational control.
3016.0 kHz	I	MA, FAE	International HF (EA, NAT).
3019.0 kHz	I	MA1, FAE	Domestic HF; International HF ((NCA).
3023.0 kHz	F, M, O	MA1, FAR, FAC	Search and rescue communications.
3281.0 kHz	K	MA, FAS	Lighter-than-air craft and aeronautical stations serving lighter-than-air craft.
3413.0 kHz	I	MA, FAE	International HF (CEP).
3419.0 kHz	I	MA, FAE	International HF (AFI).
3425.0 kHz	I	MA, FAE	International HF (AFI).
3434.0 kHz	I	MA1, FAE	Domestic HF.
3443.0 kHz	J	MA, FAT	
3449.0 kHz	I	MA, FAE	Domestic HF.
3452.0 kHz	I	MA, FAE	International HF (SAT).

Frequency or frequency band	Subpart	Class of station	Remarks
3455.0 kHz	I	MA, FAE	International HF (CAR, CWP).
3467.0 kHz	I	MA, FAE	International HF (AFI, MID, SP).
3470.0 kHz	I	MA, FAE	Domestic HF and International HF (SEA).
3473.0 kHz	I	MA, FAE	International HF (MID).
3476.0 kHz	I	MA, FAE	International HF (INO, NAT).
3479.0 kHz	I	MA, FAE	International HF (EUR, SAM).
3485.0 kHz	I	MA, FAE	International HF (EA, SEA).
3491.0 kHz	I	MA, FAE	International HF (EA).
3494.0 kHz	I	MA, FAE	Long distance operational control.
4125.0 kHz	F	MA	Distress and safety with ships and coast stations.
4466.0 kHz	R	MA, FAP	Civil Air Patrol.
4467.5 kHz	R	MA, FAP	Civil Air Patrol.
4469.0 kHz	R	MA, FAP	Civil Air Patrol.
4506.0 kHz	R	MA, FAP	Civil Air Patrol.
4507.5 kHz	R	MA, FAP	Civil Air Patrol.
4509.5 kHz	R	MA, FAP	Civil Air Patrol.
4550.0 kHz	I	AX	Gulf of Mexico.
4583.5 kHz	R	MA, FAP	Civil Air Patrol.
4585.0 kHz	R	MA, FAP	Civil Air Patrol.
4586.5 kHz	R	MA, FAP	Civil Air Patrol.
4601.0 kHz	R	MA, FAP	Civil Air Patrol.
4602.5 kHz	R	MA, FAP	Civil Air Patrol.
4604.0 kHz	R	MA, FAP	Civil Air Patrol.
4628.5 kHz	R	MA, FAP	Civil Air Patrol.
4630.0 kHz	R	MA, FAP	Civil Air Patrol.
4631.5 kHz	R	MA, FAP	Civil Air Patrol.
4645.0 kHz	I	AX	Alaska.
4657.0 kHz	I	MA, FAE	International HF (AFI, CEP).
4666.0 kHz	I	MA, FAE	International HF (CWP).
4669.0 kHz	I	MA, FAE	International HF (MID, SAM).
4672.0 kHz	I	MA1, FAE	Domestic HF.
4675.0 kHz	I	MA, FAE	International HF (NAT).
4678.0 kHz	I	MA, FAE	International HF (NCA).
4947.5 kHz	I	AX	Alaska.
5036.0 kHz	I	AX	Gulf of Mexico.
5122.5 kHz	I	AX	Alaska.
5167.5 kHz	I	FA	Alaska emergency.
5310.0 kHz	I	AX	Alaska.
5451.0 kHz	J	MA, FAT	
5463.0 kHz	I	MA1, FAE	Domestic HF.
5469.0 kHz	J	MA, FAT	
5427.0 kHz	I	MA, FAE	Domestic HF.
5484.0 kHz	I	MA, FAE	Domestic HF.
5490.0 kHz	I	MA, FAE	Domestic HF.
5493.0 kHz	I	MA, FAE	International HF (AFI).
5496.0 kHz	I	MA, FAE	Domestic HF.
5508.0 kHz	I	MA1, FAE	Domestic HF.
5520.0 kHz	I	MA, FAE	International HF (CAR).
5526.0 kHz	I	MA, FAE	International HF (SAM).
5529.0 kHz	I	MA, FAE	Long distance operational control.
5538.0 kHz	I	MA, FAE	Long distance operational control.
5547.0 kHz	I	MA, FAE	International HF (CEP).
5550.0 kHz	I	MA, FAE	International HF (CAR).
5559.0 kHz	I	MA, FAE	International HF (SP).
5565.0 kHz	I	MA, FAE	International HF (SAT).
5571.0 kHz	J	MA, FAT	
5574.0 kHz	I	MA, FAE	International HF (CEP).
5598.0 kHz	I	MA, FAE	International HF (NAT).
5616.0 kHz	I	MA, FAE	International HF (NAT).
5628.0 kHz	I	MA, FAE	International HF (NP).
5631.0 kHz	I	MA, FAE	Domestic HF.
5634.0 kHz	I	MA, FAE	International HF (INO).
5643.0 kHz	I	MA, FAE	International HF (SP).
5646.0 kHz	I	MA, FAE	International HF (NCA).
5649.0 kHz	I	MA, FAE	International HF (NAT, SEA).
5652.0 kHz	I	MA, FAE	International HF (AFI, CWP).
5655.0 kHz	I	MA, FAE	International HF (EA, SEA).
5658.0 kHz	I	MA, FAE	International HF (AFI, MID).
5661.0 kHz	I	MA, FAE	International HF (CWP, EUR).
5664.0 kHz	I	MA, FAE	International HF (NCA).
5667.0 kHz	I	MA, FAE	International HF (MID).
5670.0 kHz	I	MA, FAE	International HF (EA).
5680.0 kHz	F, M, O	MA1, FAC, FAR	Search and rescue communications.
5887.5 kHz	I	AX	Alaska.
6532.0 kHz	I	MA, FAE	International HF (CWP).
6535.0 kHz	I	MA, FAE	International HF (SAT).
6550.0 kHz	J	MA, FAT	
6556.0 kHz	I	MA, FAE	International HF (SEA).
6559.0 kHz	I	MA, FAE	International HF (AFI).
6562.0 kHz	I	MA, FAE	International HF (CWP).

Frequency or frequency band	Subpart	Class of station	Remarks
6571.0 kHz	I	MA, FAE	International HF (EA).
6574.0 kHz	I	MA, FAE	International HF (AFI).
6577.0 kHz	I	MA, FAE	International HF (CAR).
6580.0 kHz	I	MA, FAE	Domestic HF.
6586.0 kHz	I	MA, FAE	International HF (CAR).
6592.0 kHz	I	MA, FAE	International HF (NCA).
6598.0 kHz	I	MA, FAE	International HF (EUR).
6604.0 kHz	I	MA, FAE	Domestic HF.
6622.0 kHz	I	MA, FAE	International HF (NAT).
6625.0 kHz	I	MA, FAE	International HF (MID).
6628.0 kHz	I	MA, FAE	International HF (NAT).
6631.0 kHz	I	MA, FAE	International HF (MID).
6637.0 kHz	I	MA, FAE	Long distance operational control.
6640.0 kHz	I	MA, FAE	Long distance operational control.
6649.0 kHz	I	MA, FAE	International HF (SAM).
6655.0 kHz	I	MA, FAE	International HF (NP).
6661.0 kHz	I	MA, FAE	International HF (NP).
6673.0 kHz	I	MA, FAE	International HF (AFI, CEP).
8015.0 kHz	I	AX	Alaska.
8364.0 kHz	F	MA,	Search and rescue communications.
8822.0 kHz	J	MA, FAT	
8825.0 kHz	I	MA, FAE	International HF (NAT).
8831.0 kHz	I	MA, FAE	International HF (NAT).
8843.0 kHz	I	MA, FAE	International HF (CEP).
8846.0 kHz	I	MA, FAE	International HF (CAR).
8855.0 kHz	I	MA, FAE	Domestic HF; International HF (SAM).
8861.0 kHz	I	MA, FAE	International HF (SAT).
8864.0 kHz	I	MA, FAE	International HF (NAT).
8867.0 kHz	I	MA, FAE	International HF (SP).
8876.0 kHz	I	MA, FAE	Domestic HF.
8879.0 kHz	I	MA, FAE	International HF (INO, NAT).
8891.0 kHz	I	MA, FAE	International HF (NAT).
8894.0 kHz	I	MA, FAE	International HF (AFI).
8897.0 kHz	I	MA, FAE	International HF (EA).
8903.0 kHz	I	MA, FAE	International HF (AFI, CWP).
8906.0 kHz	I	MA, FAE	International HF (NAT).
8918.0 kHz	I	MA, FAE	International HF (CAR, MID).
8933.0 kHz	I	MA, FAE	Long distance operational control.
8942.0 kHz	I	MA, FAE	International HF (SEA).
8951.0 kHz	I	MA, FAE	International HF (MID).
10018.0 kHz	I	MA, FAE	International HF (MID).
10024.0 kHz	I	MA, FAE	International HF (SAM).
10033.0 kHz	I	MA, FAE	Long distance operational control.
10042.0 kHz	I	MA, FAE	International HF (EA).
10045.0 kHz	J	MA, FAT	
10048.0 kHz	I	MA, FAE	International HF (NP).
10057.0 kHz	I	MA, FAE	International HF (CEP).
10066.0 kHz	I	MA, FAE	Domestic HF; International HF (SEA).
10075.0 kHz	I	MA, FAE	Long distance operational control.
10081.0 kHz	I	MA, FAE	International HF (CWP).
10084.0 kHz	I	MA, FAE	International HF (EUR, SP).
10096.0 kHz	I	MA, FAE	International HF (NCA, SAM).
11279.0 kHz	I	MA, FAE	International HF (NAT).
11282.0 kHz	I	MA, FAE	International HF (CEP).
11288.0 kHz	J	MA, FAT	
11291.0 kHz	I	MA, FAE	International HF (SAT).
11300.0 kHz	I	MA, FAE	International HF (AFI).
11306.0 kHz	J	MA, FAT	
11309.0 kHz	I	MA, FAE	International HF (NAT).
11327.0 kHz	I	MA, FAE	International HF (SP).
11330.0 kHz	I	MA, FAE	International HF (AFI, NP).
11336.0 kHz	I	MA, FAE	International HF (NAT).
11342.0 kHz	I	MA, FAE	Long distance operational control.
11348.0 kHz	I	MA, FAE	Long distance operational control.
11357.0 kHz	I	MA, FAE	Domestic HF.
11360.0 kHz	I	MA, FAE	International HF (SAM).
11363.0 kHz	I	MA, FAE	Domestic HF.
11375.0 kHz	I	MA, FAE	International HF (MID).
11384.0 kHz	I	MA, FAE	International HF (CWP).
11387.0 kHz	I	MA, FAE	International HF (CAR).
11396.0 kHz	I	MA, FAE	International HF (CAR, EA, SEA).
13273.0 kHz	I	MA, FAE	International HF (AFI).
13288.0 kHz	I	MA, FAE	International HF (AFI, EUR, MID).
13291.0 kHz	I	MA, FAE	International HF (NAT).
13294.0 kHz	I	MA, FAE	International HF (AFI).
13297.0 kHz	I	MA, FAE	International HF (CAR, EA, SAM).
13300.0 kHz	I	MA, FAE	International HF (CEP, CWP, NP, SP).
13303.0 kHz	I	MA, FAE	International HF (EA, NCA).
13306.0 kHz	I	MA, FAE	International HF (INO, NAT).
13309.0 kHz	I	MA, FAE	International HF (EA, SEA).
13312.0 kHz	I, J	MA, FAE, FAT	International HF (MID); Flight test.

Frequency or frequency band	Subpart	Class of station	Remarks
13315.0 kHz	I	MA, FAE	International HF (NCA, SAT).
13318.0 kHz	I	MA, FAE	International HF (SEA).
13330.0 kHz	I	MA, FAE	Long distance operational control.
13348.0 kHz	I	MA, FAE	Long distance operational control.
13357.0 kHz	I	MA, FAE	International HF (SAT).
17904.0 kHz	I	MA, FAE	International HF (CEP, CWP, NP, SP).
17907.0 kHz	I	MA, FAE	International HF (CAR, EA, SAM, SEA).
17925.0 kHz	I	MA, FAE	Long distance operational control.
17946.0 kHz	I	MA, FAE	International HF (NAT).
17955.0 kHz	I	MA, FAE	International HF (SAT).
17958.0 kHz	I	MA, FAE	International HF (NCA).
17961.0 kHz	I	MA, FAE	International HF (AFI, EUR, INO, MID).
17964.0 kHz	J	MA, FAT	
21931.0 kHz	J	MA, FAT	
21964.0 kHz	I	MA, FAE	Long distance operational control.
26618.5 kHz	R	MA, FAP	Civil Air Patrol.
26620.0 kHz	R	MA, FAP	Civil Air Patrol.
26621.5 kHz	R	MA, FAP	Civil Air Patrol.
72.020–75.980 MHz	P	FA, AXO	Operational fixed; 20 kHz spacing.
75.000 MHz	Q	RLA	Marker beacon.
108.000 MHz	Q	RLT	
108.000–117.950 MHz	Q	RLO	VHF omni-range.
108.050 MHz	Q	RLT	
108.100–111.950 MHz	Q	RLL	ILS localizer.
108.100 MHz	Q	RLT	
108.150 MHz	Q	RLT	
118.000–121.400 MHz	O	MA, FAC, FAW	25 kHz channel spacing.
121.500 MHz	G, H, I, J, K, M, O	MA, FAU, FAE, FAT, FAS, FAC, FAM, FAP	Emergency and distress.
121.600–121.925 MHz	O, L, Q	MA, FAC, MOU, RLT	25 kHz channel spacing.
121.950 MHz	K	FAS	
121.975 MHz	F	MA2, FAW	Air traffic control operations.
122.000 MHz	F	MA	Air carrier and private aircraft enroute flight advisory service provided by FAA.
122.025 MHz	F	MA2, FAW	Air traffic control operations.
122.050 MHz	F	MA	Air traffic control operations.
122.075 MHz	F	MA2, FAW	Air traffic control operations.
122.100 MHz	F, O	MA, FAC	Air traffic control operations.
122.125–122.675	F	MA2	Air traffic control operations; 25 kHz spacing.
122.700 MHz	G, L	MA, FAU, MOU	Unicom at airports with no control tower; Aeronautical utility stations.
122.725 MHz	G, L	MA2, FAU, MOU	Unicom at airports with no control tower; Aeronautical utility stations.
122.750 MHz	F	MA2	Private fixed wing aircraft air-to-air communications.
122.775 MHz	K	MA, FAS	
122.800 MHz	G, L	MA, FAU, MOU	Unicom at airports with no control tower; Aeronautical utility stations.
122.825 MHz	I	MA, FAE	Domestic VHF
122.850 MHz	H, K,	MA, FAM, FAS	
122.875 MHz	I	MA, FAE	Domestic VHF
122.900 MHz	F, H, L M	MA, FAR, FAM, MOU	
122.925 MHz	H	MA2, FAM	
122.950 MHz	G, L	MA2, FAU, MOU	Unicom at airports with no control tower; Aeronautical utility stations.
122.975 MHz	G, L	MA2, FAU, MOU	Unicom at airports with no control tower; Aeronautical utility stations.
123.000 MHz	G, L	MA, FAU, MOU	Unicom at airports with no control tower; Aeronautical utility stations.
123.025 MHz	F	MA2	Helicopter air-to-air communications; Air traffic control operations.
123.050 MHz	G, L	MA2, FAU, MOU	Unicom at airports with no control tower; Aeronautical utility stations.
123.075 MHz	G, L	MA2, FAU, MOU	Unicom at airports with no control tower; Aeronautical utility stations.
123.100 MHz	M, O	MA, FAC, FAR	
123.125 MHz	J	MA, FAT	Itinerant.
123.150 MHz	J	MA, FAT	Itinerant.
123.175 MHz	J	MA, FAT	Itinerant.
123.200 MHz	J	MA, FAT	
123.225 MHz	J	MA, FAT	
123.250 MHz	J	MA, FAT	
123.275 MHz	J	MA, FAT	
123.300 MHz	K	MA, FAS	
123.325 MHz	J	MA, FAT	
123.350 MHz	J	MA, FAT	
123.375 MHz	J	MA, FAT	

Frequency or frequency band	Subpart	Class of station	Remarks
123.400 MHz	J	MA, FAT	Itinerant.
123.425 MHz	J	MA, FAT	
123.450 MHz	J	MA, FAT	
123.475 MHz	J	MA, FAT	
123.500 MHz	K	MA, FAS	
123.525 MHz	J	MA, FAT	
123.550 MHz	J	MA, FAT	
123.575 MHz	J	MA, FAT	Itinerant.
123.6–128.8 MHz	O	MA, FAC, FAW	25 kHz channel spacing.
128.825–132.000 MHz	I	MA, FAE	Domestic VHF; 25 kHz channel spacing.
132.025–135.975 MHz	O	MA, FAC, FAW	25 kHz channel spacing.
143.900 MHz	R	MA, FAP	Civil Air Patrol.
148.150 MHz	R	MA, FAP	Civil Air Patrol.
156.300 MHz	F	MA	For communications with ship stations under specific conditions.
156.375 MHz	F	MA	For communications with ship stations under specific conditions; Not authorized in New Oreleans vessel traffic service area.
156.400 MHz	F	MA	For communications with ship stations under specific conditions.
156.425 MHz	F	MA	For communications with ship stations under specific conditions.
156.450 MHz	F	MA	For communications with ship stations under specific conditions.
156.625 MHz	F	MA	For communications with ship stations under specific conditions.
156.800 MHz	F	MA	Distress, safety and calling frequency; For communications with ship stations under specific conditions.
156.900 MHz	F	MA	For communications with ship stations under specific conditions.
157.425 MHz	F	MA	For communications with commercial fishing vessels under specific conditions except in Great Lakes and St. Lawrence Seaway areas.
243.000 MHz	F	MA	Emergency and distress frequency for use of survival craft and emergency locator transmitters.
328.600–335.400 MHz	Q	RLG	ILS glide path.
334.550 MHz	Q	RLT	
334.700 MHz	Q	RLT	
960–1215 MHz	F, Q	MA, RL	Electronic aids to air navigation.
978.000 MHz	Q	RLT	
979.000 MHz	Q	RLT	
1030.000 MHz	Q	RLT	
1104.000 MHz	Q	RLT	
979.000 MHz	Q	RLT	
1300–1350 MHz	F, Q	MA, RLS	Surveillance radars and transponders.
1435–1535 MHz	F, J	MA, FAT	Aeronautical telemetry and telecommand operations.
1559–1626.5 MHz	F, Q	MA, RL	Aeronautical radionavigation.
2310–2390 MHz	J	MA, FAT	Aeronautical telemetry and telecommand operations.
2700–2900 MHz	Q	RLS	Airport surveillance and weather radar.
4200–4400 MHz	F	MA	Radio altimeters.
5000–5250 MHz	Q	MA, RLW	Microwave landing system.
5031.000 MHz	Q	RLT	
5350–5470 MHz	F	MA	Airborne radars and associated airborne beacons.
8750–8850 MHz	F	MA	Airborne doppler radar.
9000–9200 MHz	Q	RLS	Land-based radar.
9300–9500 MHz	F	MA	Airborne radars and associated airborne beacons.
13250–13400 MHz	F	MA	Airborne doppler radar.
14000–14400 MHz	F, Q	MA, RL	Aeronautical radionavigation.
15400–15700 MHz	Q	RL	Aeronautical radionavigation.
24250–25250 MHz	F, Q	MA, RL	Aeronautical radionavigation.
31800–33400 MHz	F, Q	MA, RL	Aeronautical radionavigation.

Subpart F—Aircraft Stations

§ 87.185 Scope of service.

(a) Aircraft stations must limit their communications to the necessities of safe, efficient, and economic operation of aircraft and the protection of life and property in the air, except as otherwise specifically provided in this part. Contact with an aeronautical land station must only be attempted when the aircraft is within the serivce area of the land station. however, aircraft stations may transmit advisory information on air traffic control, unicom or aeronautical multicom frequencies for the benefit and use of other stations monitoring these frequencies in accordance with FAA recommended traffic advisory practices.

(b) Aircraft public correspondence must make service available to all persons without discrimination and on reasonable demand, and must communicate without discrimination with any maritme public coast station or maritime mobile-satellite earth station.

(c) Public correspondence service may be carried on only by aircraft stations licensed to use maritime mobile or maritime mobile-satellite frequencies, and must follow the rules for public correspondence in Part 80.

§ 87.187 Frequencies.

(a) Frequencies used for air-ground Communications are listed in Subpart E. Aircraft stations may use frequencies assigned to Government or non-Government aeronautical stations or radionavigation land stations if the communications are within the aeronautical or radionavigation land station scope of service.

(b) 410 kHz is the international direction-finding frequency for use outside the continental United States.

(c) 457 kHz is an authorized working frequency for flights over the high seas.

(d) 500 kHz an international calling and distress frequency for aircraft on

flights over the high seas. Except for distress, urgency or safety messages an aircraft station must not transmit on 500 kHz during the silence periods for three minutes twice each hour beginning at x h. 15 and x h.45 Coordinated Universal Time (u.t.c.).

(e) The frequency 2182 khz is an international distress and calling frequency for use by ship, aircraft and survival craft stations. Aircraft stations must use J3E emission when operating on 2182 kHz and communicating with domestic public and private coast stations. The emission H3E may be used when communicating with foreign coast and ship stations.

(f) The frequencies 3023 kHz, 5680 kHz, 122.900 MHz and 123.100 MHz are authorized for use by aircraft engaged in seach and rescue activities in accordance with Subpart M. These frequencies may be used for air-air and air-ground communications.

(g) The frequency 4125 kHz may be used for distress and safety communications between aircraft and ship and coast maritime mobile stations.

(h) The frequency 8364.0 kHz is authorized for use of survival craft for search and rescue communications with stations in the maritime mobile service.

(i) The frequencies in the band 121.975–122.675 MHz are authorized for use by private aircraft of air traffic control operations.

(1) The frequencies 122.00 and 122.050 MHz are authorized for use by air carrier and private aircraft stations for enroute flight advisory service (EFAS) provided by the FAA;

(2) The frequency 122.100 MHz is authorized for use by air carrier aircraft stations for air traffic control operations at locations in Alaska where other frequencies are not available for air traffic control.

(j) The frequency 122.750 MHz is authoried for use by private fixed wing aircraft for air-air communications. The frequency 123.025 MHz is authorized for use by helicopters for air-air Communications.

(k) The frequencies 121.500 MHz and 243.000 MHz are emergency and distress frequencies available for use by survival craft stations, emergency locator transmitters and equipment used for survival purposes. Use of 121.500 MHz and 243.000 MHz shall be limited to transmission of signals and communications for survivial purposes. Types A2A, A3E, or A3N emissions may be employed, except in the case of emergency locator transmitters where only A3N is permitted.

(l) The frequencies 156.300, 156.375, 156,400, 156,425, 156.450, 156.625, 156.800 156.900 and 157.425 MHz may be used by aircraft stations to communicate with ship stations in accordance with Part 80 and the following conditions:

(1) The altitude of aircraft stations must not exceed 1000 feet, except for reconnaissance aircraft participating in icebreaking operations where an altitude of 1,500 feet is allowed;

(2) Aircraft station transmitter power must not exceed five watts;

(3) The frequency 156.300 MHz may be used for safety purposes only. The frequency 156.800 MHz may be used for distress, safety and calling purposes only.

(4) Except in the Great Lakes and along the St. Lawrence Seaway the frequency 157.425 MHz is available for communications with commerical fishing vessels.

(5) The frequency 156.375 MHz cannot be used in the New Orleans, LA, VTS protection area. No harmful interference shall be caused to the VTS.

(m) The frequency band 960–1215 MHz is for the use of airborne electronic aids to air navigation and directly associated land stations.

(n) The frequency band 1300-1350 MHz is for surveillance radar stations and associated airborne transponders.

(o) The frequency band 1435–1535 MHz is available for telemetering and telecommand associated with the flight testing of aircraft, missiles, or related major components. This includes launching into space, reentry into the earth's atmosphere and incidental orbiting prior to reentry. These frequencies are shared with flight telemetering mobile stations: 1444.5, 1453.5, 1501.5, 1524.5 and 1525.5 MHz.

(p) The frequency band 1559–1626.5 MHz is available for airborne electronic aids to air navigation and any associated land station.

(q) The frequency band 4200–4400 MHz is reserved exclusively for radio altimeters.

(r) The frequency band 5350–5470 MHz in the aeronautical radionavigation service is limited to airborne radars and associated airborne beacons.

(s) The frequency band 8750–8850 MHz is available for use by airborne doppler radars in the aeronautical radionavigation service only on the condition that they must accept any interference which may be experienced from stations in the radiolocation service in the band 8500–10,000 MHz.

(t) The frequency band 9300–9500 MHz is limited to airborne radars and associated airborne beacons.

(u) The frequency band 13250–13400 MHz available for airborne doppler radar use.

(v) The frequency bands 14000–14400, 24250–25250, 31800–33400 MHz are available for airborne radionavigation devices.

(w) Brief keyed RF signals (keying the transmitter by momentarily depressing the microphone "push-to-talk" button) may be transmitted from aircraft for the control of airport lights on the following frequencies:

(1) Any air traffic control frequency listed in § 87.421.

(2) FAA Flight Service Station frequencies 121.975–122.675 MHz and 122.700, 122.725, 122.750, 122.775, 122.825, 122.875, 122.975, 123.025, 123.075.

(3) The unicom frequencies 122.700, 122.725, 122.750, 122.800, 122.950, 122.975, 123.000, 123.050 and 123.075 MHz.

(4) Aviation support station frequencies listed in § 87.232(b): 121.950, 123.300 and 123.500 MHz if the frequency is assigned to a station at the airport and no harmful interference is caused to voice communications. If no such station is located at the concerned airport, aircraft may use one of the aviation support station frequencies for the control of airport lights.

(5) The frequency 122.9 MHz when it is used as the common traffic advisory frequency at the concerned airport.

(x) Frequencies for public correspondence radiotelephony between ship and public coast stations in the maritime mobile service (except frequencies in the 156 MHz to 174 MHz band) and maritime mobile-satellite service are available for public correspondence between aircraft and public coast stations. The transmission of public correspondence from aircraft must not cause interference to maritime mobile communications.

(y) Frequencies in the 454.675–459.975 MHz band are available in the Public Mobile Radio Service (Part 22) for use on board aircraft for communications with land mobile stations which are interconnected to the nationwide public telephone system.

§ 87.189 Requirements for public correspondence equipment and operations.

(a) Transmitters used for public correspondence by aircraft stations must be type accepted by the Commission in conformity with Part 80 of this chapter.

(b) A continuous watch must be maintained on the frequencies used for flight safety and regularity while public correspondence communications are being handled.

(c) All communications of stations in the aeronautical mobile service have priority over public correspondence.

(d) Transmission of public correspondence must be suspended when such operation will delay or

interfere with message pertaining to safety of life and property or regularity of flight, or when ordered by the captain of the aircraft.

§ 87.191 Foreign aircraft stations.

(a) Aircraft of member States of the International Civil Aviation Organization may carry and operate radio transmitters in the United States airspace only if a license has been issued by the State in which the aircraft is registered and the flight crew is provided with a radio operator license of the proper class, issued or recognized by the State in which the aircraft is registered. The use of radio transmitters in the United States airspace must comply with these rules and regulations.

(b) Notwithstanding paragraph (a) of this section where an agreement with a foreign government has been entered into with respect to aircraft registered in the United States but operated by an aircraft operator who is subject to regulation by that foreign government, the aircraft radio station license and aircraft radio operator license may be issued by such foreign government.

Emergency Locator Transmitters

§ 87.193 Scope of service.

Transmissions by emergency locator transmitters (ELTs) are intended to be actuated manually or automatically and operated automatically as part of an aircraft or a survival craft station as a locating aid for survival purposes.

§ 87.195 Frequencies.

(a) ELTs transmit on the frequency 121.500 MHz, using A3E, A3N or NON emission.

(b) The frequency 243.000 MHz is an emergency and distress frequency available for use by survival craft stations, ELTs and equipment used for survival purposes which are also equipped to transmit on the frequency 121.500 MHz. Use of 243.000 MHz must be limited to transmission of signals and communications for survival purposes. In the case of ELTs use of A3E, A3N or NON emission is permitted.

§ 87.197 ELT test procedures.

ELT testing must avoid outside radiation. Bench and ground tests conducted outside of an RF-shielded enclosure must be conducted with the ELT terminated into a dummy load.

Subpart G—Aeronautical Advisory Stations (Unicoms)

§ 87.213 Scope of service.

(a) An aeronautical advisory station (unicom) must provide service to any aircraft station upon request and without discrimination. A unicom must provide impartial information concerning available ground services.

(b)(1) Unicom transmissions must be limited to the necessities of safe and expeditious operation of aircraft such as condition of runways, types of fuel available, wind conditions, weather information, dispatching, or other necessary information. At any airport at which a control tower or FAA flight service station is located, unicoms must not transmit information pertaining to the conditions of runways, wind conditions, or weather information during the hours of operation of the control tower or FAA flight service station.

(2) On a secondary basis, unicoms may transmit communications which pertain to the efficient portal-to-portal transit of an aircraft, such as requests for ground transportation, food or lodging.

(3) Communications between unicoms and air carrier must be limited to the necessities of safety of life and property.

(4) Unicoms may communicate with aeronautical utility stations and ground vehicles concerning runway conditions and safety hazards on the airport when neither a control tower nor FAA flight service station is in operation.

(c) Unicoms must not be used for air traffic control (ATC) purposes other than to relay ATC information between the pilot and air traffic controller. Relaying of ATC information is limited to the following:

(1) Revisions of proposed departure time;

(2) Takeoff, arrival or flight plan cancellation time;

(3) ATC clearances, provided a letter of agreement is obtained from the FAA by the licensee of the unicom.

§ 87.215 Supplement eligibility

(a) A unicom and any associated dispatch or control points must be located on the airport to be served.

(b) Only one unicom will be authorized to operate at an airport which does not have a control tower or FAA flight services station. At an airport which has a part-time or full-time control tower or FAA service station, the one unicom limitation does not apply and the airport operator and all aviation services organizations may be licensed to operate a unicom on the assigned frequency.

(c) At an airport where only one unicom may be licensed, when the Commission believes that the unicom has been abandoned or has ceased operation, another unicom may be licensed on an interim basis pending final determination of the status of the original unicom. An applicant for an interim license must notify the present licensee and must comply with the notice requirements of paragraph (d) of this section.

(d) An applicant for a unicom license, renewal or modification of frequency assignment at an airport which does not have a control tower or FAA flight service station must notify in writing the owner of the airport and all aviation service organizations located at the airport. The notice must include the applicant's name and address, the name of the airport and a statement that the applicant intends to file an application with the Commission for a unicom. The notice must be given within the ten days preceding the filing of the application with the Commission. Each applicant must submit a statement that either notice has been given and include the date of notification or notice is not required because the applicant owns the airport and there are no organizations that should be notified.

§ 87.217 Frequencies.

(a) Only one unicom frequency will be assigned at any one airport. The Commission will assign a frequency based on maximum geographic co-channel separation. However, applicants may request a particular frequency which will be taken into consideration when the assignment is made. The frequencies assignable to unicoms are:

(1) 122.950 MHz at airports which have a full time control tower or a full time FAA flight service station.

(2) 122.700, 122.725, 122.800, 122.975, 123.000, 123.050 or 123.075 MHz at all other airports.

(b) 121.500 MHz: emergency and distress only.

Subpart H—Aeronautical Multicom Stations

§ 87.237 Scope of services.

(a) The communications of an aeronautical multicom station (multicom) must pertain to activities of a temporary, seasonal or emergency nature involving aircraft in flight. Communications are limited to directing or coordinating ground activities from the air or aerial activities from the ground. Air-to-air communications will be authorized if the communications are directly connected with the air-to-ground or ground-to-air activities described above. Multicom communications must not include those air/ground communications provided for elsewhere in this part.

(b) If there is not unicom and an applicant is unable to meet the requirements for a unicom license, the applicant will be eligible for a multicom license.

(1) The multicom license becomes invalid when a unicom is established at the landing area.

(2) Multicoms must not be used for ATC purposes other than the relay of ATC information between the pilot and air traffic controller. Relaying of ATC information is limited to the following:

(i) Revisions of proposed departure time;

(ii) Takeoff, arrival flight plan cancellation time;

(iii) ATC clearances, provided a letter of agreement is obtained from the FAA by the licensee of the multicom.

(3) Communications by a multicom must be limited to the safe and expeditious operation of private aircraft, pertaining to the conditions of runways, types of fuel available, wind conditions, weather information, dispatching or other information. On a secondary basis, multicoms may transmit communictions which pertain to efficient portal-to-portal transit of an aircraft such as requests for ground transportation, food or lodging.

§ 87.239 Supplemental eligibility.

An application for a multicom must include a showing demonstrating why such a station is necessary, based on the scope of service defined above.

§ 87.241 Frequencies.

(a) 121.500 MHz: emergency and distress only;

(b) 122.850 or 122.900 MHz;

(c) 122.925 MHz: available for assignment to communicate with aircraft when coordinating foresty management and fire suppression, fish and game management and protection, and environmental monitoring and protection.

Subpart I—Aeronautical Enroute and Aeronautical Fixed Stations

Aeronautical Enroute Stations

§ 87.261 Scope of service.

(a) Aeronautical enroute stations provide operational control communications to aircraft along domestic or international air routes. Operational control communications include the safe, efficient and economical operation of aircraft, such as fuel, weather, position reports, aircraft performance, and essential services and supplies. Public correspondence is prohibited.

(b) Service must be provided to any aircraft station licensee who makes cooperative arrangements for the operation, maintenance and liability of the stations which are to furnish enroute service. In emergency or distress situations service must be provided without prior arrangements.

(c) Except in Alaska, only one aeronautical enroute station licensee will be authorized at any one location. In Alaska, only one aeronautical enroute station licensee in the domestic service and one aeronautical enroute station licensee in the international service will be authorized at any one location. (Because enroute stations may provide service over a large area containing a number of air routes or only provide communications in the local area of an airport, location here means the area which can be adequately served by the particular station.)

(d) In Alaska, only stations which serve scheduled air carriers will be licensed to operate aeronautical enroute stations. Applicants must show that the station will provide communications only along routes served by scheduled air carriers.

§ 87.263 Frequencies.

(a) *Domestic VHF service.* (1) Frequencies in the 128.825–132.000 MHz band are available to serve domestic routes. Frequency assignments are based on 25 kHz channel spacing. Proposed operations must be compatible with existing operations in the band.

(2) A system or network of interconnected enroute stations may employ offset carrier techniques on the frequencies listed in paragraph (a)(1) of this section. The carrier frequencies of the individual transmitters must not be offset by more than ± kHz.

(3) The frequencies 122.825 and 122.875 MHz are available for assignment to enroute stations which provide local area service to aircraft approaching or departing a particular airport. These frequencies will be assigned without regard to the restrictions contained in § 87.261 (c) and (d). Only organizations operating aircraft with a maximum capacity of 56 passengers or 18,000 pounds cargo will be authorized use of these enroute frequencies.

(4) In Alaska, the frequencies 131.500, 131.600, 131.800 and 131.900 MHz may be assigned to aeronautical enroute stations without regard to the restrictions contained in § 87.261 (c) and (d).

(b) *Domestic HF service.* (1) Regular use of high frequencies for aeronautical enroute or any aeronautical mobile (R) communications in the domestic service within the continental United States (excluding Alaska) will not be authorized.

(2) These frequencies (carrier) are available for assignment to serve aircraft operating in support of offshore drilling operations in open sea areas beyond the range of VHF propagation:

kHz	*kHz*
2878.0	4672.0
3019.0	5463.0
3434.0	5508.0

(3) Alaska: The following frequencies (carrier) are available for assignment to serve domestic air routes in the Alaska area:

(i) *Throughout Alaska:* Shared with the FAA and assigned where an applicant shows the need for a service not provided by the FAA.

kHz	*kHz*
2866.0	5631.0

(ii) *Alaska Aleutian chain and feeders.*

kHz	*kHz*
2911.0	8855.0
2956.0	10066.0
5496.0	11363.0
6580.0	

(iii) *Central and Southeast Alaska and feeders.*

kHz	*kHz*
2875.0	6580.0
2911.0	6604.0
3470.0	8876.0
5484.0	11357.0

(iv) The following frequencies (carrier) are available to enroute stations in Alaska without regard to the restrictions contained in § 87.261 (c) or (d). These frequencies may also be used for communications between enroute stations concerning matters directly affecting aircraft with which they are engaged. Enroute stations located at an uncontrolled airport shall not transmit information concerning runway, wind or weather conditions during the operating hours of a unicom.

kHz	*kHz*
3449.0	5472.0
5167.5	5490.0

(C) *International VHF service.* Frequencies in the 128.825–132.000 MHz band are available to enroute stations serving international flight operations. Frequency assignments are based on 25 kHz channel spacing. Proposed

[1] The frequency 5167.5 kHz is available to any station for emergency communications in Alaska. No airborne operations are permitted. Peak envelope power of stations operating on this frequency must not exceed 150 watts. This frequency may also be used by Alaska private fixed stations for calling purposes, but only for establishing communications.

operations must be compatible with existing operations in the band.

(d) *International HF service.* High frequencies (carrier) available to enroute stations serving international flight operations on the Major World Air Route Areas (MWARA's), as defined in the international Radio Regulations and the ICAO Assignment Plan, are:

(1) Central East Pacific (CEP):

kHz	kHz
2869.0	8843.0
3413.0	10057.0
4657.0	11282.0
5547.0	13300.0
5574.0	17904.0
6673.0	

(2) Central West Pacific (CWP):

kHz	kHz
2998.0	6562.0
3455.0	8903.0
4666.0	10081.0
5652.0	11384.0
5661.0	13300.0
6532.0	17904.0

(3) North Pacific (NP):

kHz	kHz
2932.0	10048.0
5628.0	11330.0
6655.0	13300.0
6661.0	17904.0

(4) South Pacific (SP):

kHz	kHz
3467.0	10084.0
5559.0	11327.0
5643.0	13300.0
8867.0	17904.0

(5) North Atlantic (NAT):

kHz	kHz
2872.0	8825.0
2899.0	8831.0
2962.0	8864.0
2971.0	8879.0
3016.0	8891.0
3476.0	8906.0
4675.0	11279.0
5598.0	11309.0
5616.0	11336.0
5649.0	13291.0
6622.0	13306.0
6628.0	17946.0

(6) Europe (EUR):

kHz	kHz
3479.0	10084.0
5661.0	13288.0
6598.0	17961.0

(7) South America (SAM):

kHz	kHz
2944.0	10024.0
3479.0	10096.0
4669.0	11360.0
5526.0	13297.0
6649.0	17907.0
8855.0	

(8) South Atlantic (SAT):

kHz	kHz
2854.0	8861.0
2935.0	11291.0
3452.0	13315.0
5565.0	13357.0
6535.0	17955.0

(9) Southeast Asia (SEA):

kHz	kHz
3470.0	10086.0
3485.0	11396.0
5649.0	13309.0
5655.0	13318.0
6556.0	17907.0
8942.0	

(10) East Asia (EA):

kHz	kHz
3016.0	10042.0
3485.0	11396.0
3491.0	13297.0
5655.0	13303.0
5670.0	13309.0
6571.0	17907.0
8897.0	

(11) Middle East (MID):

kHz	kHz
2944.0	6631.0
2992.0	8918.0
3467.0	8951.0
3473.0	10018.0
4669.0	11375.0
5658.0	13288.0
5667.0	13312.0
6625.0	17961.0

(12) Africa (AFI):

kHz	kHz
2851.0	6673.0
2878.0	8894.0
3419.0	8903.0
3425.0	8894.0
3467.0	11300.0
4657.0	11330.0
5493.0	13273.0
5652.0	13288.0
5658.0	13294.0
6559.0	17961.0
6574.0	

(13) Indian Ocean (INO):

kHz	kHz
3476.0	13306.0
5634.0	17961.0
8879.0	

(14) North Central Asia (NCA):

kHz	kHz
3004.0	6592.0
3019.0	10096.0
4678.0	13303.0
5646.0	13315.0
5664.0	17958.0

(15) Caribbean (CAR):

kHz	kHz
2887.0	8846.0
3455.0	8918.0
5520.0	11387.0
5550.0	11396.0
6577.0	13297.0
6586.0	17907.0

(e) *Long distance operational control.* Long distance operational control frequencies provide communications between aeronautical enroute stations and aircraft stations anywhere in the world for control of the regularity and efficiency of flight and safety of aircraft. World-wide frequencies are not assigned by administrations for MWARA and Regional and Domestic Air Route Area (RDARA).

kHz	kHz
3013.0	3494.0
5529.0	10075.0
5538.0	11342.0
6637.0	11348.0
6640.0	13330.0
8933.0	13348.0
10033.0	21964.0

(f) *121.500 MHz:* Emergency and distress only.

§ 87.265 Administrative communications.

Domestic VHF aeronautical enroute stations authorized to use A9W emission on any frequency listed in § 87.263(a)(1) may transmit digital administrative communications on a secondary basis, in addition to the operational control communications routinely permitted under § 87.261(a) above. Such secondary administrative communications must directly relate to the business of a participating aircraft operator in providing travel and transportation services to the flying public or to the travel, tranportation or scheduling activities of the aircraft operator itself. Stations transmitting administrative communications must provide absolute priority for operational control and other safety communications by means of an automatic priority control system.

Aeronautical Fixed Stations

§ 87.275 Scope of service.

Aeronautical fixed stations provide non-public point-to-point communications service pertaining to safety, regularity and economy of flight. These stations must transmit, without discrimination, messages from aircraft which have entered into cooperative arrangements governing the operation and maintenance of such stations. Aeronautical fixed station licensees are required to transmit, without charge or discrimination, all emergency communications.

§ 87.277 Supplemental eligibility.

Aeronautical fixed station licenses will only be issued to the licensees of associated aeronautical enroute stations. Aeronautical fixed station licenses will not be issued where adequate land line facilities are available.

§ 87.279 Frequencies.

(a) *United States (except Alaska).* The applicant must request specific frequencies in accordance with § 2.106 of this chapter. The Commission will determine the suitability of the applicant's selection based on the probability of interference to and from existing services assigned on the same or adjacent frequencies. All new assignments of frequencies will be

subject to such conditions as may be required to minimize the possibility of harmful interference to existing services.

(b) *Alaska.* (1) Only stations which serve scheduled air carriers will be licensed. Applicants must show that the station will provide communications only along routes served by the scheduled operations of such carriers.

(2) The following frequencies are available in Alaska. These frequencies will only be licensed in conjunction with licenses for use of the aeronautical enroute frequencies specified in § 87.263(c).

kHz	*kHz*
2648.0	5310.0
4645.0	5887.5
4947.5	8015.0
5122.5	

(c) *Gulf of Mexico.* In addition to the provisions of paragraph (a) of this section, the frequencies 4550.0 and 5036.0 kHz are available in the Gulf of Mexico.

Subpart J—Flight Test Stations

§ 87.299 Scope of service.

The use of flight test stations is restricted to the transmission of necessary information or instructions relating directly to tests of aircraft or components thereof.

§ 87.301 Supplemental eligibility.

(a) The following entities are eligible for flight test station licenses:

(1) Manufacturers of aircraft or major aircraft components;

(2) A parent corporation or its subsidiary if either corporation is a manufacturer of aircraft or major aircraft components; or

(3) Educational institutions and persons primarily engaged in the design, development, modification, and flight test evaluation of aircraft or major aircraft components.

(b) Each application must be accompanied by a statement containing facts sufficient to establish the applicant's eligibility under the criteria in paragraph (a) of this section.

§ 87.303 Frequencies.

(a) These frequencies are available for assignment to flight test land and aircraft stations:

kHz	MHz	MHz	MHz
3281.0[1]	123.175[2]	123.225[3]	123.400[2]
	123.200[3]	123.375[3]	123.450[3]

(b) These additional frequencies are available for assignment only to flight test stations of aircraft manufacturers:

MHz	MHz	MHz	MHz
123.125[2]	123.275[3]	S123.425[3]	123.550[3]
123.150[2]	123.325[3]	S123.475[3]	123.575[2]
123.250[3]	123.350[3]	S123.525[3]	

[1] When R3E, H3E or J3E emission is used, the assigned frequency will be 3282.4 kHz (3281.0 kHz carrier frequency).

[2] This frequency is available only to itinerant stations that have a requirement to be periodically transferred to various locations.

[3] Mobile station operations on these frequencies are limited to an area within 200 miles of an associated flight test land station.

(c) These frequencies are available for equipment test, emergency and backup use with aircraft beyond the range of VHF propagation. Either H2B, J3E, J7B or J9W emission may be used.

Frequencies (carrier) available kHz:

2851.0	8822.0
3004.0	10045.0
3443.0	11288.0
5451.0	11306.0
5469.0	13312.0
5571.0	17964.0
6550.0	21931.0

(d)(1) Frequencies in the bands 1435–1535 and 2310–2390 MHz are assigned primarily for telemetry and telecommand associated with the flight testing of aircraft, missiles, or related major components. This includes launching into space, reentry into the earth's atmosphere and incidental orbiting prior to reentry. These frequencies are shared with flight telemetering mobile stations: 1444.500, 1453.500, 1501.500, 1515.500, 1524.500 and 1525.500 MHz. In the 2310.000–2390.000 MHz band, all other mobile telemetry and telecommand uses are secondary. The Maritime Mobile-Satellite Service will be the only primary service in the 1530.000–1535.000 Mhz band after January 1, 1990.

(2) The authorized bandwidths for stations operating in the bands 1435.000–1535.000 and 2310.000–2390.000 MHz are normally 1, 3 or 5 MHz. Applications for greater bandwidths will be considered in accordance with the provisions of § 87.135. Each assignment will be centered on a frequency between 1435.500 and 1534.500 and 2310.500 and 2389.500 MHz, with 1 MHz channel spacing.

(e) 121.500 MHz: Emergency and distress only.

§ 87.305 Frequency coordination.

(a)(1) Each application for a new station license, renewal or modification of an existing license concerning flight test frequencies, except as provided in paragraph (b) of this section, must be accompanied by a statement from a frequency advisory committee. The committee must comment on the frequencies requested or the proposed changes in the authorized station and the probable interference to existing stations. The committee must consider all stations operating on the frequencies requested or assigned within 200 miles of the proposed area of operation and all prior coordinations and assignments on the proposed frequency(ies). The committee must also recommend frequencies resulting in the minimum interference. The committee must coordinate in writing all requests for frequencies or proposed operating changes in the 1435–1535 MHz and 2310–2390 MHz bands with the responsible Government Area Frequency Coordinators listed in the NTIA "Manual of Regulations and Procedures for Radio Frequency Management. In addition, committee recommendations may include comments on other technical factors and may contain recommended restrictions which it believes should appear on the license.

(2) The frequency advisory committee must be organized to represent all persons who are eligible for non-Government radio flight test stations. A statement of organization service area and composition of the committee must be submitted to the Commission for approval. The functions of any advisory committee are purely advisory to the applicant and the Commission, and its recommendations are not binding upon either the applicant or the Commission.

(b) These applications need not be accompanied by evidence of frequency coordination:

(1) Any application for modification not involving change in frequency(ies), power, emission, antenna height, antenna location or area of operation.

(2) Any application for 121.5 MHz.

§ 87.307 Cooperative use of facilities.

(a) The Commission will license only one flight test land station per airport, except as provided in paragraph (d) of this section.

(b) Flight test land stations located at an airport are required to provide service without discrimination, on a cooperative maintenance basis, to anyone eligible for a flight test station license.

(c) When the licensee of a flight test land station intends to conduct flight tests at an area served by another flight test land station, which may result in interference, the licensees must coordinate their schedules in advance. If no agreement is reached, the Commission will determine the time division upon request by either licensee.

(d) An application for an additional flight test land station at an airport where such a station is already authorized must be accompanied by a

factual showing which must include the following:

(1) Reasons why shared use of the currently licensed flight test land station is not possible; and

(2) Results of coordination with the current licensee of the flight test station at the airport demonstrating that an additional station can be accommodated without significant degradation of the reliability of existing facilities.

Subpart K—Aviation Support Stations

§ 87.319 Scope of service.

Aviation support stations are used for the following types of operations:

(a) Pilot training;

(b) Coordination of soaring activities between gliders, tow aircraft and land stations;

(c) Coordination of activities between free balloons or lighter-than-air aircraft and ground stations;

(d) Coordination between aircraft and aviation service organizations located on an airport concerning the safe and efficient portal-to-portal transit of the aircraft, such as the types of fuel and ground services available; and

(e) Promotion of safety of life and property.

§ 87.321 Supplemental eligibility.

Each application must be accompanied by a statement that the applicant is either the operator of a flying school or lighter-than-air aircraft, engaged in soaring or free ballooning activities, or the operator of an airport or an aviation service organization located on an airport.

§ 87.323 Frequencies.

(a) 121.500 MHz: Emergency and distress only.

(b) The frequencies 121.950, 123.300 and 123.500 MHz are available for assignment to aviation support stations used for pilot training, coordination of lighter-than-air aircraft operations, or coordination of soaring or free ballooning activities. Applicants for 121.950 MHz must coordinate their proposal with the appropriate FAA Regional Spectrum Management Office. A coordination statement must accompany the application. Applicants for aviation support land stations may request frequency(ies) based upon their eligibility although the Commission reserves the right to specify the frequency of assignment. Aviation support mobile stations will be assigned 123.300 and 123.500 MHz. However, aviation support mobile stations must operate only on a noninterference basis to communications between aircraft and aviation support land stations.

(c) The frequency 122.775 MHz and, secondary to aeronautical multicom stations, the frequency 122.850 MHz are available for assignment to aviation support stations. These frequencies may be used for communications between aviation service organizations and aircraft in the airport area. These frequencies must not be used for air traffic control purposes or to transmit information pertaining to runway, wind or weather conditions.

(d) The frequency 3281.0 kHz is available for assignment to aviation support stations used for coordination of lighter-than-air aircraft operations.

Subpart L—Aeronautical Utility Mobile Stations

§ 87.345 Scope of service.

Aeronautical utility mobile stations provide communications for vehicles operating on an airport movement area. An airport movement area is defined as the runways, taxiways and other areas utilized for taxiing, takeoff and landing of aircraft, exclusive of loading ramp and parking areas.

(a) An aeronautical utility mobile station must monitor its assigned frequency during periods of operation.

(b) At an airport which has a control tower or FAA flight service station in operation, communications by an aeronautical utility mobile station are limited to the management of ground vehicular traffic.

(c) Aeronautical utility mobile stations which operate on the airport's unicom frequency or the frequency 122.900 MHz are authorized only to transmit information relating to safety, such as runway conditions and hazards on the airport. These stations are authorized primarily for monitoring communications from and to aircraft approaching or departing the airport.

(d) Transmissions by an aeronautical utility mobile station are subject to the control of the control tower, the FAA flight service station or the unicom, as appropriate. When requested by the control tower, the flight service station or the unicom, an aeronautical utility station must discontinue transmitting immediately.

(e) An aeronautical utility mobile station operating on the frequency assigned to a control tower or FAA flight service station must not transmit on that frequency when either is in operation. An aeronautical utility station assigned a unicom frequency may continue to transmit safety related information while located on the airport movement area when the unicom is not in operation.

(f) Communications between aeronautical utility mobile stations are not authorized.

§ 87.347 Supplemental eligibility.

(a) Aeronautical utility stations may transmit on unicom frequencies only at airports which have a unicom and either a part-time or no control tower or FAA flight service station.

(b) An applicant for an aeronautical utility station operating on a unicom frequency or the frequency 122.900 MHz must:

(1) Demonstrate a need to routinely operate a ground vehicle on the airport movement area;

(2) Identity the vehicle(s) in which the station is to be located; and

(3) Either attach a statement showing that the applicant is the airport owner or operator, or a state or local governmental aeronautical agency; or attach a statement from the airport owner or operator granting permission to operate the vehicle on the airport movement area.

§ 87.349 Frequencies.

(a) The frequency assigned to an aeronautical utility station at an airport served by a control tower or FAA flight service station is the frequency used by the control tower for ground traffic control or by the flight service station for communications with vehicles. The frequency assigned is normally from the band 121.600–121.925 MHz.

(b) The frequency assigned to the unicom is available to aeronautical utility stations on a noninterference basis at airports which have a part-time control tower or part-time FAA flight service station and a unicom.

(c) At airports which have a unicom but no control tower or FAA flight service station, the frequency assigned to the unicom is available to aeronautical utility stations on a noninterference basis. The frequencies available for assignment to unicoms are described in Subpart G.

(d) At airports which have no control tower, flight service or unicom, the frequency 122.900 MHz is available for assignment to aeronautical utility stations.

§ 87.351 Frequency changes.

When the aeronautical utility frequency is required to be changed because of an action by the FAA or the Commission (such as a change in the ground control of unicom frequency) the licensee must submit an application for modification to specify the new frequency within 10 days from the date the station begins operation on the new

frequency. The licensee has temporary authority to use the new frequency from the date of the change pending receipt of the modified license.

Subpart M—Aeronautical Search and Rescue Stations

§ 87.371 Scope of service.

Aeronautical search and rescue land and mobile stations must be used only for communications with aircraft and other aeronautical search and rescue stations engaged in search and rescue activities. Aeronautical land search and rescue stations can be moved for temporary periods from a specified location to an area where actual or practice search and rescue operations are being conducted.

§ 87.373 Supplemental eligibility.

Licenses for aeronautical search and rescue stations will be granted only to governmental entities or private organizations chartered to perform aeronautical search and rescue functions.

§ 87.375 Frequencies.

(a) The frequency 123.100 MHz is available for assignment to aeronautical search and rescue stations for actual search and rescue missions. Each search and rescue station must be equipped to operate on this frequency.

(b) The frequency 122.900 MHz is available for assignment to aeronautical search and rescue stations for organized search and rescue training and for practice search and rescue missions.

(c) The frequencies 3023.0 kHz and 5680.0 kHz are available for assignment to aircraft and ship stations for search and rescue scene-of-action coordination, including communications with participating land stations. Ship stations communicating with aircraft stations must employ 2K80J3E emission.

(d) 121.500 MHz: Emergency and distress only.

Subpart N—Emergency Communications

§ 87.393 Scope of service.

This subpart provides the rules governing operation of stations in the Aviation Services during any national or local emergency situation constituting a threat to national security or safety of life and property. This subpart is consistent with the Aeronautical Emergency Communications System Plan for all Aviation Services licensees of the Commission which was developed pursuant to sections 1, 4(o), 301 and 303 of the Communications Act, and Executive Order 11490, as amended. This Plan provides for emergency communications to meet the requirements of the Plan for the Security Control of Air Traffic and Air Navigation Aids (SCATANA), Civil Reserve Air Fleet (CRAF), War Air Service Program (WASP) and, where applicable, State and Regional Disaster Airlift Planning (SARDA).

§ 87.395 Plan for the Security Control of Air Traffic and Air Navigation Aids (Short Title: SCATANA).

(a) The Plan for the Security Control of Air Traffic and Air Navigation Aids (SCATANA) is promulgated in furtherance of the Federal Aviation Act of 1958, as amended, the Communications Act and Executive Order 11490, as amended. SCATANA defines the responsibilities of the Commission for the security control of non-Federal air navigation aids.

(b) Under the responsibilities defined in SCATANA, an FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids has been developed by the Commission. The FCC Support Plan defines responsibilities, procedures, and instructions in consonance with SCATANA which will effect control of non-Federal air navigation aids when SCATANA is implemented. It permits the use of such navigation aids by aircraft of military and civil agencies when SCATANA is implemented. The FCC Support Plan highlights those parts of SCATANA which deal specifically with non-Federal air navigation aids. SCATANA and the FCC Support Plan apply to radionavigation stations authorized by the Commission in the following manner:

(1) All licensees are subject to restrictions imposed by appropriate military authorities pursuant to SCATANA and the FCC Support Plan when an Air Defense Emergency or Defense Emergency exists or is imminent. The restrictions will be imposed through FAA Air Route Traffic Control Centers (ARTCCs).

(2) All licensees of aeronautical radionavigation (VOR/DME, ILS, MLS, LF and MF non-directional beacons) stations will comply with SCATANA implementation instructions from FAA ARTCCs as follows:

(i) Shut down the above navigation aids as directed. These instructions will permit time to land or disperse airborne aircraft, and will permit extension of time when the air traffic situation dictates.

(ii) Shut down as soon as possible stations which require more than five minutes control time, unless directed otherwise or unless such stations are essential for the handling of existing air traffic.

(iii) Operate aeronautical radionavigation stations to ensure that required stations, as indicated in flight plans, will be available for authorized aircraft flights.

(3) Licensees of aeronautical radionavigation stations will be notified of the reduction or removal of SCATANA restrictions by FAA ARTCCs when notice of the termination is issued.

(4) Licensees of aeronautical radionavigation stations may voluntarily participate in SCATANA tests as requested by an ARTCC. SCATANA testing must not interrupt the normal service of non-Federal air navigation aids.

§ 87.397 Emergency operation.

(a) The licensee of any land station in the Aviation services, during a local emergency involving the safety of life and property may communicate in a manner other than that specified in the license (See § 87.395). Such emergency operations may include operation at other locations or with equipment not specified in the license or by unlicensed personnel provided that:

(1) Such operations are under the control and supervision of the station licensee,

(2) The emergency use is discontinued as soon as practicable upon termination of the emergency,

(3) In no event shall any station transmit on frequencies other than or with power in excess of that specified in the license

(4) The details of the emergency must be retained with the station license, and

(5) At a controlled airport these communications must be coordinated with the FAA.

(b) The unicom frequencies listed in Subpart G may also be used for communications with private aircraft engaged in organized civil defense activities in preparation for, during an enemy attack or immediately after an enemy attack. When used for these purposes, unicoms may be moved from place to place or operated at unspecified locations, except at landing areas served by other unicoms or control towers.

(c) In any case in which a license for unattended operation has been granted, the Commission may at any time, for national defense, modify the license.

Subpart O—Airport Control Tower Stations

§ 87.417 Scope of service.

(a) Airport control tower stations (control towers) must limit their

communications to the necessities of safe and expeditious operations of aircraft operating on or in the vicinity of the airport. Control towers provide air traffic control services to aircraft landing, taking off and taxing on the airport as well as aircraft transiting the airport traffic area. Additionally, control towers can provide air traffic control services to vehicles operating on airport movement areas (see Subpart L) Control towers must serve all aircraft without discrimination.

(b) A control tower must maintain a continuous watch on the following frequencies during the hours of operation:

121.500 MHz
3023.0 kHz (Alaska only)
5680.0 kHz (Alaska only)

§ 87.419 Supplemental eligibility.

Only one control tower will be licensed at an airport.

§ 87.421 Frequencies.

The Commission will assign VHF frequencies after coordination with the FAA. Frequencies in the following bands are available to control towers. Channel spacing is 25 kHz.

188.000–121.400 MHz
121.600–121.925 MHz
123.600–128.800 MHz
132.025–135.975 MHz

(a) The frequency 123.100 MHz is available for use by control towers at special aeronautical events on the condition that no harmful interference is caused by search and rescue operations in the locale involved.

(b) Frequencies in the bands 200.0–285.0 and 325.0–405. kHz will only be assigned to control towers authorized to operate on at least one VHF frequency, unless a showing has been made that elimination of VHF services will not adversely affect life and property in the air.

(c) Frequencies in the band 121.600–121.925 MHz are available to control towers for communications with ground vehicles and aircraft on the ground. The antenna heights shall be restricted to the minimum necessary to achieve the required coverage. Channel spacing is 25 kHz.

(d) 121.500 MHz: emergency and distress only.

§ 87.423 Hours of operation.

The control tower must render a communications service 24 hours a day unless a satisfactory showing has been made that elimination of such service will not adversely affect life and property in the air.

§ 87.425 Interference.

A control tower shall not cause harmful interference to a control tower at an adjacent airport. If interference between adjacent control towers exists, the Commission will direct the licensees how to eliminate the interference.

Subpart P—Operational Fixed Stations

§ 87.445 Scope of service.

An operational fixed station provides control, repeater or relay functions for its associated aeronautical station.

§ 87.447 Supplemental eligibility.

An applicant for an operational fixed station must show that:

(a) The applicant is the licensee of an aeronautical land station in the aeronautical mobile service; and

(b) Common carrier facilities are not available to satisfy the aeronautical station's requirements.

§ 87.449 Frequencies.

The following frequencies in the 72–76 MHz band are assignable to operational fixed stations using vertical polarization, if no harmful interference is caused to TV reception on Channels 4 and 5. These frequencies are shared with the Land Mobile and the Maritime Mobile Services.

Operational frequencies in the 72–76 MHz band

Carrier frequency in MHz

72.02	72.54	75.50
72.04	72.58	75.54
72.06	72.62	75.58
72.08	72.64	75.62
72.10	72.66	75.64
72.12	72.68	75.66
72.14	72.70	75.68
72.16	72.72	75.70
72.18	72.74	75.72
72.20	72.76	75.74
72.22	72.78	75.76
72.24	72.80	75.78
72.26	72.82	75.80
72.28	72.84	75.82
72.30	72.86	75.84
72.32	72.88	75.86
72.34	72.90	75.88
72.36	72.92	75.90
72.38	72.94	75.92
72.40	72.96	75.94
72.42	72.98	75.96
72.46	75.42	75.98
72.50	75.46	

§ 87.451 Licensing limitations

Operational fixed stations are subject to the following licensing limitations:

(a) A maximum of four frequencies will be assigned.

(b) Stations will not be authorized when applications indicate less than 16 km (10 miles) separation between a proposed station and a TV transmitter operating on either Channel 4 or 5, or from the post office of a community in which either channel is assigned but not in operation.

(c) Stations located between 16 km (10 miles) and 128 km (80 miles) of a TV transmitter operating on either Channel 4 or 5, or from the post office of a community in which either channel is assigned but not in operation, are secondary to TV operations within the Grade B service contour.[1]

[1] OET Bulletin No. 67, March 1988, entitled "Potential Interference from Operational Fixed Stations in the 72–76 MHz Band to Television Channels 4 and 5" describes an analytical model that can be used to calculate the potential interference that might result from a given fixed station operation. Copies of the bulletin may be obtained from the Commission's current duplication contractor. Information concerning the current duplication contractor may be obtained from the Office of Public Affairs, Consumer Assistance and Small Business Division, Telephone (202) 632–5050.

Subpart Q—Stations in the Radiodetermination Service

§ 87.471 Scope of service.

Stations in the aeronautical radiodetermination service provide radionavigation and radiolocation services.

(a) Transmission by radionavigation land stations must be limited to aeronautical navigation, including obstruction warning.

(b) Radionavigation land test stations are used for the testing and calibration of aircraft navigational aids and associated equipment. Transmission must be limited to cases when radiation is necessary and there is no alternative.

(c) Transmissions by emergency locator transmitter (ELT) test stations must be limited to necessary testing of ELTs and to training operations related to the use of such transmitters.

§ 87.473 Supplemental eligibility.

(a) Licenses for radionavigation land stations will be granted only to applicants who can justify the need for an aeronautical radionavigation service when the Federal Aviation Administration is not prepared to render this service.

(b) Licenses for radionavigation land test stations (MTF) will be granted only to applicants engaged in the development, manufacture or maintenance of aircraft radionavigation equipment. Licenses for radionavigation land test stations (OTF) will be granted only to applicants who agree to establish the facility at an airport for the use of the public.

(c) Licenses for ELT test stations will be granted only to applicants to train personnel in the operation and location of ELTs, or for testing related to the manufacture or design of ELTs.

§ 87.475 Frequencies.

(a) *Frequency coordination.* The Commission will assign frequencies to radionavigation land stations and radionavigation land test stations after coordination with the FAA. The applicant must notify the appropriate Regional Office of the FAA prior to submission to the Commission of an application for a new station or for modification of an existing station to change frequency, power, location or emission. Each application must be accompanied by a statement showing the name of the FAA Regional Office notified and the date of notification.

(b) *Frequencies available for radionavigation land stations.* (1) LORAN–C is a long range navigation system which operates in the 90–110 kHz band.

(2) Radiobeacon stations enable an aircraft station to determine bearing or direction in relation to the radiobeacon station. Radiobeacons operate in the bands 190–285 kHz; 325–435; and 510–525 kHz.

(3) Aeronautical marker beacon stations radiate a vertical distinctive pattern on 75 MHz which provides position information to aircraft.

(4) The following table lists the specific frequencies in the 108.100–111.950 MHz band which are assignable to localizer stations with simultaneous radiotelephone channels and their associated glide path station frequency from the 328.600–335.400 MHz band.

Localizer (MHz)	Glide path (MHz)
108.100	334.700
108.150	334.550
108.300	334.100
108.350	333.950
108.500	329.900
108.550	329.750
108.700	330.500
108.750	330.350
108.900	329.300
108.950	329.150
109.100	331.400
109.150	331.250
109.300	332.000
109.350	331.850
109.500	332.600
109.550	332.450
109.700	333.200
109.750	333.050
109.900	333.800
109.950	333.650
110.100	334.400
110.150	334.250
110.300	335.000
110.350	334.850
110.500	329.600
110.550	329.450
110.700	330.200
110.750	330.050
110.900	330.800
110.950	330.650
111.100	331.700
111.150	331.550
111.300	332.300
111.350	332.150
111.500	332.900
111.550	332.750
111.700	333.500
111.750	333.350
111.900	331.100
111.950	330.950

(5) VHF omni-range (VOR) stations are to be assigned frequencies in the 112.050–117.950 MHz band (50 kHz channel spacing) and the following frequencies in the 108–112 MHz band:

108.200	109.250
108.250	109.400
108.400	109.450
108.450	109.600
108.600	109.650
108.650	109.800
108.800	109.850
108.850	110.000
109.000	110.050
109.050	110.200
109.200	110.250
110.400	111.250
110.450	111.400
110.600	111.450
110.650	111.600
110.800	111.650
110.850	111.800
111.000	111.850
111.050	112.000
111.200	

(6) The band 960–1215 MHz is available for the use of land stations and associated airborne electronic aids to air navigation. When distance measuring equipment (DME) is intended to operate with a single VHF navigation station in the 108–117.975 MHz band, the DME operating channel must be paired with the VHF channel as shown in the following table:

DME Channeling and Pairing

[MHz]

VHF channel	Airborne interrogating frequency	Ground reply frequency
108.000	1041.000	978.000
108.050	1041.000	1104.000
108.100	1042.000	979.000
108.150	1042.000	1105.000
108.200	1043.000	980.000
108.250	1043.000	1106.000
108.300	1044.000	981.000
108.350	1044.000	1107.000
108.400	1045.000	982.000
108.450	1045.000	1108.000
108.500	1046.000	983.000
108.550	1046.000	1109.000
108.600	1047.000	984.000
108.650	1047.000	1110.000
108.700	1048.000	985.000
108.750	1048.000	1111.000
108.800	1049.000	986.000
108.850	1049.000	1112.000
108.900	1050.000	987.000
108.950	1050.000	1113.000
109.000	1051.000	988.000
109.050	1051.000	1114.000
109.100	1052.000	989.000
109.150	1052.000	1115.000
109.200	1053.000	990.000
109.250	1053.000	1116.000
109.300	1054.000	991.000
109.350	1054.000	1117.000
109.400	1055.000	992.000
109.450	1055.000	1118.000
109.500	1056.000	993.000
109.550	1056.000	1119.000
109.600	1057.000	994.000
109.650	1057.000	1120.000
109.700	1058.000	995.000
109.750	1058.000	1121.000
109.800	1059.000	996.000
109.850	1059.000	1122.000
109.900	1060.000	997.000
109.950	1060.000	1123.000
110.000	1061.000	998.000
110.050	1061.000	1124.000
110.100	1062.000	999.000
110.150	1062.000	1125.000
110.200	1063.000	1000.000
110.250	1063.000	1126.000
110.300	1064.000	1001.000
110.350	1064.000	1127.000
110.400	1065.000	1002.000
110.450	1065.000	1128.000
110.500	1066.000	1003.000
110.550	1066.000	1129.000
110.600	1067.000	1004.000
110.650	1067.000	1130.000

DME CHANNELING AND PAIRING—Continued

[MHz]

VHF channel	Airborne interrogating frequency	Ground reply frequency
110.700	1068.000	1005.000
110.750	1068.000	1131.000
110.800	1069.000	1006.000
110.850	1069.000	1132.000
110.900	1070.000	1007.000
110.950	1070.000	1133.000
111.000	1071.000	1008.000
111.050	1071.000	1134.000
111.100	1072.000	1009.000
111.150	1072.000	1135.000
111.200	1073.000	1010.000
111.250	1073.000	1136.000
111.300	1074.000	1011.000
111.350	1074.000	1137.000
111.400	1075.000	1012.000
111.450	1075.000	1138.000
111.500	1076.000	1013.000
111.550	1076.000	1139.000
111.600	1077.000	1014.000
111.650	1077.000	1140.000
111.700	1078.000	1015.000
111.750	1078.000	1141.000
111.800	1079.000	1016.000
111.850	1079.000	1142.000
111.900	1080.000	1017.000
111.950	1080.000	1143.000
112.000	1081.000	1018.000
112.050	1081.000	1144.000
112.100	1082.000	1019.000
112.150	1082.000	1145.000
112.200	1083.000	1020.000
112.250	1083.000	1146.000
112.300	1094.000	1157.000
112.350	1094.000	1031.000
112.400	1095.000	1158.000
112.450	1095.000	1032.000
112.500	1096.000	1159.000
112.550	1096.000	1033.000
112.600	1097.000	1160.000
112.650	1097.000	1034.000
112.700	1098.000	1161.000
112.750	1098.000	1035.000
112.800	1099.000	1162.000
112.850	1099.000	1036.000
112.900	1100.000	1163.000
112.950	1100.000	1037.000
113.000	1101.000	1164.000
113.050	1101.000	1038.000
113.100	1102.000	1165.000
113.150	1102.000	1039.000
113.200	1103.000	1166.000
113.250	1103.000	1040.000
113.300	1104.000	1167.000
113.350	1104.000	1041.000
113.400	1105.000	1168.000
113.450	1105.000	1042.000
113.500	1106.000	1169.000
113.550	1106.000	1043.000
113.600	1107.000	1170.000
113.650	1107.000	1044.000
113.700	1108.000	1171.000
113.750	1108.000	1045.000
113.800	1109.000	1172.000
113.850	1109.000	1046.000
113.900	1110.000	1173.000
113.950	1110.000	1047.000
114.000	1111.000	1174.000
114.050	1111.000	1048.000
114.100	1112.000	1175.000
114.150	1112.000	1049.000
114.200	1113.000	1176.000
114.250	1113.000	1050.000
114.300	1114.000	1177.000
114.350	1114.000	1051.000
114.400	1115.000	1178.000

DME CHANNELING AND PAIRING—Continued

[MHz]

VHF channel	Airborne interrogating frequency	Ground reply frequency
114.450	1115.000	1052.000
114.500	1116.000	1179.000
114.550	1116.000	1053.000
114.600	1117.000	1180.000
114.650	1117.000	1054.000
114.700	1118.000	1181.000
114.750	1118.000	1055.000
114.800	1119.000	1182.000
114.850	1119.000	1056.000
114.900	1120.000	1183.000
114.950	1120.000	1057.000
115.000	1121.000	1184.000
115.050	1121.000	1058.000
115.100	1122.000	1185.000
115.150	1122.000	1059.000
115.200	1123.000	1186.000
115.250	1123.000	1060.000
115.300	1124.000	1187.000
115.350	1124.000	1061.000
115.400	1125.000	1188.000
115.450	1125.000	1062.000
115.500	1126.000	1189.000
115.550	1126.000	1063.000
115.600	1127.000	1190.000
115.650	1127.000	1064.000
115.700	1128.000	1191.000
115.750	1128.000	1065.000
115.800	1129.000	1192.000
115.850	1129.000	1066.000
115.900	1130.000	1193.000
115.950	1130.000	1067.000
116.000	1131.000	1194.000
116.050	1131.000	1068.000
116.100	1132.000	1195.000
116.150	1132.000	1069.000
116.200	1133.000	1196.000
116.250	1133.000	1070.000
116.300	1134.000	1197.000
116.350	1134.000	1071.000
116.400	1135.000	1198.000
116.450	1135.000	1072.000
116.500	1136.000	1199.000
116.550	1136.000	1073.000
116.600	1137.000	1200.000
116.650	1137.000	1074.000
116.700	1138.000	1201.000
116.750	1138.000	1075.000
116.800	1139.000	1202.000
116.850	1139.000	1076.000
116.900	1140.000	1203.000
116.950	1140.000	1077.000
117.000	1141.000	1204.000
117.050	1141.000	1078.000
117.100	1142.000	1205.000
117.150	1142.000	1079.000
117.200	1143.000	1206.000
117.250	1143.000	1080.000
117.300	1144.000	1207.000
117.350	1144.000	1081.000
117.400	1145.000	1208.000
117.450	1145.000	1082.000
117.500	1146.000	1209.000
117.550	1146.000	1083.000
117.600	1147.000	1210.000
117.650	1147.000	1084.000
117.700	1148.000	1211.000
117.750	1148.000	1085.000
117.800	1149.000	1212.000
117.850	1149.000	1086.000
117.900	1150.000	1213.000
117.950	1150.000	1087.000

(7) 1300–1350 MHz: The use of this band is restricted to surveillance radar stations and associated airborne transponders.

(8) 1544–1660.5 MHz: The use of this band is limited to:

(i) 1544–1545 MHz—Transmission from satellite-borne stations (space-to-Earth) in the mobile-satellite service concerning distress and safety operations.

(ii) 1545–1559 MHz—Aeronautical mobile-satellite (R) (space-to-Earth). Transmissions from terrestrial aeronautical stations directly to aircraft stations, or between aircraft stations, in the aeronautical mobile (R) service are also authorized when such transmissions are used to extend or supplement the satellite-to-aircraft links.

(iii) 1559–1626.5 MHz—Airborne electronic aids to air navigation and any associated land stations.

(iv) 1626.5–1645.5 MHz—Maritime mobile-satellite service (Earth-to-space).

(v) 1645.5–1646.5 MHz—Transmissions from earth stations (Earth-to-space) in the mobile-satellite service concerning distress and safety operations.

(vi) 1646.5–1660.5 MHz—Aeronautical mobile-satellite (R) (Earth-to-space).

(vii) Radio altimeters licensed in the frequency band 1600–1660 MHz as of July 1, 1971, may continue to be licensed until international standardization requires the discontinuance of radio altimeters in this band. Applications for type acceptance of new radio altimeters in this band will not be accepted.

(9) 2700–2900 MHz: Non-Government land-based radars may be licensed. U.S. Government coordination is required. Applicants must demonstrate a need for the service which the Government is not prepared to render.

(10) 5000–5250 MHz: This band is to be used for the operation of the international standard system (microwave landing system).

(11) 9000–9200 MHz: This band is available to land-based radars. Stations operating in this band may receive interference from stations operating in the radiolocation service.

(12) 14,000–14,400 MHz: This band is available for use in the aeronautical radionavigation service.

(13) 15,400–15,700 MHz: This band is available for use of land stations associated with airborne electronic aids to air navigation.

(14) 24,250–25,250, 31,800–33,400 MHz: In these bands, land-based radionavigation aids are permitted where they operate with airborne radionavigation devices.

(c) *Frequencies available for radionavigation land test stations.* (1) The frequencies set forth in § 87.187(c), (e) through (j) and § 87.475(b)(6) through

(b)(10), (b)(12) may be assigned to radionavigation land test stations for the testing of aircraft transmitting equipment which normally operate on these frequencies and for the testing of land-based receiving equipment which operate with airborne radionavigation equipment.

(2) The frequencies available for assignment to radionavigation land test stations for the testing of airborne receiving equipment are 108.000 and 108.050 MHz for VHF omni-range; 108.100 and 108.150 MHz for localizer, 334.550 and 334.700 MHz for glide slope; 978 and 979 MHz (X channel)/1104 MHz (Y channel) for DME; 1030 MHz for ATC radar beacon transponders; and 5031.0 MHz for microwave landing systems. Additionally, the frequencies in paragraph (b) of this section may be assigned to radionavigation land test stations after coordination with the FAA. The following conditions apply:

(i) The maximum power authorized on the frequencies 108.150 and 334.550 MHz is 1 milliwatt. The maximum power authorized on all other frequencies is one watt.

(ii) The pulse repetition rate (PRR) of the 1030 MHz ATC radar beacon test set will be 235 pulses per second (pps) ±5pps.

(iii) The assignment of 108.000 MHz is subject to the condition that no interference will be caused to the reception of FM broadcasting stations and stations using the frequency are not protected against interference from FM broadcasting stations.

(d) *Frequencies available for ELT test stations.* The frequencies available for assignment to ELT test stations are 121.600, 121.650, 121.700, 121.750, 121.800, 121.850, and 121.900 MHz. Licensees must:

(1) Not cause harmful interference to voice communications on these frequencies or any harmonically related frequency.

(2) Coordinate with the appropriate FAA Regional Spectrum Management Office prior to each activation of the transmitter.

§ 87.477 Condition of grant for radionavigation land stations.

Radionavigation land stations may be designated by the FAA as part of the National Airspace System. Stations so designated will be required to serve the public under IFT conditions. This condition of grant is applicable to all radionavigation land stations.

§ 87.479 Harmful interference to radionavigation land stations.

(a) Military or other Government stations have been authorized to establish wide-band systems using frequency-hopping spread spectrum techniques in the 960–1215 MHz band. Authorization for a Joint Tactical Information Distribution Systems (JTIDS) has been permitted on the basis of non-interference to the established aeronautical radionavigation service in this band. In order to accommodate the requirements for the system within the band, restrictions are imposed. Transmissions will be automatically prevented if:

(1) The frequency-hopping mode fails to distribute the JTIDS spectrum uniformly across the band;

(2) The radiated pulse varies from the specified width of 6.4 microseconds ±5%;

(3) The energy radiated within ±7 MHz of 1030 and 1090 MHz exceeds a level of 60 dB below the peak of the JTIDS spectrum as measured in a 300 kHz bandwidth. The JTIDS will be prohibited from transmitting if the time slot duty factor exceeds a 20 percent duty factor for any single user and a 40 percent composite duty factor for all JTIDS emitters in a geographic area.

(b) If radionavigation systems operating in the 960–1215 MHz band experience interference or unexplained loss of equipment performance, the situation must be reported immediately to the nearest office of the FAA, the National Telecommunications and Information Administration, Washington, DC 20504, or the nearest Federal Communications Commission field office. The following information must be provided to the extent available:

(1) Name, call sign and category of station experiencing the interference;

(2) Date and time of occurrence;

(3) Geographical location at time of occurrence;

(4) Frequency interfered with;

(5) Nature of interference; and

(6) Other particulars.

§ 87.481 Unattended operation of domestic radiobeacon stations.

(a) Radiobeacons may be licensed for unattended operation. An applicant for unattended operations must provide information about the following:

(1) The transmitter is crystal controlled and specifically designed for radiobeacon service and capable of transmitting by self-actuating means;

(2) The emissions of the transmitter must be continuously monitored by a licensed operator, or by a direct positive automatic monitor, supplemented by aural monitoring at suitable intervals;

(3) If as a result of aural monitoring it is determined that a deviation from the terms of the station license has occurred, the transmitters must be disabled immediately by a properly authorized person. If automatic monitoring is used, the monitor must insure that the operation of the transmitter meets the license terms or is disabled;

(4) The time, including travel time, required for a properly authorized person to disable the transmitter;

(5) The equipment must be inspected at least every 180 days. Results of inspections must be kept in the station maintenance records;

(6) The transmitter is not operable by or accessible to, other than authorized persons;

(7) The transmitter is in a remote location.

(b) Authority for unattended operation must be expressly stated in the station license.

Subpart R—Civil Air Patrol Stations

§ 87.501 Scope of service.

Civil Air Patrol land and mobile stations must be used only for training, operational and emergency activities of the Civil Air Patrol.

(a) Civil Air Patrol land and mobile stations may communicate with other land and, mobile stations of the Civil Air Patrol. A Civil Air Patrol land station may be moved from its authorized location for temporary operation in the same general area for short periods of time not to exceed 72 hours.

(b) When engaged in training or on actual missions in support of the U.S. Air Force, Civil Air Patrol stations may communicate with U.S. Air Force stations on the frequencies specified in Subpart E.

§ 87.503 Supplemental eligibility.

Licenses for Civil Air Patrol land and mobile stations will be issued only to Wings or the Headquarters of the Civil Air Patrol. All application must be submitted to the Commission via Civil Air Patrol Headquarters, Maxwell, ARB. A single fleet license will be issued to Civil Air Patrol Headquarters and to each Civil Air Patrol Wing to authorize all Civil Air Patrol Station transmitters operated by that Wing or Headquarters.

§ 87.505 Frequencies.

The assigned frequencies available for assignment to Civil Air Patrol land and mobile stations are contained in the frequency table in Subpart E. The frequency, emission, and maximum power will be determined by Headquarters Civil Air Patrol in accordance with the Civil Air Patrol Communications Plan.

Subpart S—Automatic Weather Observation Stations

§ 87.525 Scope of service.

Automatic weather observation stations must provide up-to-date weather information including the time of the latest weather sequence, altimeter setting, wind speed and direction, dewpoint, temperature, visibility and other pertinent data needed at airports having neither a full-time control tower nor a full-time FAA Flight Service Station. When a licensee has entered into an agreement with the FAA, an automatic weather observation station may also operate as an automatic terminal information station during the control tower's operating hours.

§ 87.527 Supplemental eligibility.

(a) Licenses will be granted only upon FAA approval.

(b) Eligibility for an automatic weather observation station or an automatic terminal information station is limited to the owner or operator of an airport or to a person who has entered into a written agreement with the owner or operator for exclusive rights to operate and maintain the station. Where applicable a copy of the agreement between the applicant and owner or operator of the airport must be submitted with an application.

(c) Only one automatic weather observation station or an automatic terminal information station will be licensed at an airport.

§ 87.529 Frequencies.

Prior to submitting an application, each applicant must notify the nearest appropriate FAA Regional Spectrum Management Office. Each application must be accompanied by a statement showing the name of the FAA Regional Office and date notified. The Commission will assign the frequency. Normally frequencies available for air traffic control operations set forth in Subpart E will be assigned to automatic weather observation stations and to automatic terminal information stations. When a licensee has entered into an agreement with the FAA to operate the same station as both an automatic weather observation station and as an automatic terminal information station, the same frequency will be used in both modes of operation.

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August 1, 1988

Part III

Department of Transportation

Coast Guard

46 CFR Part 30 et al.

Pollution Rules for Ships Carrying Hazardous Liquids; Interim Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 30, 98, 151, and 153

[CGD 81-101]
RIN 2115-AA73

Pollution Rules for Ships Carrying Hazardous Liquids; Interim Rule

AGENCY: Coast Guard, DOT.

ACTION: Interim rule with request for comments.

SUMMARY: The Coast Guard is making some changes to its regulations that implement Annex II of the 1978 Protocol to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78). These changes correct some errors and discrepancies between the regulations and Annex II of MARPOL 73/78. The changes in this interim rule align the regulations with the convention.

DATES: 1. The effective date is August 31, 1988.

2. Comments must be submitted on or before September 15, 1988.

ADDRESSES: Comments should be submitted to Commandant (G-LRA-2) (CGD 81-101), United States Coast Guard, Washington, DC 20593-0001. Between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays, comments may be delivered to and will be available for inspection or copying at the Regulations Administration Branch (G-LRA-2), United States Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. The Environmental and Economic Impact Assessments are available for inspection or copying at this same location.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Query, Office of Marine Safety, Security and Environmental Protection, telephone (202) 267-1217 from 8:00 am until 3:30 pm, Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION: The Coast Guard published the final rule implementing Annex II of MARPOL 73/78 in the March 12, 1987 **Federal Register** (52 FR 7765). The Notice of Proposed Rulemaking (NPRM) was published on September 26, 1986 (51 FR 34350). Experience under this rule disclosed several areas that require clarification and revealed some requirements mandated by the convention that are not addressed in the rules. This interim rule makes the necessary changes. Since affected parties are aware of the convention requirements and have been applying the existing rules to implement the convention, these changes are being published as an interim rule, effective 30 days after publication. To ensure that the rules, as changed, accurately reflect all convention requirements, the Coast Guard is soliciting comments on these changes and may further revise the rules as a result of these comments.

Drafting Information

The principal persons involved in drafting this final rule are Mr. Robert M. Query, Project Manager, and Mr. Stanley M. Colby, Project Counsel, Office of Chief Counsel.

Discussion of Changes

Changes to 46 CFR Part 30

Table 30.25-1 of 46 CFR Part 30 contains a list of cargoes regulated under 46 CFR Parts 30 through 38. A number of these cargoes are Category A, B, or C noxious liquid substances (NLSs); hence they are also regulated under Part 153 when the vessel carrying them is oceangoing. In the table published in the final rule, the Category A, B, and C NLS cargoes were indicated by a bullet beside the cargo name. The Coast Guard is reprinting Table 30.25-1, replacing the bullets with the actual cargo category for quicker identification. The Category D NLS cargoes in the table are also indicated; the pollution related requirements applying to these Category D NLS cargoes are in 33 CFR Part 151. The text of section 30.25-1 is modified to explain the revised table entries. This change will clarify the status of the cargo when carried on oceangoing ships. Formerly Part 30 did not indicate that some cargoes had not been evaluated for polluting characteristics.

Changes to Part 98

In order to be in agreement with Regulation 2 of Annex II of MARPOL 73/78, a new section is added to Subpart 98.30 covering the carriage of NLSs in marine portable tanks. The Coast Guard does not know of any ships carrying NLSs in marine portable tanks, other than those on offshore supply vessels, and does not believe this change will have any impact. In the notice of proposed rulemaking the Coast Guard described its intention to include requirements in the final rule for ships carrying NLSs under this subpart; however, the final rule did not contain these provisions.

The title of § 98.31-10 is revised to clarify what the section covers.

Changes to Part 151

Table 151.01-10(d) is removed and reserved. References in this part to this table are replaced with references to the identical Table 30.25-1. This change eliminates the administrative problems of ensuring both tables are identical and up to date. There is no effect on the requirements applying to the cargoes.

Paragraph (c) of § 151.01-15 is removed; the content of this paragraph is covered by the text of § 30.25-1 discussed above. The change does not affect the requirements applying to the cargoes.

Section 153.1130, which concerns reporting of failed equipment, is added to the list of sections contained in § 151.12-10 applying to the carriage of Category D NLS cargoes. The only significant effect this change has is to require that failures of Category D NLS related equipment on oceangoing barges be reported as are those of equipment for Category A, B, and C NLSs. The Coast Guard believes the effect of this change will be very slight. Although the change will give more consistent treatment to the different cargo categories, Category D NLS cargoes have very little in the way of equipment requirements.

Changes to 46 Part 153

Paragraph (c) of the Applicability in § 153.1 is rewritten to clarify it.

The definition of "high viscosity NLS" is modified to exclude Category A NLS cargoes included in the previous definition. The only effect the inclusion of Category A cargo in this definition had on the regulation was to require a heated rather than unheated prewash. A change to the requirements for a heated prewash in § 153.1108(d), described later in this preamble, restores the heated prewash requirement for Category A NLS cargoes, so the net effect is editorial only. The change will remove a discrepancy in definitions between the regulation and the Convention.

Paragraph (d)(2) of § 153.7 is revised to clarify the grandfathering of existing oceangoing barges. The changes allow a barge to carry any of the NLS cargoes without having to meet the design and equipment requirements of Part 153 if the barge meets those requirements specifically listed in the section.

Paragraph (a)(3) of § 153.440, which requires cargo temperature indicators in certain circumstances, is revised to show that the requirement can be waived by § 153.491. These temperature indicators would be unnecessary for dedicated tanks operating under a § 153.491 waiver since the indicators only aid in reducing the tank residue, a result that is unimportant when the tank is dedicated. The revision removes a regulatory burden.

A cross-reference to the prewash required under § 153.1118 is added to § 153.481(a) so that the reader is made aware that a prewash is an operating requirement conditioned upon the interim stripping provision. Paragraph (b)(4) of § 153.481 is modified to require the flow controls only if the flow can exceed the limiting value Q. These changes both clarify the requirement and reduce the burden.

Paragraph (b) of § 153.483 is revised to reduce the information required for the waiver and simplify the requirements for a waiver when the vessel trades only between U.S. ports. The change reduces the burden but does not substantially change the conditions under which the Coast Guard grants a waiver.

The requirement for a Procedures and Arrangements Manual in § 153.490(b)(1) is changed to provide an alternative in which the Commandant (G–MTH) can determine the manual's format and contents under certain circumstances. The Coast Guard intends to use this provision to allow an endorsement on the Certificate of Inspection requiring NLS residues to be discharged to a shore reception facility to constitute the Procedures and Arrangements Manual. This alternative will be allowed for ships that carry only a Category D NLS and ships having certain waivers.

Some clarifications of an editorial nature are made to paragraph (a) of § 153.900. Changes to paragraph (c) of that section add a reference to Table § 151.05 and clarify the text. Neither of these has any significant impact.

A footnote is added to § 153.1102(a) to point out that other laws allow controlled discharges of materials that may be NLS's. Several comments have expressed concern that there might be a violation of the rules in Part 153 while discharging properly under an EPA permit. The note points out that discharge under an EPA permit is allowed.

The requirement in § 153.1104 to drain cargo in transfer lines back to shore is modified so that the requirement does not apply when the cargo tank has a waiver under § 153.483 or § 153.491. There is no reason for the requirement if the tank is not going to be washed at sea.

Section 153.1108 is modified to require heated prewash water when a prewash is required for a cargo having a viscosity exceeding 25 mPa.Sec at 20 °C. This Annex II requirement was unintentionally omitted from the final rule. The Coast Guard believes this change to have little effect since so few prewashes are occurring. See the discussion of "high viscosity" under § 153.2 above.

The prewash procedures in § 153.1120 are intended to define what must be done before a prewash may be considered completed. No penalities were intended to apply to an improperly executed prewash beyond the necessity of repeating the operation. The introductory text has been reworded to clarify the procedure and the ramifications when the procedure is violated.

Some typographical corrections to § 153.1128 are made. The entry for "ethyl ether" in Table 1 is corrected because the entry was improperly printed in the final rule. The entry for "styrene" is corrected to remove the requirement for a high level alarm. The entry for "cresylate spent caustic" is revised to correct the pollution category to "A" and to require a type II hull. Although this correction to the entry for "cresylate spent caustic" is substantive, the Coast Guard cannot allow the cargo to be carried with no controls, in violation of MARPOL 73/78.

Table 2 is modified to show the NLS category of those cargoes that are NLSs. Though Table 2 was previously a list of "unregulated" cargoes, many of the entries were NLSs and were removed from the table when the final rule implementing Annex II was published. Removing these NLSs has caused some confusion for the operators of barges that are not under Annex II, since for them these cargoes are still "unregulated." For this reason, the old cargoes have been reinserted into Table 2, along with their NLS categories. Thus, Table 2 is no longer a list of "unregulated" cargoes; it instead is similar to Table 30.25–1(d) of Title 46, where the requirements applying to the cargoes depend on whether or not the vessel is under Annex II.

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

E.O. 12291 and DOT Regulatory Policies and Procedures

These regulations are not considered to be major under Executive Order 12291 nor significant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The corrections and changes in this interim final rule do not affect the arguments and conclusions in the Regulatory Evaluation made for the rule.

Regulatory Flexibility Act

A Regulatory Flexibility Analysis for the final rule was contained in the Final Regulatory Evaluation for the rule. The corrections and changes in this interim final rule do not materially affect the Regulatory Flexibility Analysis for the final rule. The Coast Guard certifies that this interim final rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This interim final rule contains no new information collection or recordkeeping requirements.

Environmental Assessment

The Coast Guard has considered the environmental impact of this interim final rule and concluded that preparation of an environmental impact statement is not necessary since the corrections and changes here do not change the environmental consequences of the final rule.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be to cross reference this action with the Unified Agenda.

List of Subjects

46 CFR Part 30

Cargo vessels, Foreign relations, Hazardous Materials Transportation, Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 98

Cargo vessels, Hazardous Materials Transportation, Marine Safety.

46 CFR Part 151

Cargo vessels, Hazardous Materials Transportation, Marine Safety, Reporting and recordkeeping requirements.

46 CFR Part 153

Cargo vessels, Hazardous Materials Transportation, Marine Safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, Chapter I of Title 46, Code of Federal Regulations, is amended as follows:

PART 30—[AMENDED]

1. The authority citation for Part 30 is revised to read as follows:

Authority: 46 U.S.C. 3507, 3703; 49 U.S.C. 1804; 49 CFR 1.46.

2. By revising § 30.25–1 to read as follows:

§ 30.25–1 Cargoes carried in vessels certificated under the rules of this subchapter.

The cargoes listed in Table 30.25–1 are flammable or combustible and when transported in bulk must be in vessels certificated under the rules of this subchapter. A mixture or blend of two or more cargoes appearing in Table 30.25–1 may be transported under the provisions of this subchapter. A Category A, B, or C noxious liquid substance (NLS) cargo, as defined in § 153.2 of this chapter, that is listed in Table 30.25–1 and any mixture containing one or more Category A, B, or C NLS cargoes listed in Table 30.25–1 may be carried in bulk under this subchapter if the vessel is not regulated under Part 153 of this chapter. If the vessel is regulated under § 153.1 of this chapter, Category A, B, and C NLS cargoes must be carried under Part 153, or, as an alternative in the case of Category C oil-like NLS, under 33 CFR Part 151. Requirements for Category D NLS cargoes and mixtures of non-NLS cargoes with Category D NLS cargoes are in 33 CFR Part 151.

TABLE 30.25-1--LIST OF FLAMMABLE AND COMBUSTIBLE BULK LIQUID CARGOES

Cargoes	Pollution Category
Acetone	III
Acetophenone	D
Acetyl tributyl citrate	#
Alcohols (mixed)	#
Alkenylsuccinic acid	#
Alkenylsuccinic anhydride	#
Alkyl benzene sulfonic acid (4% or less)	#
Alkyl phthalates (n-)	#
Alkyl succinate formaldehyde hydroxy amino condensate (3.2% or less)	#
Amyl acetate (iso-, n-)	C
Amyl alcohol (n-)	D
Amylene see Pentene (all isomers)	C
Amyl methyl ketone see Methyl amyl ketone	C
Amyl tallate	#
Asphalt	I
Asphalt blending stocks:	
Roofers flux	I
Straight run residue	I
Behenyl alcohol	III
Benzyl alcohol	C
Bicyclic terpenel polyamine amide salt	#
Butane	LFG
Butyl acetate (iso-, n-)	C
Butyl acetate (sec-)	D
Butyl alcohol (iso-, n-, sec-, tert-)	III
Butyl benzyl phthalate	A
Butylene	LFG
1,3-Butylene glycol	D
Butylene polyglycol	#
Butyl heptyl ketone	C*

TABLE 30.25-1--LIST OF FLAMMABLE AND COMBUSTIBLE BULK LIQUID CARGOES—Continued

Cargoes	Pollution Category
Butyl methyl ketone	#
Butyl stearate	III
Butyl toluene	#
Butyrolactone (gamma)	D
Calcium alkylphenate	#
Calcium alkyl salicylate	D
Calcium amino nonyl phenolate	#
Calcium carboxylate	#
Caprolactam solutions	D
Carbon black base	#
Cetyl alcohol (Hexadecanol)	III
Cetyl-Stearyl alcohol	III
Cleaning spirit (unleaded)	#
Cumene	B
Cycloaliphatic resins	#
Cyclohexane	C
Cyclohexanol	C
Cyclopentadiene polymers	#
Cymene (para-)	C
Decaldehyde (iso-)	C*
Decaldehyde (n-)	B*
Decane	D
Decene	B
Decyl alcohol (iso-, n-)	B
Decyl benzene (n-)	D
Detergent alkylate	#
Diacetone alcohol	D
Dibutyl carbinol	#
Dibutyl phthalate (ortho-)	A
Dicyclopentadiene	III
Diethyl benzene	C
Diethylene glycol	III
Diethylene glycol butyl ether	III
Diethylene glycol butyl ether acetate	D
Diethylene glycol diethyl ether	III
Diethylene glycol ethyl ether	III
Diethylene glycol ethyl ether acetate	D
Diethylene glycol methyl ether	C
Diethylene glycol methyl ether acetate	D
Diethylene glycol phenyl ether	D
Di(ethylhexyl)phthalate	D
Diethyl phthalate	C
Diglycidyl ether of Bisphenol A	B
Diheptyl phthalate	III
Dihexyl phthalate	III
Diisobutyl carbinol	#
Diisobutylene	B
Diisobutyl ketone	D
Diisobutyl phthalate	B
Diisodecyl phthalate	D
Diisononyl phthalate	D
Diisooctyl phthalate	III
Diisopropyl benzene	A
Diisopropyl naphthalene	D
Dimethyl benzene	#
Dimethyl phthalate	C
Dimethyl polysiloxane	III
2,2-Dimethylpropane-1,3-diol	D
Dinonyl phthalate	D
Di(octylphenyl)amine	#
Dioctyl phthalate	III
Dipentene	C
Diphenyl	A
Diphenyl/Diphenyl oxide	A
Diphenyl ether	A
Dipropylene glycol	III
Dipropylene glycol dibenzoate	D
Dipropylene glycol methyl ether	D
Distillates:	
Flashed feed stocks	I
Straight run	I
Diundecyl phthalate	D
Dodecylphenol	A
Epoxylated linear alcohols, C11-C15	#
Ethane	LFG

TABLE 30.25-1--LIST OF FLAMMABLE AND COMBUSTIBLE BULK LIQUID CARGOES—Continued

Cargoes	Pollution Category
Ethoxyethanol	D
Ethoxyethyl acetate	C
Ethoxylated alcohols, C11-C15	#
Ethoxy triglycol (crude)	#
Ethyl acetate	D
Ethyl alcohol	III
Ethyl amyl ketone	C*
Ethyl benzene	C
Ethyl butanol	#
Ethyl cyclohexane	D
Ethylene	LFG
Ethylene carbonate	III
Ethylene glycol	D
Ethylene glycol butyl ether	III
Ethylene glycol butyl ether acetate	D
Ethylene glycol diacetate	C
Ethylene glycol ethyl ether	#
Ethylene glycol ethyl ether acetate	C
Ethylene glycol isopropyl ether	D
Ethylene glycol methyl butyl ether	D
Ethylene glycol methyl ether	D
Ethylene glycol methyl ether acetate	D
Ethylene glycol phenyl ether	D
Ethylene-Propylene copolymer (in liquid mixtures)	III
Ethylhexaldehyde see Octyl aldehydes	B
Ethylhexanoic acid	D
2-Ethyl hexanol	#
Ethylhexoic acid	#
Ethyl hexyl phthalate	C*
Ethyl hexyl tallate	#
Ethyl toluene	B
Fatty acid amides	#
Formamide	D
Furfuryl alcohol	C
Gas oil, cracked	I
Gasoline blending stocks:	
Alkylates	I
Reformates	I
Gasolines:	
Automotive (containing not over 4.23 grams lead per gallon)	I
Aviation (containing not over 4.86 grams lead per gallon)	I
Casinghead (natural)	I
Polymer	I
Straight run	I
Glycerine	III
Glycerol	#
Glyceryl triacetate	III
Glycidyl ester of tertiary carboxylic acid	B
Glycidyl ester of versatic acid	#
Glycol diacetate	#
Glycols, Resins, & Solvents mixture	#
Glycol triacetate	#
Glyoxal (40%)	#
Grease	#
Heptadecane	III
Heptane	III
Heptanoic acid	D
Heptanol	C
Heptene	C
Herbicide (C15-H22-NO2-Cl)	#
Hexaethylene glycol	#
Hexamethylene glycol	III
Hexane (iso-)	#
Hexane (n-)	III
Hexanol	D
Hexene	C
Hexyl acetate	B
Hexylene glycol	III
Hog grease	#
Isophorone	D

TABLE 30.25-1--LIST OF FLAMMABLE AND COMBUSTIBLE BULK LIQUID CARGOES—Continued

Cargoes	Pollution Category
Jet fuels:	
JP-1 (kerosene)	I
JP-3	I
JP-4	I
JP-5 (kerosene, heavy)	I
Kerosene	I
Lactic acid	D
Lard	III
Latex, liquid synthetic	#
Magnesium nonyl phenol sulfide	#
Magnesium sulfonate	#
Maleic anhydride copolymer	#
2-Mercaptobenzothiazol (in liquid mixtures)	#
Methane	LFG
Methoxy triglycol	#
Methyl acetate	III
Methyl acetoacetate	D
Methyl alcohol	III
Methyl amyl acetate	C
Methyl amyl alcohol	C
Methyl amyl ketone	C
Methyl butanol	#
Methyl ethyl ketone	D
Methyl formal (dimethyl formal)	#
Methyl heptyl ketone	B
Methyl isobutyl carbinol	#
Methyl isobutyl ketone	D
Methyl naphthalene	A*
Methyl pentene	C
N-Methyl pyrrolidone	B
Methyl tert-butyl ether	D
Mineral spirits	I
Naphtha:	
Aromatic (10% or less Benzene)	I
Cracking fraction	I
Heavy	I
Paraffinic	I
Petroleum	I
Solvent	I
Stoddard Solvent	I
Varnish makers' and painters' (75%)	I
Naphthenic acid	A*
Nonane	D
Nonanoic acid	D
Nonanoic, Tridecanoic acid mixture	#
Nonene	B
Nonyl alcohol	C
Nonyl phenol	A
Nonyl phenol (ethoxylated)	B*
Nonyl phenol sulfide (90% or less)	#
Octadecene	III
Octadecenoamide (Oleamide)	D
Octane	D
Octene	B
Octyl acetate	D
Octyl alcohol (iso-, n-)	C
Octyl aldehyde (iso-)	B
Octyl epoxytallate	#
Octyl phthalate	#
Oil:	
Absorption	I
Aliphatic	I
Animal	D
Aromatic	I
Aviation F2300	I
Clarified	I
Coal	#
Coal tar	A
Croton	#
Crude	I
Diesel	I
Fuel oils:	
No. 1 (kerosene)	I
No. 1-D	I
No. 2	I
No. 2-D	I
No. 4	I
No. 5	I
No. 6	I
Gas, low pour	I
Gas, low sulphur	I
Heartcut distillate	I
Lanolin	D
Linseed	D
Lubricating	I
Mineral	I
Mineral seal	I
Motor	I
Neatsfoot	D
Oiticica	D
Penetrating	I
Perilla	D
Pilchard	D
Pine	B*
Range	I
Residual	I
Resin	I
Resinous petroleum	#
Road	I
Rosin	A
Seal	I
Soapstock	#
Sperm	D
Spindle	I
Spray	#
Tall	B
Tall, fatty acid	C
Tanner's	#
Transformer	I
Tung	D
Turbine	I
Whale	D
White (mineral)	I
Wood	#
Edible oils, including:	
Babassu	D
Beechnut	D
Castor	D
Cocoa butter	D
Coconut	D
Coconut oil, esterified	D
Coconut oil, fatty acid	C*
Coconut oil, methyl ester	#
Cod liver	D
Corn	D
Cottonseed	D
Cottonseed, fatty acid	C*
Fish	D
Grapeseed	#
Groundnut	D
Hazelnut	D
Lard	#
Maize	#
Mustard seed	#
Nutmeg butter	D
Olive	D
Palm	D
Peanut	D
Poppy	D
Raisin seed	D
Rapeseed	D
Rice bran	D
Safflower	D
Salad	D
Sesame	D
Soya bean	D
Soya bean (epoxidized)	#
Sunflower seed	#
Tucum	D
Vegetable	#
Walnut	D
Oleic acid	D
Oleyl alcohol (Octadecenol)	III
Organic amine 70 (mixture of high molecular weight alcohol amines)	III
Pentadecanol	III
Pentaethylene gylcol	#
Pentane (iso-)	D
Pentane (n-)	C
1-Pentene	C
Petrolatum	I
Phosphosulfurized bicyclic terpene	#
Phthalate plasticizers	#
Pinene	B
Polyalkenyl succinic anhydride amine	#
Polyamine, amide mixture	#
Polybutene	III
Polyethylene glycols	III
Polyisobutylene	III
Polymerized esters	#
Polypropylene	III
Polypropylene glycols	D
Polypropylene glycol methyl ether	III
Polystyrene dialkyl maleate	#
Propane	LFG
Propyl acetate (iso-)	III
Propyl acetate (n-)	D
Propyl alcohol (iso-)	III
Propyl alcohol (n-)	D
Propyl benzene (iso-) see Cumene	B
Propyl benzene (n-)	C*
Propylene	LFG
Propylene butylene polymer	III
Propylene glycol	III
Propylene glycol ethyl ether	D
Propylene glycol methyl ether	D
Propylene polymer (in liquid mixtures)	#
Propylene tetramer	III
Propylene trimer	B
Psuedocumene (1,2,4-Trimethylbenzene)	B
Rum	#
Sodium acetate, Glycol, Water solutions	#
Sodium sulfonate	#
Stearic acid	#
Stearyl alcohol (Octadecanol)	III
Sulfolane	III
Tallow	D
Tallow alcohol	#
Tallow fatty acid	D
Tallow nitrile	#
Tetradecanol	III
Tetradecene	III
Tetradecyl benzene	C*
Tetraethylene glycol	III
Tetrahydronaphthalene	C
Tetrapropyl benzene	#
Toluene	C
Triarylphosphate	A*
Tributyl phosphate	B
Tricresyl (Tritolyl) phosphate (less than 1% ortho isomer)	A
Tridecane	D
Tridecanoic acid	III
Tridecanol	III
Tridecene	III
Tridecyl benzene	C
Triethyl benzene	A
Triethylene glycol	III
Triethylene glycol butyl ether mixture	#
Triethylene glycol diethyl butyrate	C*
Triethylene glycol ether mixture	#
Triethylene glycol methyl ether	D
Triethyl phosphate	D
Triisooctyl trimellitate	#

TABLE 30.25-1--LIST OF FLAMMABLE AND COMBUSTIBLE BULK LIQUID CARGOES—Continued

Cargoes	Pollution Category
Trimethyl benzene	B
2,2,4-Trimethylpentanediol-1,3-diisobutyrate	#
2,2,4-Trimethyl-3-pentanol-1-isobutyrate	#
Tripropylene	#
Tripropylene glycol	III
Tripropylene glycol methyl ether	D
Trixylenyl phosphate	A
Turpentine	B
Turpentine substitute (White spirit)	#
Undecanol	B
Undecene	B
Undecylbenzene	C*
Vinyl acetate-fumarate copolymer	#
Waxes:	D
Candelilla	#
Carnauba	#
Paraffin	III
Petroleum	#
White spirit	#
White spirit, Low Aromatic	B
Wine	III
Wool grease	#
Xylene (meta-, para-, ortho-)	C
Zinc dialkyldithiophosphate	#

Explanation of Symbols: As used in this table the following stands for:

A, B, C, D -- NLS Category of Annex II of MARPOL 73/78

I -- Considered an "oil" under Annex I of MARPOL 73/78

III -- Appendix III of Annex II (non-NLS cargoes) of MARPOL 73/78

LFG -- Liquefied flammable gas

-- No determination of NLS status. For shipping on an oceangoing vessel, see 46 CFR 153.900(c).

* -- No standards in 46 CFR Part 153. For shipping on an oceangoing vessel, see 46 CFR 153.900(c).

PART 98—[AMENDED]

3. The authority citation for Part 98 is revised to read as follows:

Authority: 33 U.S.C. 1903(b), 46 U.S.C. 3306, 3703, 49 U.S.C. 1804; 49 CFR 1.46.

4. By adding a new § 98.30–4 to read as follows:

§ 98.30–4 Requirements for ships carrying NLSs in marine portable tanks.

(a) The person in charge of a ship, except a ship under Subpart 98.31 of this chapter, that carries an NLS in a marine portable tank shall ensure that—

(1) The ship's Certificate of Inspection is endorsed with the name of the NLS;

(2) Any letters issued by the Commandant (G–MTH) prescribing additional conditions for endorsement are attached; and

(3) Each operating requirement specified in writing by Commandant (MTH) as a condition for endorsement is met.

(b) To have a ship's Certificate of Inspection endorsed to allow the carriage of NLSs in marine portable tanks, the—

(1) Owner of the ship must make a request to the Commandant (G–MTH) following the procedures for requesting alternatives in § 153.10(a) of this chapter; and

(2) The ship must meet any design and equipment requirements specified in writing as a condition for the endorsement by the Commandant (G–MTH).

5. By revising the heading of § 98.31–10 to read as follows:

§ 98.31–10 Certificate of Inspection and NLS Certificate endorsements.

* * * * *

PART 151—[AMENDED]

6. The authority citation for Part 151 is revised to read as follows:

Authority: 33 U.S.C. 1903(b), 46 U.S.C. 3703; 49 CFR 1.46.

§ 151.01–10 [Amended]

7.a By amending § 151.01–10(d) by Table 151.01–10(d).

b. By amending §§ 151.01–10(d) and 151.01–15(a) by removing the words "Table 151.01–10(d)" wherever they appear and inserting in their place the words "Table 30.25–1 of this chapter."

8. By removing § 151.01–15(c).

9. By amending paragraph (b) of § 151.12–10 by adding the section designation "153.1130," between the section designations "153.1128," and "and 153.1132."

PART 153—[AMENDED]

10. The authority citation for Part 153 is revised to read as follows:

Authority: 46 U.S.C. 3703; 49 CFR 1.46, except § 153.40 which is issued under 49 U.S.C. 1804; 49 CFR 1.46. Additional authority under 33 U.S.C. 1903(b); 49 CFR 1.46 for § 153.470 through § 153.491, § 153.1100 through § 153.1132, and § 153.1600 through § 153.1608.

11. By amending § 153.1 by correcting the cross-reference in the introductory text of paragraphs (a) and (b) from "153.900(b)" to "153.900(d)," and by revising paragraph (c) to read as follows:

§ 153.1 Applicability.

* * * * *

(c) All ships that carry a bulk liquid, liquefied gas, or compressed gas cargo that is not—

(1) Listed in Table 1 of this part;

(2) Listed in Table 2 of this part;

(3) Carried under a written permission granted under § 153.900(d);

(4) Carried under Parts 30 through 35, 98, 151, or 154 of this chapter; or

(5) Carried as an NLS under 33 CFR Part 151.

12. By amending § 153.2 by revising the definition of "High viscosity NLS" to read as follows:

§ 153.2 Definitions and acronyms.

* * * * *

"High viscosity NLS" includes high viscosity Category B NLS and high viscosity Category C NLS.

* * * * *

13. By amending § 153.7 by removing and reserving paragraph (d)(7) and by revising paragraphs (d)(2) and (d)(4) to read as follows:

§ 153.7 Ships built before December 27, 1977 and non-self-propelled ships built before July 1, 1983: application.

* * * * *

(d) * * *

(2) The ship carries no NLS cargo or NLS residue at any time it is in waters of another Administration signatory to MARPOL 73/78;

* * * * *

(4) The ship meets all requirements in Parts 30 through 34 and Part 151 of this chapter that apply to the cargo;

* * * * *

14. By amending § 153.440 by revising the introductory text of paragraph (a)(3) to read as follows:

§ 153.440 Cargo temperature sensors.

(a) * * *

(3) Unless waived under § 153.491(a), a cargo tank endorsed to carry a Category A, B, or C NLS cargo must have a thermometer whose temperature reading is no greater than the temperature of the cargo at a level above the tank bottom at least one-eighth but no more than one-half the height of the tank if the cargo is—

* * * * *

§ 153.470 [Amended]

15. By amending § 153.470(a) by correcting the reference defining "Qd" from "153.1126(e)(2)" to "153.1126(b)(2)."

16. By amending § 153.481 by revising paragraph (a) and the introductory text of paragraph (b)(4) to read as follows:

§ 153.481 Stripping quantities and interim standards for Category B NLS tanks on ships built before July 1, 1986: Category B.

* * * * *

(a) Unless the tank meets the interim standard provided by paragraph (b) of this section and is prewashed in accordance with § 153.1118, the tank must have a stripping quantity determined under § 153.1604 that is less than 0.35m ^{3}.

* * * * *

(4) Each system that has the capacity to exceed Q calculated under paragraph (b)(1) of this section and does not automatically control the flow rate must have—

* * * * *

17. By amending § 153.483 by removing paragraph (f) and by revising paragraphs (a)(1), (b), (c), (d) and (e) to read as follows, and amending the Note at the end of the section by adding the words "to § 153.483" after the word "Note":

§ 153.483 Restricted Voyage Waiver for Category B and C NLS tanks on ships built before July 1, 1986: Category B and C.

* * * * *

(a) * * *

(1) limit the loading and discharge of Category B and C NLS cargoes in a foreign port to those ports and terminals in countries signatory to MARPOL 73/78 and listed in accordance with paragraph (b) of this section; and

* * * * *

(b) A list of—

(1) All foreign ports or terminals at which the ship is expected to load or discharge Category B or C NLS cargo, and

(2) All foreign ports or terminals at which the ship is expected to discharge Category B or C NLS residue from the tank;

(c) An estimate of the quantity of NLS residue to be discharged to each foreign port or terminal listed under paragraph (b)(2) of this section;

(d) Written statements from the owners of adequate reception facilities in the ports and terminals listed in accordance with paragraph (b)(2) of this section who have agreed to take NLS residue from the ship, showing the amount of NLS residue each agrees to take; and

(e) A written attestation from the person in charge of each port or terminal listed in accordance with paragraph (b)(1) of this section that the administration has determined the port or terminal to have adequate reception facilities for the NLS residue.

18. By amending § 153.490 by revising paragraph (b)(1) to read as follows:

§ 153.490 Cargo Record Book and approved Procedures and Arrangements Manual: Categories A, B, C, and D.

* * * * *

(b) * * *

(1) The standard format and content prescribed in Chapter 2 and Appendix D of the IMO *Standards for Procedures and Arrangements for the Discharge of Noxious Liquid Substances*, Resolution MEPC 18(22), 1985, or, for ships for which the only NLS carried is a Category D NLS and ships having a waiver under § 153.483 or § 153.491, the format and content prescribed by the Commandant (G–MTH).

* * * * *

19. By amending the introductory text of § 153.491(a) to read as follows:

§ 153.491 Waiver of certain equipment for dedicated cargo tanks.

(a) The Coast Guard waives §§ 153.440(a)(3), 153.480, 153.481, 153.482, and 153.488 and endorses a ship's Certificate of Inspection or Certificate of Compliance allowing a cargo tank to carry a single, specific NLS cargo and no other cargo if the ship's owner—

* * * * *

20. By amending § 153.900 by revising the introductory texts of paragraphs (a) and (d), and revising paragraphs (c), (d)(1)(i), (d)(2)(i), (d)(2)(ii), and (d)(2)(iii) to read as follows:

§ 153.900 Certificates and authorization to carry a bulk liquid hazardous material.

(a) Except as allowed in 33 CFR 151.33(a), no ship may carry a cargo of bulk liquid hazardous material or an NLS residue if the bulk liquid hazardous material or NLS is listed in Table 1 or carried under a written permission under paragraph (d) of this section unless the ship meets the following:

* * * * *

(c) No ship may carry any bulk liquid cargo not listed in § 30.25–1 of this chapter, Table 151.05 of Part 151 of this chapter, Table 1 or Table 2 of this part, Table 4 of Part 154 of this chapter, 33 CFR 151.47, or 33 CFR 151.49 unless the cargo name is endorsed on the Certificate of Inspection or contained in a letter issued under paragraph (d) of this section.

(d) The Coast Guard at its discretion endorses the Certificate of Inspection with the name of or issues a letter allowing the carriage of an unlisted cargo described under paragraph (c) of this section if—

(1) * * *

(i) Requests the Coast Guard to add the cargo; and

* * * * *

(2) * * *

(i) Has a Certificate of Inspection, Certificate of Compliance, or IOPP Certificate as specified in this part;

(ii) Meets the design and equipment requirements of this part specified by the Coast Guard; and

(iii) Meets any additional requirements made by the Coast Guard.

21. By amending § 153.1102 by adding the word "or" after the semicolon in paragraph (a)(4) and by adding a note following paragraph (a) to read as follows:

§ 153.1102 Handling and disposal of NLS residue: Categories A, B, C, and D.

(a) * * *

Note to paragraph (a).—The Marine Protection, Research, and Sanctuaries Act allows specific liquids to be discharged to the sea under permits issued by the EPA.

* * * * *

22. By revising § 153.1104 to read as follows:

§ 153.1104 Draining of Cargo Hose: Category A, B, C, and D.

Before a cargo hose used in discharging an NLS from a ship's cargo tank is disconnected, the hose must be drained back to the transfer terminal unless the tank unloading the cargo has a waiver under § 153.483 or § 153.491.

23. By revising § 153.1108 to read as follows:

§ 153.1108 Heated prewash for solidifying NLS, high viscosity NLS and required prewashes of NLS whose viscosity exceeds 25 mPa sec at 20 °C: Categories A, B, and C.

(a) When a high viscosity or solidifying cargo is unloaded from a cargo tank, the cargo tank must be prewashed unless § 153.1114 or paragraph (c) of this section allows the prewash to be omitted.

(b) When a prewash is required for a tank that has unloaded a solidifying cargo or a cargo having a viscosity exceeding 25 mPa sec at 20 °C, the wash water used in the prewash must leave the tank washing machine at a temperature of at least 60 °C (140 °F).

(c) The prewash required under paragraph (a) of this section may be omitted if the approved Procedures and Arrangements Manual contains a procedure for measuring the temperature of all interior cargo tank surfaces throughout unloading and under the measuring procedure the temperature of these surfaces remains above—

(1) The temperature of the cargo's melting point if the cargo is a Category B or C solidifying NLS; or

(2) The temperature at which the cargo's viscosity exceeds—

(i) 25 mPa.s, if the cargo is a high viscosity Category B NLS; or

(ii) 60 mPa.s, if the cargo is a high viscosity Category C NLS.

24. By amending § 153.1120 by revising the introductory text to read as follows:

§ 153.1120 Procedures for tank prewash: Category A, B, and C.

Except where the approved Procedures and Arrangements Manual

prescribes a different procedure, each of the following steps must be done in the order listed for the Coast Guard to consider the tanks prewashed under this part:

* * * * *

§ 153.1128 [Amended]

25. By amending § 153.1128, as published at 52 FR 7788, Mar. 12, 1987, by redesignating paragraphs (c)(6) and (c)(7) as (c)(5) and (c)(6) respectively and by correcting the cross reference in paragraph (d)(2) from "§ 1.53.470" to "§ 153.470."

26. By amending Table 1 of Part 153, Summary of Minimum Requirements, by amending the entries for "cresylate spent caustic" to read under the heading "IMO Annex II Pollution Category": "A"; under the heading "Cargo Containment System": "II"; by removing the section number ".409" from the entry for "Styrene" under the heading "Special Requirement" and by amending the entries for "ethyl ether" to read under the heading "IMO Annex II pollution category": "III"; under the heading "Cargo containment system": "II"; under the heading "Vent height": "4m"; under the heading "Vent": "PV"; under the heading "Gauge": "closed"; under the heading "Fire Protection system": "A"; under the heading "Special Requirements": ".236(g), .252, .372, .408, .440, .500, .515, .526, .527"; and under the heading "Electrical Hazard Class and Group": "I–C."

27. By revising Table 2 of Part 153 to read as follows:

Table 2—Cargoes Not Regulated Under Subchapter D or Subchapter O of this Title When Carried in Bulk on Non-oceangoing Barges

The cargoes listed in this table are not regulated under Subchapter D or O of this title when carried in bulk on non-oceangoing barges. Category A, B, or C noxious liquid substance (NLS) cargo, as defined in § 153.2 of this chapter, listed in this table, or any mixture containing one or more of these cargoes, must be carried under this subchapter if carried in bulk on an oceangoing ship. Requirements for Category D NLS cargoes and mixtures of non-NLS cargoes with Category D NLS cargoes are in 33 CFR Part 151.

Cargo	Pollution category
Ammonium nitrate solution (45% or less)	D
Ammonium nitrate, Urea solution (2% or less NH_3.	D
Ammonium phosphate solution	#
Ammonium phosphate, Urea solution	D
Ammonium polyphosphate	#
Ammonium sulfate solution (20% or less).	D
Apple juice	III
Calcium bromide solution	III
Calcium chloride solution	III
Chlorinated paraffin (C_{14}–C_{17}) with 52% Chlorine.	III
2-Chloro-4-ethylamino-6-isopropylamino-5-triazine solution.	#
Choline chloride solutions	D
Diethylenetriamine pentaacetic acid, pentasodium salt solution.	III
1,4-Dihydro-9, 10-dyhydroxy anthracene, disodium salt solution.	D
Drilling brine (containing Zinc salts)	A*
Ethylenediaminetetraacetic acid, tetrasodium salt solution.	D
Ehylene-Vinyl acetate copolymer (emulsion).	III
Glucose or Dextrose solutions	III
Glycine, sodium salt solution	III
Hexamethylenediamine adipate	D
N-(Hydroxyethyl)ethylenediamine triacetic acid, trisodium salt solution.	D
Kaolin clay solution	III
Lignin liquor (free alkali content, 1% or less) including:.	
Calcium lignosulfonate solutions	III
Sodium lignosulfonate solutions	III
Lignin sulfonic acid, salt (low COD) solution.	III
Magnesium chloride solution	III
Magnesium hydroxide slurry	III
Milk	III
Molasses	III
Pentasodium salt of Diethylenetriamine pentaacetic acid solution.	III
Polyaluminum chloride solution	III
Sewage sludge (treated so as to pose no additional decompositional or fire hazard).	#
Sludge (stable, non-corrosive, non-toxic, non-flammable).	#
Sodium aluminosilicate slurry	III
Sodium carbonate solutions	D
Sodium naphthenate solutions (free alkali content, 3% or less) see Naphthenic acid, sodium salt solution.	A*
Sodium polyacrylate solutions	III
Sodium silcate solution	D
Sorbitol solution	III
Tetrasodium salt of Ethylenediamine tetraacetic acid solution.	D
1,1,1-Trichloroethane	B
1,1,2-Trichloro-1,2,2,-trifluoroethane	C
Trisodium salt of N-(Hydroxyethyl)-ethylenediamine triacetic acid solution.	D
Urea, Ammonium nitrate solution (2% or less NH_3.	D
Urea, Ammonium phosphate solution	D
Urea solution	III
Water	III
Zinc bromide, Calcium bromide solutions see Drilling brine (containing Zinc salts).	

Explanation of Symbols: As used in this table the following stands for:

A, B, C, D—NLS Category of Annex II of MARPOL 73/78.

I—Considered an "oil" under Annex I of MARPOL 73/78.

III—Appendix III of Annex II (non-NLS cargoes) of MARPOL 73/78.

LFG—Liquefied flammable gas.

#—No determination of NLS status. For shipping on an oceangoing vessel, see 46 CFR 153.900(c).

*—No standards in 46 CFR Part 153. For shipping on an oceangoing vessel, see 46 CFR 153.900(c).

Dated: May 19, 1988.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

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Part IV

Department of the Treasury

Office of the Assistant Secretary

17 CFR Part 400 et al.

Implementing Regulations for the Government Securities Act of 1986; Final Rule

DEPARTMENT OF THE TREASURY

Office of the Assistant Secretary (Domestic Finance)

17 CFR Parts 400, 402, 403, 404, and 450

Implementing Regulations for the Government Securities Act of 1986

AGENCY: Office of the Assistant Secretary (Domestic Finance), Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury ("Department") is issuing in final form clarifying amendments to the regulations issued on July 24, 1987 (52 FR 27910) under the Government Securities Act of 1986 (the "Government Securities Act" or "GSA"). The amendments are being adopted to resolve some technical problems and omissions in the rule, to make conforming changes, and to clarify the Department's intent with respect to certain provisions that have raised questions. The changes relate to the areas of the regulations dealing with general applicability, financial responsibility, protection of customer securities and balances, recordkeeping and custodial holdings. The final rule adopts the amendments as proposed for comment on March 15, 1988. (53 FR 8598).

EFFECTIVE DATES: August 1, 1988 for the amendments to Parts 400, 402, 403.1, 403.4, 403.7, 404 and 450; September 1, 1988 for the amendments to § 403.5 except that, for financial institutions that have been relying on an exception contained in § 403.5 (d) and (f)(3) as originally adopted, the amendments to that section are not effective until December 1, 1988 as the amendments apply to requirements for obtaining written agreements with existing customers and the timing requirements for the issuance of confirmations. (The effective dates for amendments to §§ 403.5 (d) and (f)(3) are more fully described in the preamble at the end of the section addressing the applicability of § 403.5(d).)

FOR FURTHER INFORMATION CONTACT: Anne Meister (Government Securities Specialist), Don Hammond (Government Securities Specialist) or Clifford Rones (Attorney-Advisor), Bureau of the Public Debt, Room 209, 999 E Street NW., Washington, DC 20239-0001, (202) 376-4632.

SUPPLEMENTARY INFORMATION:

I. Background

The GSA established, for the first time, a federal system for regulation of all government securities brokers and dealers. The Secretary of the Treasury ("Secretary") is required by section 15C(b) of the Securities Exchange Act of 1934, as amended by the GSA (15 U.S.C. 780-5(b)), to adopt rules and regulations concerning the financial responsibility, protection of investor securities and balances, recordkeeping, reporting and audit of government securities brokers and dealers. The rules are designed to enhance the protection of investors in government securities while maintaining a fair, honest, and liquid market in such securities. Title II of the GSA (31 U.S.C. 3121(h); 9110) also requires the Secretary to adopt regulations relating to the custody of government securities held by depository institutions. Final regulations in response to this mandate were issued by the Department on July 24, 1987 (52 FR 27910).

On March 15, 1988 (53 FR 8598), the Department proposed for comment several minor technical changes to correct or clarify various parts of the regulations. Additionally, an amendment to § 403.5(d), rescinding an exception contained therein, was proposed to clarify the Department's intent that hold-in-custody repurchase transactions by financial institutions generally be subject to the basic rules of this section. The comment period closed on April 27, 1988, after being extended (53 FR 12428) at the request of an association representing a number of banks.

Twenty-eight comment letters were received in response to the proposed amendments, all of which focused primarily on the § 403.5(d) amendment. The majority of the commenters objected to the proposed amendment on treatment of hold-in-custody repurchase transactions. The comments and the Department's responses are described more fully below, in the section-by-section analysis. After consideration of the comments and consultation with other appropriate regulatory agencies, the Department has decided to adopt the amendments as proposed; however, as noted in the Effective Dates section above and as more fully described in the Analysis Section below, the Department has agreed to provide a limited extension of time for financial institutions that had been relying on the exception to the § 403.5(d) requirements to comply with certain requirements of § 403.5(d).

II. Section-by-Section Analysis of Proposed Changes

A. Part 400—Rules of General Application

In Part 400, the Department proposed and is now adopting without change certain amendments to § 400.2, which deals with the filing and handling of requests for exemption or interpretation and the submission and handling of other materials. The specific amendments are described below. The Department received only one specific comment on the changes in this part and that comment was supportive.

Expediting Release of Non-Confidential Material; Treatment of Confidential Material

The Department is amending portions of § 400.2 relating to the submission of requests for interpretation, exemption, and classification and the confidential treatment of such requests. The revised rule will: (1) Provide for expedited public availability of written responses to requests for interpretation, exemption, and classification, together with the incoming request, unless temporary confidential treatment is granted, and (2) clarify the procedure for requesting confidential treatment of sensitive commercial and business information submitted to the Department in connection with a request for interpretation, exemption, or classification.

To expedite public release of written responses to requests for interpretations, classifications and exemptions, together with the incoming request, a routine 30-day hold on such material has been eliminated. Under the amended rule, the Department will make such requests and responses available to the public for inspection and copying as soon as practicable after the response is provided to the requesting party, unless there has been a determination to treat the response and incoming request as confidential. In accordance with § 400.2(c)(7)(ii), a party making a request for interpretation, exemption, or classification will be able to ask that the request and the Department's response be kept confidential for a maximum of 120 days. It should be noted that if, during those 120 days, the Department receives a request pursuant to the Freedom of Information Act ("FOIA") (5 U.S.C. 552) for disclosure of material granted temporary confidential treatment under this section, the determination to treat the material as confidential will be reevaluated in accordance with the Department's regulations for disclosure of information under FOIA (31 CFR 1.6).

The Department also recognizes that there are situations in which a party may submit sensitive commercial or business information, in support of a request for an interpretation, exemption, or classification, that the party would

want to keep confidential for a period of time in excess of the 120 days allowed for the Department's response and the incoming request. Section 400.2(c)(3)(iv) has been amended to provide procedures for making requests for such confidential treatment and to clarify that the Department's regulations published at 31 CFR 1.6 will apply to such requests for confidentiality. The regulations set out in 31 CFR Part 1 contain the Department's procedures under FOIA and were amended on July 14, 1987 (52 FR 26302, 26311) to include a provision at 31 CFR 1.6 whereby the Department will notify submitters of potentially sensitive commercial or business information if the information submitted is the subject of a FOIA request and will give the submitter of such information a chance to demonstrate why the information should be kept confidential under section (b)(4) of FOIA (5 U.S.C. 552(b)(4)).

B. Part 402—Financial Responsibility

In Part 402, the Department proposed and is now adopting without change certain amendments to § 402.2, which states the capital rule of registered government securities brokers and dealers, and to § 402.2a (Appendix A), which provides a detailed description of the calculation of the market risk haircut required by § 402.2. The specific amendments are described below. No comments were received on the proposed amendments to this part.

Securities of International Organizations

Subsequent to publication of the final regulations, the Department received questions regarding the classification, for purposes of the computation of the capital requirements under § 402.2, of certain securities issued by international organizations, such as the International Bank for Reconstruction and Development, the Inter-American Development Bank, the African Development Bank and the Asian Development Bank, which have a statutory exemption from the registration requirements of the Securities Act of 1933 and the Securities Exchange Act of 1934. (See, e.g., 22 U.S.C. 286k–1(a).) By adding a new category to the list of Treasury market risk instruments, the Department is clarifying the classification of such securities as Treasury market risk instruments pursuant to § 402.2(e)(1). Only those securities issued by these international organizations whose changes in yield are closely correlated with changes in yield of comparable Treasury securities, including STRIPS, would be included as Treasury market risk instruments. Any other securities issued by these entities would be included in the Other Securities Haircut, § 402.2a(b). Futures and forwards on those securities of international organizations that are Treasury market risk instruments would also be included as Treasury market risk instruments.

Credit Volatility Haircut

Section 402.2(g)(1)(iv) is being amended to clarify that futures and forwards on dollar-denominated time deposits that mature in 45 days or more and whose changes in yield are closely correlated with marketable certificates of deposit of no more than one year to maturity are included in the calculation of the credit volatility haircut.

Changes to the Calculations and Instructions

The Department is adopting conforming and clarifying revisions to the portions of § 402.2a addressing (1) the calculation of the market risk haircut and (2) the instructions to the schedules that may be used by government securities brokers or dealers in the calculation of the total haircuts as required by Part 402. Additionally, the changes include the correction of certain descriptions in § 402.2a, paragraphs (a)(3)(i)(A), (a)(3)(i)(A)(*1*), (a)(3)(ii)(A) and (a)(3)(ii)(A)(*1*). The corrections clarify that futures and forwards that are Treasury market risk instruments should be included in the calculations of the interim haircuts for long and short futures and forward positions.

C. Part 403—Protection of Customer Securities and Balances

In Part 403, the Department proposed and is now adopting without change certain amendments to the following sections: § 403.1, which deals with the application of the part to registered brokers and dealers; § 403.4(e), which relates to the provisions for hold-in-custody repurchase transactions effected by registered government securities brokers and dealers; § 403.5 (d) and (f)(3), which contain provisions relating to financial institutions' handling of hold-in-custody repurchase transactions; § 403.5(e), which addresses the reserve requirements for government securities brokers or dealers that are branches or agencies of a foreign bank; and § 403.7, which specifies various effective dates for this part. The specific amendments are described below. Comments on this part related only to the changes proposed for § 403.5 (d) and (f)(3). These comments and the Department's responses are discussed under the related heading below; the effective dates for compliance with § 403.5(d) are discussed under that same heading.

Conforming Changes

The Department's final rules under the Government Securities Act, in § 403.4, required newly registered government securities brokers and dealers to comply with the Securities and Exchange Commission's ("SEC" or "Commission") customer protection rule (17 CFR 240.15c3–3, or "Rule 15c3–3"), with certain modifications. Compliance by registered brokers and dealers with various SEC rules, including Rule 15c3–3 as modified, was deemed to constitute compliance with the Treasury rules with respect to the broker's or dealer's government securities activities. (See § 403.1).

At the time of adoption of the Department's final rules, the amendments to Rule 15c3–3 relating to the requirements applicable to hold-in-custody repurchase transactions had not yet been adopted by the Commission in final form. Thus, the Treasury rules, in § 403.4(e), contained a new § 15c3–3(b)(4), setting out the requirements applicable to such transactions. The Commission later adopted a virtually identical change to Rule 15c3–3, which was issued as a final rule on August 14, 1987 (52 FR 30331) and became effective on January 31, 1988.

Consequently, the Department is now amending § 403.4 to eliminate the detailed rule language pertaining to hold-in-custody repurchase transactions because these provisions are now incorporated in the Commission's rule that the Department has adopted. Those minor differences that exist between the Treasury rule on hold-in-custody repurchase transactions and the rule adopted by the Commission have been retained in § 403.4(e).

Conforming changes relating to the amendment or Rule 15c3–3 are also being made in §§ 403.1 and 403.7. These amendments do not in any way change the actual requirements for treatment of hold-in-custody repurchase transactions.

Applicability to Financial Institutions of § 403.5(d) and Effective Dates—Requirements for Hold-in-Custody Repurchase Transactions

Section 403.5(d) contains rules applicable to financial institutions that engage in hold-in-custody repurchase transactions. These rules essentially parallel the requirements adopted in §§ 403.1 and 403.4 for non-financial institution brokers and dealers. All of the rules provide that the repurchase agreement must be obtained in writing; specify certain disclosures that must be

included in the agreement; require confirmation of the specific securities that are the subject of a hold-in-custody repurchase transaction by the end of the day on which a transaction is initiated and on any day on which substitution of securities occurs; and specify possession or control requirements.

Section 403.5(d), as it appeared in the final GSA regulations, differed from § 403.4 in one respect. It contained a provision whereby a financial institution was exempt from the provisions of § 403.5(d) if it did not retain the right to substitute securities that are the subject of a repurchase transaction and it delivered the subject securities to the separate control of the safekeeping department. (For this purpose, certain criteria for safekeeping were also set out in § 403.5(f)(3).) The Department had intended that the safekeeping exception have limited applicability, and that therefore nearly all hold-in-custody repurchase transactions would be subject to the same rules. Because it became apparent that the safekeeping exception had broader potential applicability than was originally intended, the Department proposed its rescission. As noted in the preamble to the proposed rule, the Department concluded that broader use of the exception to avoid the requirements applicable to hold-in-custody repurchase transactions was not consistent with the mandate of the GSA to improve investor protection. Moreover, it did not appear possible to narrow the scope of the exception in a way that would sufficiently limit its applicability.

All of the twenty-eight comment letters received addressed the proposed amendments relating to the rescission of the safekeeping exception. One commenter, a registered broker-dealer, supported the amendment on the basis that all investors in hold-in-custody repurchase transactions should receive the same protections. This commenter emphasized in particular the importance of the confirmation requirement for investor protection. Twenty-seven commenters, representing financial institutions, opposed the amendments for varying reasons. Most of these commenters expressed the view that safekeeping provided sufficient protection for their counterparties and, more specifically, objected to compliance with one or more of the requirements for hold-in-custody repurchase transactions to which they would be subject if the exception were eliminated.

Four commenters objected to the proposed amendment specifically because it would require them to obtain executed written agreements with their counterparties before entering into hold-in-custody repurchase transactions. Two of these commenters felt that the requirement would place financial institutions at a competitive disadvantage to registered broker-dealers and based this argument on an analogy between a hold-in-custody repurchase transaction by a financial institution and a repurchase transaction by a broker-dealer that delivers out the securities to a customer's account at another institution. As noted, the regulations do not require a written agreement for a deliver-out repurchase transaction. Another commenter mistakenly believed that financial institutions not required to give notice of being government securities dealers are also not required to comply with the provisions of § 403.5(d) for hold-in-custody repurchase transactions; on this erroneous assumption, the commenter stated that financial institutions that are noticed government securities dealers would be placed at a competitive disadvantage by being subject to the requirement in § 403.5(d) to obtain written repurchase agreements with their customers. Finally, one commenter objected to requiring a written agreement if a bank does not retain a right of substitution. This objection appeared to be based on a concern that an investor would have a difficult time assessing the comparative risks between institutions that retain a right of substitution of securities and those that do not, if all financial institutions are required to obtain written agreements.

Nineteen commenters opposed the amendments primarily because of the impact that the confirmation requirements in § 403.5(d) would have on certain cash management programs involving what are commonly referred to as sweep repurchase transactions. In a sweep repurchase transaction, excess funds are swept from a customer's deposit account for overnight investment in a repurchase transaction. Since sweep repurchase transactions are recurring transactions, generally giving rise to a new repurchase transaction daily, the provisions of § 403.5(d) would require the issuance of a confirmation each day.

These commenters generally objected to the daily confirmation for sweep repurchase transactions because of the associated costs and a belief that the daily confirmations would not significantly enhance customer protection. A number of these commenters expressed the view that their customers would prefer to rely solely on a monthly statement detailing all of the transactions for the period. One other commenter, focusing primarily on the requirement for confirmation when substitution of securities takes place, felt that the safekeeping exception should be expanded, so that a financial institution that limits substitution to maturing securities would not be required to confirm the new securities. Finally, one additional commenter, who did not object to the general requirement to confirm securities in a repurchase transaction, opposed the requirement to place the market value of the securities on the confirmation.

A few commenters objected to the rescission of the safekeeping exception on the basis that compliance generally with the requirements of § 403.5(d) would be unnecessarily burdensome and would not give recognition to legal protections afforded by the safekeeping services offered by financial institutions. Finally, one commenter, who did not object to the requirements of § 403.5(d), indicated that it was important to preserve in the regulations the concept of independent safekeeping, a function that the commenter asserted is offered by only a few financial institutions.

While most of the commenters generally recommended retaining the safekeeping exception, a number of other recommendations were also made. One commenter concerned with the written agreement requirement of § 403.5(d) proposed that the requirement be amended to allow execution of the written agreement within 10 days after initiation of the first repurchase transaction with a counterparty. Another commenter recommended limiting the use of the safekeeping exception by requiring that securities maintained through an account at a Federal Reserve Bank be transferred to a separate account at the Federal Reserve that would be under the control of the safekeeping department. This commenter also noted that this recommendation would probably not be practical for those financial institutions concerned with sweep repurchase transactions.

A number of commenters supported a proposal put forth previously by the Bank Capital Markets Association (BCMA) specifically in connection with sweep repurchase transactions. This proposal was premised on delivery of the securities of safekeeping, obtaining a written repurchase agreement, issuance of a monthly statement to the customer that contained the detailed confirmation data for each transaction, and a request that Treasury interpret that the

confirmation requirements of Part 450 would not require the issuance of a separate confirmation for each sweep transaction. The BCMA and American Bankers Association also recommended an alternative proposal, if Treasury ultimately determined to rescind the safekeeping exception. This proposal, which was supported by several commenters but viewed as unworkable and equally costly by another commenter, recommended that § 403.5(d) be amended to provide that, for purposes of confirming sweep transactions, financial institutions be permitted to confirm transactions on a daily basis by electronic transfer of the confirmation data to an unaffiliated third-party custodian with whom the bank would contract to serve as a depository for the information. Under this scenario, it was stated that the customer would have the option, to be exercised affirmatively in the written agreement, to receive daily confirmations directly or to designate the third-party custodian as depository of the daily information. Additionally, the customers would be sent a monthly statement that would include the details of the daily sweep activities for the month. This proposal was viewed as satisfying any potential need to identify a customer's interests in specific securities in the event a financial institution is placed in liquidation and a banking regulator is unable to identify such information from the books and records of the bank.

Two of the commenters expressed the belief that permitting financial institutions to issue monthly confirmations for sweep repurchase transactions would be analogous to the provisions of SEC Rule 10b–10 (b) and (c) (17 CFR 240.10b–10), which permit brokers-dealers effecting certain types of transactions, for example purchases and sales of certain mutual fund shares, to send monthly statements to customers, in lieu of a confirmation for each transaction. One commenter suggested that a confirmation be required on substitutions only when the type of security changed, for example, substitution of a Treasury security with a GNMA security.

Two comments were received in connection with the Department's proposal to make the amendments effective 30 days after publication in final form in the **Federal Register**. One commenter noted generally that more time would be needed but offered no specific alternative proposal; another commenter suggested that 120 days would be needed to permit financial institutions relying on the safekeeping exception to make necessary changes to comply with the requirements of § 403.5(d).

The Department has given careful consideration to the comment letters. With respect to all the comments on the requirements applicable to hold-in-custody repurchase transactions in general, it should be noted that the Department considered at length in the promulgation of the GSA regulations whether these requirements are appropriate measures for customer protection before finally adopting them. However, to the extent that these issues were raised again in the context of the proposed rescission of the safekeeping exception, the Department has reviewed these requirements in terms of the specific comments submitted, as discussed below.

On the issue of written agreements, the Department views the written repurchase agreement as a sound business practice for any type of repurchase transaction and as a fundamental tool for strengthening customer protection, particularly for hold-in-custody repurchase transactions. The Department notes that there continues to be legal uncertainties surrounding the characterization of repurchase transactions and that problems that have arisen in connection with repurchase transactions have more frequently involved hold-in-custody type of repurchase transactions. Hold-in-custody repurchase transactions, by their nature, contain an element of additional risk for the investor, in that the investor's counterparty is serving simultaneously throughout the transaction not only as principal in the transaction, but also as the investor's custodial agent. The Department believes that a written agreement, with appropriate disclosures, is important to advise the investor of risks that may be associated with these transactions, to clarify the intended nature of the transactions undertaken between the counterparties, and to document the obligations agreed to by each counterparty.

Given the somewhat unique nature of these hold-in-custody repurchase transactions, the specific legislative concern with them when the GSA was enacted, and the benefits to be derived from written agreements covering these transactions, the Department has decided to rescind the safekeeping exception in § 403.5(d) and, by this amendment, clearly establish a uniform requirement for the execution of a written repurchase agreement as a condition for engaging in hold-in-custody repurchase transactions with customers. It is noted that the majority of those commenting on the March 15 proposed amendments, as well as those commenting on the GSA regulations as they were being developed, either did not object to or specifically endorsed the requirement for a written agreement.

The Department does not agree with the suggestions of some of the commenters that, because a financial institution may have an existing custody relationship with a customer, this relationship negates the need for establishing in writing the terms and conditions of hold-in-custody repurchase transactions with that customer. The Department also does not agree that the establishment of a uniform requirement for written agreements provides an advantage to registered broker-dealers or to financial institutions that are not required to give notice of being government securities dealers, since all of these entities are subject to the same requirements for hold-in-custody repurchase transactions. Finally, in response to the comment that investors will not be able to assess the relative risks of certain repurchase agreements if all financial institutions are required to obtain a written agreement, whether or not the institutions retain the right of substitution, the Department believes that this comment is based on an erroneous assumption that a financial institution that does not seek to obtain a right of substitution nevertheless must include the disclosure language regarding substitutions in its written agreement.

With respect to confirmation requirements, the Department has concluded, after consideration of the comments, that all hold-in-custody repurchase transactions should be subject to the same confirmation requirements, those that are set out in § 403.5(d) or the parallel requirements adopted in §§ 403.1 and 403.4. The Department believes, as a general principle, that securities transactions should be confirmed promptly and has decided that such treatment is particularly appropriate for hold-in-custody repurchase transactions, even when the subject securities are delivered to a separate safekeeping department within the financial institution. The Department also does not believe that the frequency or short duration of certain repurchase transactions obviates the benefits to a counterparty of receiving prompt confirmation of each such transaction. In this context, it is noted that Article 8 of the Uniform Commercial Code assigns significant value to a

confirmation in establishing a customer's interest in securities. As discussed above, the entity acting as counterparty to an investor in a hold-in-custody repurchase transaction is also acting as custodial agent, with responsibility for evidencing the customer's interests in the specific securities that are the subject of the transaction. The Department believes that the prompt issuance of confirmations, which should be a by-product of the process for recording an investor's interests in particular securities, serves to reinforce the obligation of the custodian/counterparty to record such interests promptly and completely.

Apart from the legal ramifications, prompt confirmation also benefits the customer significantly by providing information with which to act or react knowledgeably and promptly in current and future transactions with a given counterparty. Until confirmation is received, a counterparty may have no knowledge of the specific securities that are the subject of the repurchase transaction. This information is important not only from the standpoint of a customer's ability to identify securities should the customer need to initiate a claim; prompt confirmation also enables the customer to monitor the sufficiency and appropriateness of the securities provided by the counterparty. While not all customers may utilize this information fully or on a timely basis, the Department believes that investors should be encouraged to do so and, in support of that goal, should be provided with the necessary tools.

With respect to an alternative proposed by several commenters, whereby daily confirmation data would be routinely sent to a third-party depository selected by the counterparty-financial institution, the Department believes that approval of such an arrangement, as an alternative to immediate confirmation, would convey an inappropriate message to investors that this arrangement is a satisfactory substitute for continual and careful monitoring of investors' hold-in-custody repurchase transactions. The Department also does not view this alternative as satisfying all of the customer protection purposes for which the confirmation requirement is intended, even though the proposed arrangement also contemplates sending a detailed monthly statement to the investor. As noted above, an important aspect of the confirmation is to provide investors with sufficient information to be able to act knowledgeably and promptly with respect to their transactions. It cannot reasonably be expected that, in the proposal described, the third party recipient of the confirmation data would have any knowledge of a particular transaction or the terms of the underlying agreement. In fact, the third-party recipient would not even know whether it was due to receive confirmation data on a particular day for a particular customer, in order to verify independently that it had in fact received all appropriate data. The Department notes that such an arrangement is markedly different from what is normally referred to as a tri-party repurchase agreement, in which an independent institution agrees to serve as agent for the two counterparties to the transaction, in which the agent is involved in effecting the transfer of funds and securities between the two counterparties and assumes certain responsibilities with respect to safeguarding the interests of both counterparties.

The Department recognizes that meeting the confirmation requirements of § 403.5(d) may entail additional costs for some institutions but also believes that some cost increase is a necessary and expected outcome of the legislative requirements to establish regulations for government securities transactions and, in particular, for repurchase transactions. The data received by the Department on confirmation costs was inconclusive. Only three financial institutions provided estimated annual costs in connection with issuing confirmations for sweep repurchase transactions and these estimates varied widely for similar volumes of transactions. Based on conversations with a number of financial institutions that offer sweep repurchase programs, the Department is aware that some financial institutions are currently confirming such transactions daily. Also, as noted by one of the commenters, broker-dealers that are not financial institutions have developed workable systems to comply with the confirmation requirements for short-term repurchase transactions.

The Department does not agree with the point raised by two commenters that sweep repurchase transactions are analogous to certain mutual fund transactions and that monthly confirmations should be permitted for sweep transactions, since similar treatment is permitted, under SEC Rule 10b–10 for those mutual fund transactions. The exceptions provided in the SEC rule are limited to certain types of transactions in which the broker-dealer is acting solely as agent for its customer, rather than in the dual capacity involved in hold-in-custody repurchase transactions, and in cases where the broker generally does not have custody of the securities. Additionally, the mutual funds referred to are subject to a separate and extensive regulatory scheme, under the Investment Company Act of 1940, that addresses the operations of such companies and the protection of customer investments in such funds.

The Department has previously addressed at considerable length in the preambles to the temporary and final GSA rules (52 FR 19642, May 26, 1987; 52 FR 27910, July 24, 1987) why it believes that confirmations should describe the specific securities that are the subject of repurchase transactions. For those reasons, the Department does not believe it is appropriate to adopt various suggestions by three commenters that (1) confirmations be required only when the general type of security changes upon substitution; (2) that confirmation not be required when substitution occurs only as a result of securities maturing; and (3) that the market value not be required on confirmations.

With regard to the comments that, by eliminating the safekeeping exception, the regulations do not give appropriate recognition to the merits of safekeeping by a financial institution, the Department believes, as stated above, that the unique characteristics of a hold-in-custody repurchase transaction, in which a financial institution is acting simultaneously throughout the transaction in the dual and potentially conflicting capacities of both principal and agent, warrant compliance with the requirements for hold-in-custody repurchase transactions, in addition to compliance with the requirements of Part 450. The provisions of Part 450 have as their basis, elements that are inherent to duties of a safekeeping or custodial agent: that the financial institution hold the securities separate from the institution's own securities; keep the customers' securities free from lien, charge or claim of third parties; and clearly record the customers' interests in the specific securities. It is noted that these same obligations are part of the possession or control requirements placed on broker-dealers that are not financial institutions.

For all of the reasons stated above, the Department has decided to adopt the amendments, as proposed, to rescind the safekeeping exception and subject all hold-in-custody repurchase transactions conducted by any financial institution with a customer to the requirements contained in § 403.5(d). In recognition that a number of financial institutions,

in reliance on the safekeeping exception, are not issuing confirmations in accordance with the timeframes prescribed in § 403.5(d)(1)(ii), the Department is providing until December 1, 1988 for such financial institutions to comply fully with these timing requirements, provided that the institution is, in the interim, issuing confirmation of the specific securities associated with each transaction no less frequently than monthly. For those financial institutions that have not been obtaining written repurchase agreements in reliance on the safekeeping exception, the Department is providing until September 1, 1988 to comply with the written agreement requirements in § 403.5(d)(1) for transactions entered into on or after that date, unless the transaction is with an existing customer. For transactions with existing customers (one with whom the financial institution has engaged in a repurchase transaction on or after September 1, 1987 and before September 1, 1988), these financial institutions have until December 1, 1988 to comply with the written agreement requirements. Financial institutions that are currently complying with any or all of the requirements of § 403.5(d), as amended, must continue to do so.

Foreign Branches and Agencies—Reserve Requirements

Section 403.5(e) of the regulations provides that a government securities broker or dealer that is a branch or agency of a foreign bank is subject to a modified version of the reserve requirement applicable to non-bank brokers and dealers. A foreign branch or agency subject to the rule must keep on deposit with a bank (as that term is defined in 12 U.S.C. 1813(h)) an amount computed in accordance with the modified version of the reserve formula. As stated in the preamble to the temporary regulations (52 FR 19648, May 26, 1987), this requirement was meant to provide a degree of assurance to securities customers to whom the foreign branch or agency owes money, by requiring that such funds be available in the United States in the event of a failure. Inadvertently, the final regulations did not include instructions concerning the timing and frequency of the computation of the amount of the deposit, the timing of the deposit, and recordkeeping on the computations.

To correct this omission, the Department is now amending § 403.5(e) by adding new paragraphs (e)(5) and (e)(6). Paragraph (e)(5) requires that the computation be made weekly as of the close of the last business day of the week and that the deposit so computed by made no later than one hour after the opening of banking business on the second following business day. Paragraph (e)(6) requires that the foreign branch and agency made and maintain a record of each computation and that these records be preserved for three years, the first two years of which the records must be maintained in an easily accessible place.

Effective Dates—Technical Amendments

Section 403.7 contains effective dates for various provisions of Part 403. In § 403.7(b), (c), (d) and (e), references to § 403.4(e) have been changed to refer more generally to § 403.4 to conform to the modifications to § 403.4(e) discussed above. Additionally, the introductory language in paragraphs (d)(1) and (d)(2) has been modified to make clear that the interim disclosures addressed in § 403.7(d) were to be used on a one-time basis only until such time as the original requirement for obtaining a written agreement, with the disclosures required under §§ 403.4 or 403.5(d), became effective. With the requirement for a written agreement in effect, hold-in-custody repurchase transactions may not be entered into with a counterparty until such written agreement is obtained from the counterparty.

The effective dates for the rescission of the safekeeping exception from § 403.5 were addressed separately in the "Effective Dates" section at the front of this document and in the preamble discussion of § 403.5 and are not being reflected again as amendments to § 403.7.

D. Part 404—Recordkeeping and Record Preservation

In Part 404, two minor corrections are being made in § 404.4, which contains recordkeeping requirements for government securities brokers and dealers that are financial institutions. No comments were received on these changes. The changes involved are as follows: in § 404.4(a)(2), a reference to § 450.4 (c), (d)(3) and (f) is being corrected to refer to § 450.4 (c), (d) and (f); in § 404.4(a)(3), a reference to a physical count of securities is being modified to delete the word "physical", as the count includes book-entry securities as well.

E. Part 450—Custodial Holdings of Government Securities by Depository Institutions

In Part 450, the Department proposed and is now adopting without change an amendment to § 450.1(b) to clarify that the procedure described for requesting and giving interpretations of the regulations described in § 400.2 is also applicable to interpretations of Part 450. No comments were received on this amendment.

III. Special Analyses

In the preamble to the proposed regulation, the Department concluded that these amendments did not constitute a major regulation under the criteria stated in Executive Order 12291. The Departmant also certified that these amendments would not have a significant economic impact on a substantial number of small entities. Accordingly, the Department concluded that neither a regulatory impact analysis nor a regulatory flexibility analysis was required. After consideration of the comments on the proposed rule, the Department does not believe that there exists any reason to alter either its conclusion that the amendments to the regulations do not constitute a major rule under Executive Order 12291 or its certification that the amendments to the regulations will not have a significant economic impact on a substantial number of small entities.

The collection of the information requirement contained in § 403.5(e) of this final regulation has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 1505–0108. The estimated annual burden associated with the collection of information in § 403.5(e) is 250 hours per recordkeeper. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Bureau of the Public Debt, Government Securities Regulations Staff, Room 209, 999 E Street, NW., Washington, DC 20239–0001 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for Department of the Treasury.

Because the amendments to Parts 402, 403.1, 403.4, 403.7, 404 and 450 are technical, non-substantive amendments designed to clarify the regulations as originally adopted and the amendment to Part 400 will provide for earlier public availability of certain information, the Department finds that good cause exists, with respect to these amendments, to dispense with the delayed effective date provision in 5 U.S.C. 553(d).

List of Subjects

17 CFR Part 400

Administrative practice and procedure, Banks, banking, Brokers, Government securities, Reporting and recordkeeping requirements.

17 CFR Part 402

Brokers, Government securities.

17 CFR Part 403

Banks, banking, Brokers, Government securities.

17 CFR Part 404

Banks, banking, Brokers, Government securities, Reporting and recordkeeping requirements.

17 CFR Part 450

Banks, banking, Government securities, Reporting and recordkeeping requirements.

For the reasons set out in the Preamble, the Department is amending 17 CFR Parts 400, 402, 403, 404, and 450 as follows:

PART 400—RULES OF GENERAL APPLICATION

1. The authority citation for Part 400 continues to read as follows:

Authority: Sec. 101, Pub. L. 99-571, 100 Stat. 3209 (15 U.S.C. 78o-5).

2. Section 400.2 is amended by revising paragraphs (c)(1) and (c)(3)(iv); by redesignating (c)(3)(v) as (c)(3)(vi) and revising it; by adding a new (c)(3)(v); and by revising paragraph (c)(7) to read as follows:

§ 400.2 Office responsible for regulations; filing of requests for exemptions, for interpretations and of other materials.

* * * * *

(c) * * *

(1) Interpretations under this chapter may be provided, at the discretion of the Department, to firms or individuals actually or potentially affected by the Act or regulations, or to their representatives.

* * * * *

(3) * * *

(iv) In addition to requests for confidential treatment under paragraph (c)(7)(ii) of this section, a person may request confidential treatment of information that is submitted as part of, or in support of, a request for interpretation, exemption, or classification. A separate request for confidential treatment and the basis for such request shall be submitted at the time the information for which confidential treatment is requested is submitted. The request for confidential treatment must specifically identify the information for which such confidential treatment is requested. To the extent practicable, the information should be segregated from information for which confidential treatment is not requested and should be clearly marked as confidential.

(v) Information designated as confidential in accordance with paragraph (c)(3)(iv) of this section shall not be disclosed to a person requesting such information other than in accordance with the procedures outlined in the Department's regulations published at 31 CFR 1.6.

(vi) An original and two copies of each request letter shall be submitted to the Office of the Commissioner, Bureau of the Public Debt, Room 553, 999 E Street NW., Washington, DC 20239-0001. The envelope shall be marked "Government Securities Act Request." The letter shall indicate in the upper right hand corner of the first page the particular sections of the Act and of the regulations at issue.

* * * * *

(7)(i) Except as provided in paragraphs (c)(3)(iv) and (c)(7)(ii) of this section, every letter or other written communication requesting the Department to provide interpretive legal advice under the Act or to grant, deny or modify an exemption, classification or modification of the regulations, together with any written response thereto, shall be made available for inspection and copying as soon as practicable after the response has been sent or given to the person requesting it. These documents will be made available at the following location: Treasury Department Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

(ii) Any person submitting a letter or communication may also simultaneously submit a request that the letter or communication and the Department's response be accorded confidential treatment for a specified period of time not to exceed 120 days from the date the response has been made or given to such person. The request shall state the basis upon which the request for confidential treatment has been made. If the Department determines that the request for confidential treatment should be denied, the requester will be given 30 days to withdraw either the request for confidential treatment or the letter or communication requesting an interpretation, classification, or exemption.

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PART 402—FINANCIAL RESPONSIBILITY

3. The authority citation for Part 402 continues to read as follows:

Authority: Section 101, Pub. L. 99-571, 100 Stat. 3209 (15 U.S.C. 78o-5(b)(1)(A), (b)(2)).

4. Section 402.2 is amended by redesignating paragraphs (e)(1)(vi), (vii), and (viii), as (e)(1)(vii), (viii), and (ix) respectively; adding a new paragraph (e)(1)(vi); and revising newly redesignated paragraphs (e)(1)(vii), (viii), and (ix), and (g)(1)(iv) to read as follows:

§ 402.2 Capital requirements for registered government securities brokers and dealers.

* * * * *

(e) * * *

(1) * * *

(vi) Securities, other than equity securities, issued by international organizations that have a statutory exemption from the registration requirements of the Securities Act of 1933 and the Securities Exchange Act of 1934 provided their changes in yield are closely correlated to the changes in yield of similar Treasury securities, including STRIPS;

(vii) Futures, forwards, and listed options on Treasury market risk instruments described in paragraphs (e)(1)(i)-(vi) of this section or on time deposits whose changes in yield are closely correlated with the Treasury market risk instruments described in paragraph (e)(1)(iii) of this section, settled on a cash or delivery basis;

(viii) Options on those futures contracts described in paragraph (e)(1)(vii) of this section, settled on a cash or delivery basis; and

(ix) Unlisted options on marketable Treasury bills, notes or bonds.

* * * * *

(g) * * *

(1) * * *

(iv) *Credit volatility haircut.* The "credit volatility haircut" equals the product of a credit volatility haircut factor of 0.15 percent and the dollar amount of the larger of the gross long position or gross short position in those Treasury market risk instruments described in paragraphs (e)(1)(iii), (iv) and (v) of this section that have a term to maturity greater than 44 days, including futures and forwards thereon, settled on a cash or delivery basis, and futures and forwards on time deposits described in paragraph (e)(1)(vii) of this

section, that have a term to maturity greater than 44 days, settled on a cash or delivery basis.

5. Section 402.2a is amended by revising paragraphs (a)(1)(iii)(B), (a)(1)(iii)(C), (a)(1)(iv)(B) and (a)(1)(iv)(C); by adding paragraphs (a)(1)(iii)(D) and (a)(1)(iv)(D); by revising paragraphs (a)(3)(i)(A) introductory text, (a)(3)(i)(A)(*1*), (a)(3)(ii)(A) introductory text and (a)(3)(ii)(A)(*1*); by revising in paragraph (c) *Instructions to Schedules A through E, Schedule A—Liquid Capital Requirement Summary Computation,* Line 3 c.; *Schedule B—Calculation of Net Immediate Position in Securities and Financings,* Columns 3 and 4, paragraphs (4) and (5), adding a new paragraph (6), and revising the first paragraph after newly added paragraph (6); and *Schedule D—Consolidation of New Immediate Position Interim Haircuts with Gross Futures and Options Interim Haircuts,* the second and third paragraphs, to read as follows:

§ 402.2a Appendix A—Calculation of market risk haircut for purposes of § 402.2(g)(2).

* * * * *

(a) * * *

(1) * * *

(iii) * * *

(B) The net long when-issued position in a marketable U.S. Treasury security between announcement and issue date;

(C) The net long when-issued position in a government agency or a government-sponsored agency debt security between release date and issue date; and

(D) The net long when-issued position in a security described in § 402.2(e)(1)(vi) between announcement date and issue date.

(iv) * * *

(B) The net short when-issued position in a marketable U.S. Treasury security between announcement and issue date;

(C) The net short when-issued position in a government agency or a government-sponsored agency debt security between release date and issue date; and

(D) The net short when-issued position in a security described in § 402.2(e)(1)(vi) between announcement date and issue date.

* * * * *

(3) * * *

(i) * * *

(A) *Gross long futures and forward interim haircut.* The "gross long futures and forward interim haircut" equals, for each category in § 402.2(f)(1), the sum of the interim haircuts on each long futures position and long forward position placed, in the case of a futures or forward contract which is a Treasury market risk instrument except those on mortgage-backed securities, in the category corresponding to the sum of the term to maturity of the contract and the term to maturity of the underlying instrument at the time of the maturity of the contract or, in the case of a futures or forward contract on Treasury market risk mortgage-backed securities, in the category corresponding to the type of Treasury market risk mortgage-backed security.

(*1*) For purposes of this part, the "interim haircut on each long futures position and each long forward position" is the product of the net position haircut factor for the category corresponding to, in the case of a futures or forward contract which is a Treasury market risk instrument except those on mortgage-backed securities, the maturity of the underlying instrument at the time of the maturity of the contract or, in the case of a futures or forward contract on Treasury market risk mortgage-backed securities, the type of Treasury market risk mortgage-backed security and the value of the long futures position or long forward position evaluated at the current market price for such contract.

* * * * *

(ii) * * *

(A) *Gross short futures and forward interim haircut.* The "gross short futures and forward interim haircut" equals, for each category in § 402.2(f)(1), the sum of the interim haircuts on each short futures position and short forward position placed, in the case of a futures or forward contract which is a Treasury market risk instrument except those on mortgage-backed securities, in the category corresponding to the sum of the term to maturity of the contract and the term to maturity of the underlying instrument at the time of the maturity of the contract or, in the case of a futures or forward contract on Treasury market risk mortgage-backed securities, in the category corresponding to the type of Treasury market risk mortgage-backed security.

(*1*) For purposes of this part, the "interim haircut on each short futures position and each short forward position" is the product of the net position haircut factor for the category corresponding to, in the case of a futures or forward contract which is a Treasury market risk instrument except those on mortgage-backed securities, the maturity of the underlying instrument at the time of the maturity of the contract or, in the case of a futures or forward contract on Treasury market risk mortgage-backed securities, the type of Treasury market risk mortgage-backed security and the value of the short futures position or short forward position evaluated at the current market price for such contract.

* * * * *

(c) * * *

Instructions to Schedules A through E * * *

Schedule A * * *

Line 3 * * *

c. Enter the credit volatility haircut which equals a factor of 0.15 percent applied to the larger of the gross long or gross short position in money market instruments qualifying as Treasury market risk instruments which mature in 45 days or more, in futures and forwards on these instruments that are settled on a cash or delivery basis, and in futures and forwards on time deposits described in § 402.2(e)(1)(vii), that mature in 45 days or more, settled on a cash or delivery basis. Money market instruments qualifying as Treasury market risk instruments are (1) marketable certificates of deposit with no more than one year to maturity, (2) bankers acceptances, and (3) commercial paper which has no more than one year to maturity and is rated in one of the three highest categories by at last two nationally recognized statistical rating organizations.

* * * * *

Schedule B * * *

Columns 3 and 4 * * *

(4) Bankers acceptances;

(5) Commercial paper of no more than one year to maturity rated in one of the three highest categories by at least two nationally recognized statistical rating organizations; and

(6) Securities described in § 402.2(e)(1)(vi).

Report all positions as of the trade date. If the settlement date is scheduled for more than five business days in the future (or, in the case of a mortgage-backed security, more than thirty calendar days in the future), then report the position as a forward contract on Schedule D. Also, under "Securities Positions" in the appropriate column and category, report any when-issued position in a marketable Treasury security between announcement and issue date, any when-issued position in a government agency or a government-sponsored agency debt security between release date and issue date, and any when-issued position in a security described in § 402.2(e)(1)(vi) between announcement date and issue date.

* * * * *

Schedule D * * *

Report on Schedule D futures, forwards, and options which are Treasury market risk instruments as defined in § 402.2(e). These futures,

forwards, and listed option contracts may be based on any of the Treasury market risk instruments described in the instructions to columns 3 and 4 on Schedule B or on time deposits whose changes in yield are closely correlated with marketable certificates of deposit which are Treasury market risk instruments, as described in § 402.2(e)(1)(vii). Options on Treasury market risk futures contracts and unlisted options on marketable Treasury bills, notes, and bonds are also to be included. Futures contracts may settle on a cash or delivery basis. Any of these contracts which are being included as part of a hedge in the calculation of the other securities haircut must be excluded from Schedule D.

Report as a forward contract any position for which the time between trade date and settlement date is more than five business days (30 calendar days for a mortgage-backed security). Any when-issued position in a marketable Treasury security established between announcement and issue date, any when-issued position in a government agency or a government-sponsored agency debt security established between release date and issue date, and any when-issued position in a security described in § 402.2(e)(1)(vi) between announcement date and issue date is reported in the appropriate category on Schedule B under "Securities Positions."

* * * * *

PART 403—PROTECTION OF CUSTOMER SECURITIES AND BALANCES

6. The authority citation for Part 403 continues to read as follows:

Authority: Sec. 101, Pub. L. 99-571, 100 Stat. 3209 (15 U.S.C. 78o-5(b)(1)(A), (b)(2)).

7. Section 403.1 is revised to read as follows:

§ 403.1 Application of part to registered brokers and dealers.

With respect to their activities in government securities, compliance by registered brokers or dealers with § 240.8c-1 of this title (SEC Rule 8c-1), as modified by § 403.2(a), (b) and (c), with § 240.15c2-1 of this title (SEC Rule 15c2-1), with § 240.15c3-2 of this title (SEC Rule 15c3-2), as modified by § 403.3, and with § 240.15c3-3 of this title (SEC Rule 15c3-3), as modified by § 403.4(a)-(d), (e)(2)-(3), and (f)-(i), constitutes compliance with this part.

8. Section 403.4 is amended by revising paragraph (e) to read as follows:

§ 403.4 Customer protection—reserves and custody of securities.

* * * * *

(e)(1) For purposes of this section, § 240.15c3-3(b)(4)(i)(C) is modified to read as follows:

"(C) Advise the counterparty in the repurchase agreement that the Securities Investor Protection Act of 1970 will not provide protection to the counterparty with respect to the repurchase agreement."

(2) For purposes of this section, § 240.15c3-3(b)(4)(ii) is modified to read as follows:

"(ii) For purposes of this paragraph (4), securities are in the broker's or dealer's control only if they are in the control of the broker or dealer within the meaning of § 240.15c3-3(c)(1), (c)(3), (c)(5), (c)(6), or § 403.4(f) of this title."

(3) For purposes of this section, § 240.15c3-3(b)(4)(iv) is redesignated § 240.15c3-3(b)(4)(iv)(A) and paragraph (b)(4)(iv)(B) is added to read as follows:

"(B) A person that is a non-U.S. citizen residing outside of the United States or a foreign corporation, partnership, or trust may waive, but only in writing, the right to receive the confirmation required by paragraph (b)(4)(i)(B) of this section."

* * * * *

9. Section 403.5 is amended by revising the introductory text of paragraph (d)(1); by adding paragraphs (e)(5) and (e)(6) and by removing paragraph (f)(3); and adding an OMB number at the end of the section to read as follows:

§ 403.5 Custody of securities held by financial institutions that are government securities brokers or dealers.

* * * * *

(d)(1) A financial institution that retains custody of securities that are the subject of a repurchase agreement between the financial institution and a counterparty shall:

* * * * *

(e) * * *

(5) Computations necessary to determine the amount required to be deposited as specified in paragraph (e)(1) of this section shall be made weekly, as of the close of the last business day of this week, and the deposit so computed shall be made no later than one hour after the opening of banking business on the second following business day.

(6) A government securities broker or dealer that is a branch or agency of a foreign bank shall make and maintain a record of each computation made pursuant to paragraph (e)(5) of this section and preserve each such record for a period of not less than three years, the first two years in an easily accessible place.

* * * * *

[Approved by the Office of Management and Budget under Control No. 1505-0108.]

10. Section 403.7 is amended by revising paragraph (b), the first sentence of paragraph (c), the introductory texts of paragraphs (d)(1) and (2), and paragraph (e) to read as follows:

§ 403.7 Effective Dates.

* * * * *

(b) *Confirmations.* The requirements of §§ 403.4 and 403.5(d) to describe the specific securities that are the subject of a repurchase transaction, including the market value of such securities, on a confirmation at the initiation of a repurchase transaction or on substitution of other securities shall be effective January 31, 1988.

(c) *Written repurchase agreements.* The requirement to obtain a repurchase agreement in writing with the provisions described in §§ 403.4 and 403.5(d) shall be effective October 31, 1987, in the case of new customers of a government securities broker or dealer and shall be effective January 31, 1988, in the case of existing customers of a government securities broker or dealer. * * *

(d) *Disclosures.* (1) For hold-in-custody repurchase transactions entered into before the effective date for obtaining a written repurchase agreement in accordance with paragraph (c) of this section, a government securities broker or dealer that is subject to § 403.4 shall furnish the counterparty with a separate interim disclosure document containing: (i) The disclosure referred to in § 403.4 concerning the Securities Investor Protection Act of 1970, and (ii) if applicable, the following disclosure: * * *

(2) For hold-in-custody repurchase transactions entered into before the effective date for obtaining a written repurchase agreement in accordance with paragraph (c) of this section, a financial institution that is subject to § 403.5(d) shall furnish the counterparty with a separate interim disclosure document containing: (i) The disclosure referred to in § 403.5(d) concerning the inapplicability of deposit insurance, and (ii) if applicable, the following disclosure: * * *

* * * * *

(e) *Existing term repurchase transactions.* Notwithstanding paragraphs (b), (c) and (d) of this section, the requirements of §§ 403.4 and 403.5(d) (with respect to hold-in-custody repurchase transactions), with the

exception of the requirements to confirm the substitution of securities subject to a repurchase transaction, shall not be applicable to any repurchase transaction, initiated on or before August 31, 1987, that, by its terms, matures on a specific date after August 31, 1987.

PART 404—RECORDKEEPING AND PRESERVATION OF RECORDS

11. The authority citation for Part 404 continues to read as follows:

Authority: Sec. 101, Pub. L. 99–571, 100 Stat. 3209 (15 U.S.C. 78o-5(b)(1)(B), (b)(1)(C), (b)(2)).

12. Section 404.4 is amended by revising paragraphs (a)(2) and (a)(3)(i)(A) to read as follows:

§ 404.4 Records to be made and preserved by government securities brokers and dealers that are financial institutions.

(a) * * *

(2) Complies with the recordkeeping requirements of § 450.4(c), (d) and (f) of this chapter; and

(3) * * *

(i)(A) A securities record or ledger reflecting separately for each government security as of the settlement dates all "long" or "short" positions (including government securities that are the subjects of repurchase or reverse repurchase agreements) carried by such financial institution for its own account or for the account of its customers or others (except securities held in a fiduciary capacity) and showing the location of all government securities long and the offsetting position to all government securities short, including long security count differences and short security count differences classified by the date of the count and verification in which they were discovered, and in all cases the name or designation of the account in which each position is carried;

* * * * *

PART 450—CUSTODIAL HOLDINGS OF GOVERNMENT SECURITIES BY DEPOSITORY INSTITUTIONS

13. The authority citation for Part 450 continues to read as follows:

Authority: Sec. 101, Pub. L. 99–571, 100 Stat. 3208 (15 U.S.C. 78o-5 (b)(1)(A), (b)(2), (b)(3)(B)); Sec. 201, Pub. L. 99–571, 100 Stat. 3222–23 (31 U.S.C. 3121, 9110).

14. Section 450.1 is amended by adding a new sentence at the end of paragraph (b) to read as follows:

§450.1 Scope of regulations; office responsible.

* * * * *

(b) * * * Procedures for obtaining interpretations of the regulations are set forth at § 400.2.

Date: July 21, 1988.

Charles O. Sethness,

Assistant Secretary for Domestic Finance

[FR Doc. 88–17173 Filed 7–29–88; 8:45 am]

BILLING CODE 4810-10-M

federal register

Monday
August 1, 1988

Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 511

Rental Rehabilitation Program; Reallocation of Grant Amounts; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 511

[Docket No. R-88-1408; FR 2530]

Rental Rehabilitation Program; Reallocation of Rental Rehabilitation Grant Amounts

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: The Rental Rehabilitation Program provides grants to States and units of general local government to help support the rehabilitation of privately owned real property to be used for primarily residential rental purposes and is designed to increase the supply of standard housing units affordable to lower income families. This final rule eliminates the administratively established ceiling on the maximum amount of additional rental rehabilitation grant funds an existing grantee can receive through the program's "reallocation" process. Under 24 CFR 511.33(b), a Rental Rehabilitation grantee may receive reallocated funds in an amount not exceeding 30 percent of the cumulative amount initially obligated to the grantee for the current fiscal year and for any preceding fiscal years for which rehabilitation grant amounts remain available for obligation.

After the effective date of this rule, there will be no regulatory ceiling limiting the maximum reallocation that a specific Rental Rehabilitation grantee may receive, subject to the availability of grant amounts for reallocation.

EFFECTIVE DATE: September 26, 1988.

FOR FURTHER INFORMATION CONTACT: Mary Ann Kolesar, Rental Rehabilitation Division, Office of Urban Rehabilitation, Room 7162, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410-7000 telephone (202) 755-5970.

(This is not a toll-free number)

SUPPLEMENTARY INFORMATION:

Background

Section 17 of the United States Housing Act of 1937 (The 1937 Act), 42 U.S.C. 1437o, established the Rental Rehabilitation Program. This program provides grants to States and units of general local government to help support the rehabilitation of privately owned real property to be used for primarily residential rental purposes. The program is designed to increase the supply of standard housing units affordable to lower income families.

Under section 17(b)(3) of the 1937 Act, the Secretary, after initially allocating Rental Rehabilitation grant amounts, may reallocate these amounts among grantees based on an assessment of the progress of grantees in carrying out rehabilitation grant activities in accordance with their specified schedules. Under the statute, reallocations must be designed to encourage expeditious use of Rental Rehabilitation grant amounts, consistent with the sound development and administration of the grantees' programs.

Grant amounts may become available for reallocation in several ways under Part 511. Formula grantees may fail to apply for their formula allocations or may have their program descriptions disapproved, or grant amounts may be deobligated by HUD for lack of progress by the grantee under the criteria and procedures in § 511.33(c) or as a corrective and remedial action under § 511.82(c)(3). In a HUD-administered State's program, there may be insufficient approvable applications for the grant amounts available. Generally, it has been HUD's experience that § 511.33(c) deobligations are by far the most important source of funds for reallocations, since few grantees fail to apply for their grants and few, if any, program descriptions are disapproved.

Whatever the method by which grant amounts become available for reallocation, § 511.33(b) sets out the basic criteria under which HUD reallocates the available funds. Among other things, paragraph (b) currently limits reallocations to any grantee so that the *cumulative* grant amount resulting from the reallocation (including all previous original grants and reallocations) may not exceed 130 percent of the *cumulative* grant amounts initially obligated to the grantee for the fiscal years for which funds remain available for obligation. This strict numeric limitation was imposed administratively in order to assure that excessively large reallocations would not occur. However, it has already become necessary to amend this provision twice. Compare 51 FR 12700, April 15, 1986; 52 FR 25593, July 8, 1987, and the original version of this provision at 51 FR 16936, 16952, April 20, 1984.

HUD has found that this strict and rather arbitrary ceiling restricts HUD's ability to reallocate program funds for valid programmatic reasons. Thus, HUD has decided to eliminate it entirely and to rely primarily on the judicious exercise of HUD's discretion to assure that reallocations achieve their statutory purpose of "encouraging the use of these resources expeditiously, consistent with the sound development and administration of grantees' rental rehabilitation programs."

The regulation as presently drafted is adversely affecting HUD's ability to achieve this statutory purpose for the following reasons.

The better performing grantees tend to have the smaller grants, while the poor performers tend to have the larger grants. Most Regional Offices would like to be able to reward their good performers. Unfortunately, most of the good performers receive small grant amounts and have reached the 130 percent limit. Meanwhile, many Regions have slow performing grantees with large amounts of funds not being spent. HUD is *required* by § 511.33(c) to deobligate uncommitted grant amounts at the end of the deadline for expenditure under that section. However, the Regional Offices may be reluctant to deobligate earlier because of a lack of good performers who have not yet reached the 130 percent limit. Since Rental Rehabilitation funds are generally appropriated for obligation within 3 years, HUD's ability to reallocate the funds (in effect, making new obligations to new grantees) may lapse before the Regional Offices are able to reallocate all funds that should be deobligated. Ultimately, the combined effect of these provisions will be a loss of funds to the program and an inabiiity by HUD to carry out the statutory intent of the reallocation authority.

Over 70 grantees have been "topped out" regularly at the 130 percent cap, with projects ready to be committed and no money to fund them. These grantees must "gear down" their successful, ongoing program to await more funds. Such "stop-start" funding is inherently inefficient.

The reallocation process is a "reward" effort more than it is a "punishment" effort. Grant amounts cannot be deobligated from a poor performer unless the regulatory standard under § 511.33(c) is met, which requires consultation with the affected grantee as to the reasons for the slow rates of commitment and expenditure. HUD will not deobligate grant amounts if the grantee has an immediate need for the funds. Furthermore, if the performance of grantees which lose funds improves, they could receive reallocations if funds are available at a later date.

The removal of the reallocation cap will not have a negative impact on grantees' ability to receive a reallocation. Funds will be available to reallocate to all good performing grantees.

Other Information

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of General Counsel, Rules Docket Clerk, at the above address.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291. Analysis of the rule indicates that it would not: (1) Have an annual effect on the economy of $100 million or more; (2) cause major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect 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.

In accordance with the provisions of 5 U.S.C. 605(b), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities, because statutorily eligible grantees and State recipients are relatively larger cities, urban counties, or States, and the Rental Rehabilitation funds to be made available through reallocations to any grantee are relatively small in relation to other sources of Federal funding for State and local government and in relation to private enterprise in rental housing.

The subject matter of this rulemaking action relates to grants and is therefore exempt from the notice and public comment requirements of section 553 of the Administrative Procedure Act. As a matter of policy, the Department submits many rulemaking actions with such subject matter to public comment, notwithstanding the statutory exemption. The Secretary has determined that in this instance notice and prior comment are impractical and contrary to the public interest and that good cause exists for making this rule effective as soon after publication as possible. A major purpose for deobligating grant amounts is to reallocate those amounts to grantees that can use them expeditiously. Although grant amounts can be deobligated later, Fiscal Year 1986 grant amounts cannot be reallocated after September 30, 1988, since the Fiscal Year 1986 appropriation lapses on that date. For reasons previously stated, the existing cap limits HUD's ability to reallocate all the grants that should, in the interest of sound administration be deobligated. The statutory purpose of the reallocation authority is to permit the use of grant amounts by grantees that have an immediate need for the funds, not to cause the funds to lapse.

It is inefficient and contrary to the public interest to permit grant amounts to remain with grantees that have had sufficient opportunity to use them and have not done so, while other grantees with the ability to use additional resources are marking time because of lack of funds. HUD has a responsibility to assure that program funds are used responsibly and efficiently for the purpose intended. The current reallocation ceiling language in § 511.33(b) is impeding HUD's exercise of this responsibility. This ceiling must be removed as quickly as possible.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 25, 1988 at 53 FR 13855.

List of Subjects in 24 CFR Part 511

Administrative practice and procedure, Grant programs—Housing and community development, Low and moderate income housing, Rental rehabilitation grants, Reporting and recordkeeping requirements.

Accordingly, 24 CFR 511.33 is amended as follows:

PART 511—RENTAL REHABILITATION GRANT PROGRAM

1. The authority citation for Part 511 is revised to read as follows:

Authority: Sec. 17, United States Housing Act of 1937 (42 U.S.C. 1437o); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. In § 511.33, the section heading and paragraph (b) are revised to read as follows:

§ 511.33 Reallocation of rental rehabilitation grant amounts.

* * * * *

(b) Reallocation of rental rehabilitation grant amounts within the fiscal year. Except for end-of-fiscal year reallocations as provided in paragraph (d) of this section, HUD will reallocate rental rehabilitation grant amounts that are available during any fiscal year to such grantee or grantees as HUD determines to be appropriate to promote the expeditious use of grant amounts, consistent with the sound development and administration of grantee's rental rehabilitation programs. Grant amounts reallocated may come from any fiscal year's appropriation for which amounts are available for reallocation.

Dated: July 26, 1988.

Jack R. Stokvis,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 88-17252 Filed 7-29-88; 8:45 am]

BILLING CODE 4210-29-M

federal register

Monday
August 1, 1988

Part VI

Department of Transportation

Federal Highway Administration

49 CFR Part 24

Uniform Relocation Assistance and Real Property Acquisition Regulation for Federal and Federally-Assisted Programs; Correction; Notice of Proposed Rulemaking

Federal Register

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 24

[FHWA Docket No. 87-22]

RIN 2125-AB85

Uniform Relocation Assistance and Real Property Acquisition Regulation for Federal and Federally-Assisted Programs; Correction

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This notice corrects Appendix A and Appendix B of the notice of proposed rulemaking on the Uniform Act of 1970 as published in FR Doc. 88-16304 beginning on page 27598 in the issue of Thursday, July 21, 1988. This notice correctly places the text of § 24.404(b), 24.404(c), and 24.503 in Appendix A and removes it from Appendix B, "General," where it was inadvertently misplaced.

FOR FURTHER INFORMATION CONTACT: Robert J. Moore, Chief, Policy Development, Office of Right-of-Way, HRW-11, (202) 366-0116; or Reid Alsop, Office of the Chief Counsel, HCC-40, (202) 366-1371. The address is Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590.

The FHWA hereby corrects Appendix A and Appendix B of 49 CFR 24 as published at 53 FR 27598 as follows:

The text of § 24.404(b), 24.404(c), and 24.503 of Appendix A and the text portion of Appendix B under the heading "General" are corrected to read as follows:

Appendix A to Part 24—Additional Information

* * * * *

Subpart E—Replacement Housing Payments

* * * * *

§ 24.404(b) Basic rights of persons to be displaced.

This paragraph affirms the right of a 180-day homeowner-occupant, who is eligible for a replacement housing payment under § 24.401, to a reasonable opportunity to purchase a comparable replacement dwelling. However, it should be read in conjunction with the definition of "owner of a dwelling" at § 24.2(n). The Agency is not required to provide persons owning only a fractional interest in the displacement dwelling a greater level of assistance to purchase a replacement dwelling than the Agency would be required to provide such persons if they owned fee simple title to the displacement dwelling. If such assistance is not sufficient to buy a replacement dwelling, the Agency may provide additional purchase assistance or rental assistance.

§ 24.404(c) Methods of providing replacement housing.

The use of cost effective means of providing replacement housing is implied throughout the subpart. The term "reasonable cost" is used here to underline the fact that while innovative means to provide housing are encouraged, they should be cost-effective.

Subpart F—Mobile Homes

§ 24.503 Replacement housing payment for 180-day mobile homeowner-occupants.

A 180-day owner-occupant who is displaced from a mobile home on a rented site may be eligible for a replacement housing payment for a dwelling computed under § 24.401 and a replacement housing payment for a site computed under § 24.402. A 180-day owner-occupant of both the mobile home and the site, who relocates the mobile home, may be eligible for a replacement housing payment under § 24.401 to assist in the purchase of a replacement site or, under § 24.402, to assist in renting a replacement site.

Appendix B to Part 24—Statistical Report Form

This appendix sets forth the statistical information collected from Agencies in accordance with § 24.9(c).

General

1. *Report coverage.* This report covers all relocation and real property acquisition activities under a Federal or a federally assisted project or program subject to the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by Pub. L. 100-17, 101 Stat. 132.

2. *Report period.* Activities shall be reported on a Federal Fiscal Year basis, i.e., October 1—September 30.

3. *Where and when to submit report.* Submit an original and two copies of this report to (*Name and Address of Federal Agency*) as soon as possible after September 30, but NOT LATER THAN NOVEMBER 15.

4. *How to report relocation payments.* The full amount of a relocation payment shall be reported as if disbursed in the year during which the claim was approved, regardless of whether the payment is to be paid in installments.

5. *How to report dollar amounts.* Round off all money entries in Parts B and C to the nearest dollar.

6. *Statutory references.* The references in Part B indicate the Section of the Uniform Act that authorizes the cost.

Part A—Persons Displaced

* * * * *

Part B—Relocation Payments and Expenses

* * * * *

Part C—Real Property Acquisition Subject to Uniform Act

* * * * *

Issued on: July 26, 1988.

R.D. Morgan,

Executive Director.

[FR Doc. 88-17192 Filed 7-29-88; 8:45 am]

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Federal Register

Vol. 53, No. 147

Monday, August 1, 1988

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, AUGUST

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List July 29, 1988

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $595.00 domestic, $148.75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$10.00	Jan. 1, 1988
3 (1987 Compilation and Parts 100 and 101)	11.00	[1] Jan. 1, 1988
4	14.00	Jan. 1, 1988
5 Parts:		
1-699	14.00	Jan. 1, 1988
700-1199	15.00	Jan. 1, 1988
1200-End, 6 (6 Reserved)	11.00	Jan. 1, 1988
7 Parts:		
0-26	15.00	Jan. 1, 1988
27-45	11.00	Jan. 1, 1988
46-51	16.00	Jan. 1, 1988
52	23.00	Jan. 1, 1988
53-209	18.00	Jan. 1, 1988
210-299	22.00	Jan. 1, 1988
300-399	11.00	Jan. 1, 1988
400-699	17.00	Jan. 1, 1988
700-899	22.00	Jan. 1, 1988
900-999	26.00	Jan. 1, 1988
1000-1059	15.00	Jan. 1, 1988
1060-1119	12.00	Jan. 1, 1988
1120-1199	11.00	Jan. 1, 1988
1200-1499	17.00	Jan. 1, 1988
1500-1899	9.50	Jan. 1, 1988
1900-1939	11.00	Jan. 1, 1988
1940-1949	21.00	Jan. 1, 1988
1950-1999	18.00	Jan. 1, 1988
2000-End	6.50	Jan. 1, 1988
8	11.00	Jan. 1, 1988
9 Parts:		
1-199	19.00	Jan. 1, 1988
200-End	17.00	Jan. 1, 1988
10 Parts:		
0-50	18.00	Jan. 1, 1988
51-199	14.00	Jan. 1, 1988
200-399	13.00	[2] Jan. 1, 1987
400-499	13.00	Jan. 1, 1988
500-End	24.00	Jan. 1, 1988
11	10.00	July 1, 1988
12 Parts:		
1-199	11.00	Jan. 1, 1988
200-219	10.00	Jan. 1, 1988
220-299	14.00	Jan. 1, 1988
300-499	13.00	Jan. 1, 1988
500-599	18.00	Jan. 1, 1988
600-End	12.00	Jan. 1, 1988
13	20.00	Jan. 1, 1988
14 Parts:		
1-59	21.00	Jan. 1, 1988
60-139	19.00	Jan. 1, 1988
140-199	9.50	Jan. 1, 1988
200-1199	20.00	Jan. 1, 1988
1200-End	12.00	Jan. 1, 1988
15 Parts:		
0-299	10.00	Jan. 1, 1988
300-399	20.00	Jan. 1, 1988
400-End	14.00	Jan. 1, 1988
16 Parts:		
0-149	12.00	Jan. 1, 1988
150-999	13.00	Jan. 1, 1988
1000-End	19.00	Jan. 1, 1988
17 Parts:		
1-199	14.00	Apr. 1, 1988
200-239	14.00	Apr. 1, 1987
240-End	19.00	Apr. 1, 1987
18 Parts:		
1-149	15.00	Apr. 1, 1988
150-279	12.00	Apr. 1, 1988
*280-399	13.00	Apr. 1, 1988
400-End	9.00	Apr. 1, 1988
19 Parts:		
1-199	27.00	Apr. 1, 1987
200-End	5.50	Apr. 1, 1988
20 Parts:		
1-399	12.00	Apr. 1, 1988
400-499	23.00	Apr. 1, 1988
500-End	25.00	Apr. 1, 1988
21 Parts:		
1-99	12.00	Apr. 1, 1988
100-169	14.00	Apr. 1, 1988
170-199	16.00	Apr. 1, 1988
200-299	5.00	Apr. 1, 1988
300-499	26.00	Apr. 1, 1988
500-599	20.00	Apr. 1, 1988
600-799	7.50	Apr. 1, 1988
800-1299	16.00	Apr. 1, 1988
1300-End	6.00	Apr. 1, 1988
22 Parts:		
*1-299	20.00	Apr. 1, 1988
300-End	13.00	Apr. 1, 1988
23	16.00	Apr. 1, 1988
24 Parts:		
0-199	15.00	Apr. 1, 1988
200-499	26.00	Apr. 1, 1988
500-699	9.50	Apr. 1, 1988
*700-1699	19.00	Apr. 1, 1988
1700-End	15.00	Apr. 1, 1988
25	24.00	Apr. 1, 1988
26 Parts:		
§§ 1.0-1-1.60	13.00	Apr. 1, 1988
§§ 1.61-1.169	23.00	Apr. 1, 1988
§§ 1.170-1.300	17.00	Apr. 1, 1988
§§ 1.301-1.400	14.00	Apr. 1, 1988
§§ 1.401-1.500	24.00	Apr. 1, 1988
*§§ 1.501-1.640	15.00	Apr. 1, 1988
§§ 1.641-1.850	17.00	Apr. 1, 1988
§§ 1.851-1.1000	28.00	Apr. 1, 1988
§§ 1.1001-1.1400	16.00	Apr. 1, 1988
§§ 1.1401-End	21.00	Apr. 1, 1988
2-29	19.00	Apr. 1, 1988
30-39	14.00	Apr. 1, 1988
40-49	13.00	Apr. 1, 1988
50-299	15.00	Apr. 1, 1988
300-499	15.00	Apr. 1, 1988
500-599	8.00	[3] Apr. 1, 1980
600-End	6.00	Apr. 1, 1988
27 Parts:		
*1-199	23.00	Apr. 1, 1988
200-End	13.00	Apr. 1, 1987
28	23.00	July 1, 1987

Title	Price	Revision Date
29 Parts:		
0–99	16.00	July 1, 1987
100–499	7.00	July 1, 1987
500–899	24.00	July 1, 1987
900–1899	10.00	July 1, 1987
1900–1910	28.00	July 1, 1987
1911–1925	6.50	July 1, 1987
1926	10.00	July 1, 1987
1927–End	23.00	July 1, 1987
30 Parts:		
0–199	20.00	July 1, 1987
200–699	8.50	July 1, 1987
700–End	18.00	July 1, 1987
31 Parts:		
0–199	12.00	July 1, 1987
200–End	16.00	July 1, 1987
32 Parts:		
1–39, Vol. I	15.00	[4] July 1, 1984
1–39, Vol. II	19.00	[4] July 1, 1984
1–39, Vol. III	18.00	[4] July 1, 1984
1–189	20.00	July 1, 1987
190–399	23.00	July 1, 1987
400–629	21.00	July 1, 1987
630–699	13.00	[5] July 1, 1986
700–799	15.00	July 1, 1987
800–End	16.00	July 1, 1987
33 Parts:		
1–199	27.00	July 1, 1987
200–End	19.00	July 1, 1987
34 Parts:		
1–299	20.00	July 1, 1987
300–399	11.00	July 1, 1987
400–End	23.00	July 1, 1987
35	9.00	July 1, 1987
36 Parts:		
1–199	12.00	July 1, 1987
200–End	19.00	July 1, 1987
37	13.00	July 1, 1987
38 Parts:		
0–17	21.00	July 1, 1987
18–End	16.00	July 1, 1987
39	13.00	July 1, 1987
40 Parts:		
1–51	21.00	July 1, 1987
52	26.00	July 1, 1987
53–60	24.00	July 1, 1987
61–80	12.00	July 1, 1987
81–99	25.00	July 1, 1987
100–149	23.00	July 1, 1987
150–189	18.00	July 1, 1987
190–399	29.00	July 1, 1987
400–424	22.00	July 1, 1987
425–699	21.00	July 1, 1987
700–End	27.00	July 1, 1987
41 Chapters:		
1, 1–1 to 1–10	13.00	[6] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[6] July 1, 1984
3–6	14.00	[6] July 1, 1984
7	6.00	[6] July 1, 1984
8	4.50	[6] July 1, 1984
9	13.00	[6] July 1, 1984
10–17	9.50	[6] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[6] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[6] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[6] July 1, 1984
19–100	13.00	[6] July 1, 1984
1–100	10.00	July 1, 1987
101	23.00	July 1, 1987
102–200	11.00	July 1, 1987
201–End	8.50	July 1, 1987

Title	Price	Revision Date
42 Parts:		
1–60	15.00	Oct. 1, 1987
61–399	5.50	Oct. 1, 1987
400–429	21.00	Oct. 1, 1987
430–End	14.00	Oct. 1, 1987
43 Parts:		
1–999	15.00	Oct. 1, 1987
1000–3999	24.00	Oct. 1, 1987
4000–End	11.00	Oct. 1, 1987
44	18.00	Oct. 1, 1987
45 Parts:		
1–199	14.00	Oct. 1, 1987
200–499	9.00	Oct. 1, 1987
500–1199	18.00	Oct. 1, 1987
1200–End	14.00	Oct. 1, 1987
46 Parts:		
1–40	13.00	Oct. 1, 1987
41–69	13.00	Oct. 1, 1987
70–89	7.00	Oct. 1, 1987
90–139	12.00	Oct. 1, 1987
140–155	12.00	Oct. 1, 1987
156–165	14.00	Oct. 1, 1987
166–199	13.00	Oct. 1, 1987
200–499	19.00	Oct. 1, 1987
500–End	10.00	Oct. 1, 1987
47 Parts:		
0–19	17.00	Oct. 1, 1987
20–39	21.00	Oct. 1, 1987
40–69	10.00	Oct. 1, 1987
70–79	17.00	Oct. 1, 1987
80–End	20.00	Oct. 1, 1987
48 Chapters:		
1 (Parts 1–51)	26.00	Oct. 1, 1987
1 (Parts 52–99)	16.00	Oct. 1, 1987
2 (Parts 201–251)	17.00	Oct. 1, 1987
2 (Parts 252–299)	15.00	Oct. 1, 1987
3–6	17.00	Oct. 1, 1987
7–14	24.00	Oct. 1, 1987
15–End	23.00	Oct. 1, 1987
49 Parts:		
1–99	10.00	Oct. 1, 1987
100–177	25.00	Oct. 1, 1987
178–199	19.00	Oct. 1, 1987
200–399	17.00	Oct. 1, 1987
400–999	22.00	Oct. 1, 1987
1000–1199	17.00	Oct. 1, 1987
1200–End	18.00	Oct. 1, 1987
50 Parts:		
1–199	16.00	Oct. 1, 1987
200–599	12.00	Oct. 1, 1987
600–End	14.00	Oct. 1, 1987
CFR Index and Findings Aids	28.00	Jan. 1, 1988
Complete 1988 CFR set	595.00	1988
Microfiche CFR Edition:		
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1987
Subscription (mailed as issued)	185.00	1988
Individual copies	3.75	1988

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1987. The CFR volume issued January 1, 1987, should be retained.

[3] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1988. The CFR volume issued as of Apr. 1, 1980, should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] No amendments to this volume were promulgated during the period July 1, 1986 to June 30, 1988. The CFR volume issued as of July 1, 1986, should be retained.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—AUGUST 1988

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
August 1	August 16	August 31	September 15	September 30	October 31
August 2	August 17	September 1	September 16	October 3	October 31
August 3	August 18	September 2	September 19	October 3	November 1
August 4	August 19	September 6	September 19	October 3	November 2
August 5	August 22	September 6	September 19	October 4	November 3
August 8	August 23	September 7	September 22	October 7	November 7
August 9	August 24	September 8	September 23	October 11	November 7
August 10	August 25	September 9	September 26	October 11	November 8
August 11	August 26	September 12	September 26	October 11	November 9
August 12	August 29	September 12	September 26	October 11	November 10
August 15	August 30	September 14	September 29	October 14	November 14
August 16	August 31	September 15	September 30	October 17	November 14
August 17	September 1	September 16	October 3	October 17	November 15
August 18	September 2	September 19	October 3	October 17	November 16
August 19	September 6	September 19	October 3	October 18	November 17
August 22	September 6	September 21	October 6	October 21	November 21
August 23	September 7	September 22	October 7	October 24	November 21
August 24	September 8	September 23	October 11	October 24	November 22
August 25	September 9	September 26	October 11	October 24	November 23
August 26	September 12	September 26	October 11	October 25	November 25
August 29	September 13	September 28	October 13	October 28	November 28
August 30	September 14	September 29	October 14	October 31	November 28
August 31	September 15	September 30	October 17	October 31	November 29